



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER  
2600 BLAIR STONE ROAD  
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT  
GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

*Electronically Sent – Received Receipt Requested.*

Mr. Brad Williams, Plant General Manager  
Florida Power & Light Company – Martin Plant  
21900 S.W. Warfield Boulevard  
Indiantown, Florida 34956

Re: Florida Power & Light Company (FPL) Martin Plant  
Project No. 0850001-031-AC  
Combined Cycle Combustion Turbines 4A and 4B – Excess Emissions Authorization For Dry Low-  
NO<sub>x</sub> Tuning

Dear Mr. Williams:

The Department has reviewed your request received May 9<sup>th</sup>, for authorization of excess emissions while conducting Dry Low-NO<sub>x</sub> (DLN) tuning on combustion turbines 4A and 4B, which is recommended by the equipment manufacturer following a major overhaul. The DLN tuning is expected to begin no sooner than May 17, 2013 for unit 4A and June 5, 2013 for unit 4B. A similar request has previously been granted for these units at the FPL Martin Plant. The Department authorizes excess emissions due to DLN tuning provided:

- The operator adheres to best operational practices to minimize emissions;
- The operator minimizes the duration of excess emissions for the duration of DLN tuning, which shall be completed in approximately 12 hours;
- The operator notifies the Department's Southeast District Office for each day that DLN tuning is performed; and,
- The owner or operator submits a report summarizing the hourly NO<sub>x</sub> emissions during the DLN tuning.

We understand to avoid the need for future authorizations of this sort, FPL will request a revision to the excess emissions provisions contained in the Title V and/or air construction permits for the Martin Plant, to include provisions for excess emissions due to DLN tuning, as part of the pending Title V renewal application.

Nothing in this action waves any federal requirements of the applicable New Source Performance Standards (NSPS) for this unit.

The Department's proposed agency action shall become final unless a petition for an administrative hearing is timely under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition set forth below. On the filing of a timely petition, this action will not be final and effective until further order of the Department or the petition has been dismissed or withdrawn. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even reversal of the agency action.

A person whose substantial interests are affected by the proposed decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by any other person must be filed within 14 days of receipt of this proposed action. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. A petition for administrative hearing must contain the information set forth below and must be

filed (received) with the Agency Clerk in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, [Agency.Clerk@dep.state.fl.us](mailto:Agency.Clerk@dep.state.fl.us), before the deadline.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, any email address, telephone number and any facsimile number of the petitioner; the name, address, any email address, telephone number, and any facsimile 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 how and when each petitioner received notice of the agency action or proposed action; (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, as well as the rules and statutes which entitle the petitioner to relief; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; 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.

A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Once this decision becomes final, any party to this order has the right to seek judicial review by the filing of a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, [Agency.Clerk@dep.state.fl.us](mailto:Agency.Clerk@dep.state.fl.us); and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this action is filed with the Agency Clerk.

Executed in Tallahassee, Florida.

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Jeffery F. Koerner, Program Administrator  
Office of Permitting and Compliance  
Division of Air Resource Management

Mr. Brad Williams  
May 9, 2013  
FPL Martin Plant Units 4A and 4B, Authorization for DLN Tuning  
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**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this authorization, or a link to this document available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on the date shown in the Clerk's stamp to the persons listed below.

Mr. Brad Williams, Florida Power & Light Company: [brad.williams@fpl.com](mailto:brad.williams@fpl.com)  
Mr. John Hampp, Florida Power & Light Company: [john.hampp@fpl.com](mailto:john.hampp@fpl.com)  
Mr. Joe Lurix, DEP Southeast Office: [joe.lurix@dep.state.fl.us](mailto:joe.lurix@dep.state.fl.us)  
Ms. Barbara Friday, DEP OPC: [barbara.friday@dep.state.fl.us](mailto:barbara.friday@dep.state.fl.us)  
Ms. Lynn Scearce, DEP OPC: [lynn.scearce@dep.state.fl.us](mailto:lynn.scearce@dep.state.fl.us)

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to § 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.