Public Notice of Intent to Issue Air Construction Permit

Florida Department of Environmental Protection
Division of Air Resource Management, Office of Permitting and Compliance
Draft Permit No. 1050234-021-AC
Duke Energy Florida, Inc.
Hines Energy Complex
Polk County, Florida

Applicant: The applicant for this project is Duke Energy Florida, Inc. (DEF). The applicant's responsible official and mailing address are: Mr. Mark Gillespie, General Manager, Hines Energy Complex, Duke Energy Florida, Inc., 7700 County Line Rd. 555, Bartow, Florida 33830.

Facility Location: DEF owns and operates the existing Hines Energy Complex, which is located in Polk County at 7700 County Line Rd. 555, Bartow, Florida.

Facility Description: The facility consists of four modern "2-on-1" natural gas fueled combined cycle units (Power Blocks 1, 2, 3 and 4) with a combined generation capacity of approximately 2,090 megawatts (MW). Power Blocks 1-4 were placed in service in 1999, 2003, 2005 and 2007, respectively. Each power block was permitted under the rules for Prevention of Significant Deterioration (PSD) pursuant to Department Rule 62-212.400, Florida Administrative Code (F.A.C.) and determinations of best available control technology (BACT) were performed.

Project: The project is to install air chillers at the compressor inlet of each of the eight combustion turbine-electric generators (CTGs) at the facility. The purpose is to cool the compressor inlet air when ambient air temperature is high, thus increasing the air density and mass flow through the CTG. The benefit is that on hot days, CTG power output can approach what is achieved on cooler days.

The project will also include mechanical water chillers. Chilled water will be stored in a 13 million gallon thermal storage tank. Chilled water from the tank will be circulated through a heat exchanger mounted behind each CTG air compressor inlet filter order to chill the compressor inlet air. The project will also include the installation of one or more cooling towers for the water chiller modules.

No changes will be made in the permitted emission concentrations, mass emission limits or production rates. Based on a comparison of historical baseline actual emissions (BAE) with future projected actual emissions (PAE) provided by DEF, the project does not constitute a Major Modification of a Major Stationary Source as defined in Rule 62-210.200, F.A.C. Therefore the project does not trigger PSD and BACT determinations are not required. In accordance with Rule 62-212.300(1)(e), F.A.C., monitoring, reporting and recordkeeping is required for nitrogen oxides (NO_X) emissions using the existing continuous emissions monitoring systems (CEMS).

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Division of Air Resource Management's (DARM) Office of Permitting and Compliance is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 2600 Blair Stone Road, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents may be accessed by entering Permit No. "1050234-021-AC" at the following web site: http://www.dep.state.fl.us/air/emission/apds/default.asp .

(Public Notice to be Published in the Newspaper)

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be *received* by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If timely received comments result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall 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, 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 (in a proceeding initiated by another party) 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 Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (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 the 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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. 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.

Mediation: Mediation is not available in this proceeding.

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