May 28, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. H. O. Nunez, Plant General Manager
Florida Power & Light Company (FPL)
Turkey Point Fossil Plant
9700 Southwest 344 Street
Homestead, Florida 33035

Re: FPL Turkey Point Fossil Plant
DEP File No. 0250003-006-AC (PSD-FL-338)
1150 MW Combined Cycle Unit No. 5

Dear Mr. Nunez:

Enclosed are documents indicating the Department's intent to issue a permit pursuant to the rules for the Prevention of Significant Deterioration of Air Quality (PSD) to FPL for construction of a 1,150 megawatt combined cycle unit at the Turkey Point Fossil Plant. The documents include: the "Intent to Issue PSD Permit;" the "Public Notice of Intent to Issue PSD Permit;" the Department's "Technical Evaluation and Preliminary Determination" including a draft determination of Best Available Control Technology; and the Draft Permit.

The Public Notice must be published one time only as soon as possible in a newspaper of general circulation in the area affected, pursuant to Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven (7) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

Please submit any other written comments you wish to have considered concerning the Department's proposed action to Mr. A. A. Linero, Program Administrator, South Permitting at the above letterhead address. If you have any questions, please call Debbie Nelson at 850/921-9537 or Mr. Linero at 850/921-9523.

Sincerely,

Trina L. Vielhauer, Chief,
Bureau of Air Regulation

TLV/aal

Enclosures

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0250003-006-AC (PSD-FL-338)

FPL Turkey Point Fossil Plant, New Combined Cycle Unit 5
Miami-Dade County

The Department of Environmental Protection (Department) gives notice of its intent to issue a permit under the requirements for the Prevention of Significant Deterioration (PSD) of Air Quality to the Florida Power & Light Company. The permit is one of several authorizations needed to construct a nominal 1,150 MW combined cycle natural gas-fired unit at the existing Turkey Point Fossil Plant east of Homestead and Florida City, and adjacent to Biscayne Bay in Miami-Dade County. A determination of Best Available Control Technology (BACT) was required pursuant to Rule 62-212.400(6), Florida Administrative Code (FAC) for emissions of carbon monoxide (CO), nitrogen oxides (NO_X), particulate matter (PM/PM_{10}), sulfur dioxide (SO_2), sulfuric acid mist (SAM), and volatile organic compounds (VOC). The applicant's corporate address is Florida Power & Light Company, 700 Universe Boulevard, Juno Beach, Florida 33408.

The applicant proposes to construct a new electrical power generating unit (Unit 5). The primary components are: four combustion turbine-electrical generators; four supplementary-fired heat recovery steam generators (HRSGs); a single steam-electrical generator; a 22-cell mechanical draft cooling tower; four exhaust stacks; a 4.3 million gallon diesel fuel storage tank; and other associated support equipment.

Unit 5 will be permitted to operate continuously while firing inherently clean natural gas. Ultra low sulfur (0.0015 percent sulfur) distillate fuel oil will be available in Southeast Florida by the time the project starts up. Its use will be allowed as backup fuel for 500 hours per year per combustion turbine. Steam injection into the combustion turbines (power augmentation) and firing of natural gas in the duct burners located within the HRSGs (supplemental firing) will be allowed for limited periods of time to meet peak power demand.

A selective catalytic reduction (SCR) system with ammonia injection will be used in conjunction with Dry Low-NO_X combustion (gas firing) and wet injection (oil firing) to control NO_X emissions. The proposed NO_X emission limit of 2.0 parts per million by volume, dry corrected to 15 percent oxygen (ppmvd @15% O_2) of NO_X while firing natural gas represents the most protective standard for any project authorized to date in the Southeastern United States. Sufficient catalyst will be used to minimize emissions of ammonia reagent. The proposed NO_X limit while firing ultra low sulfur fuel oil is 8 ppmvd @15% O_2. The proposed CO emission limits of 4.1 and 8.0 ppmvd @15% O_2 while burning gas and oil respectively represent the lowest values guaranteed to-date without requiring oxidation catalyst. Typical CO emissions will actually be 2 ppmvd or less under most operational modes.

Emissions of CO, PM/PM_{10}, SAM, SO_2, and VOC will be minimized by the efficient, high-temperature combustion of inherently clean fuels. Emissions of CO and NO_X will be continuously monitored to demonstrate compliance with the conditions of the permit. The complete set of proposed emission limits is available at the Department offices, the local Miami-Dade County DERM office and website addresses indicated below.

The applicant's estimate of maximum potential annual emissions from Unit 5 are summarized in the following table.

Pollutant	Maximum Tons Per Year	PSD Significant Emission Rate Tons Per Year	PSD Review Required?
CO	464	100	Yes
Pb	0.026	0.6	No
NO_X	312	40	Yes
PM/PM_{10}	420/229	25/15	Yes
SO_2	193	40	Yes
SAM	19	7	Yes
VOC	68	40	Yes

According to the applicant, maximum predicted air quality impacts due to emissions from the proposed new project are less than the significant impact levels applicable to areas outside of the Everglades National Park (i.e. PSD Class II Areas) Therefore; multi-source modeling was not required for ambient air quality standards Class II increments. The predicted impacts in the Class I Everglades National Park (ENP) are less than the applicable significant impact levels except for the 3-hour and 24-hour SO_2 and 24-hour PM_{10} impacts. Therefore multi-source increment modeling was required for the 3–hour and 24-hour SO_2 and 24-hour PM_{10}.impacts upon the ENP. The following table summarizes the maximum predicted 3-hour and 24-hour SO_2 and 24-hour PM_{10} increment consumption by the new project and by all project in the general area since 1977.

	PM_{10} Increment Consumed in ug/m^3 and % at ENP		SO_2 Increment Consumed in ug/m^3 and % at ENP	
Averaging Time	By Project	All Sources	By Project	All Sources
24-hour	0.5 (10% of Allowable)	2.1 (42% of Allowable)	0.4 (8% of Allowable)	4.1 (82% of Allowable)

3-hour	No Analysis Required	No Analysis Required	2 (8% of Allowable)	18 (72% of Allowable)

Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or significantly contribute to a violation of any ambient air quality standard or PSD increment. A small impact on air quality related values (visibility) was projected to occur approximately 2 days in three years if ultra low sulfur fuel oil is continuously fired, instead of natural gas, and the ambient temperature is 35 degrees F. Because fuel oil will be used less than 10 percent of the time and such low temperatures are atypical for the South Florida coastline, the coincidence of the factors that promote visibility impact is minimal. The probability of such an occurrence is less than one every three years.

The Department will issue the FINAL Permit, in accordance with the conditions of the DRAFT Permit, unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department will accept written comments and requests for a public meeting concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue PSD Permit. Written comments or requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400 or the e-mail address provided below. Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. This PSD permitting action is being coordinated with a certification under the Power Plant Siting Act (Sections 403.501-519, F.S.). If a petition for an administrative hearing on the Department's Intent to Issue is filed by a substantially affected person, that hearing shall be consolidated with the certification hearing, as provided under Section 403.507(3). Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen 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. 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 of the Florida Administrative Code.

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, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when 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, 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; 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 Department'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 Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida 32399-2400 Telephone: 850/488-0114 Fax: 850/922-6979	Department of Environmental Protection Southeast District Office 400 North Congress Avenue West Palm Beach, FL 33416-5425 Telephone: 561/681-6600 Fax: 561/681-6790	Miami-Dade Department of Environmental Resource Management 33 SW 2nd Avenue, Suite 900 Miami, Florida 33130-1540 Telephone: 305/372-6925 Fax: 305/372-6954

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the authorized representative, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact A. A. Linero or Debbie

Nelson of the Bureau of Air Regulation at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114 for additional information. Address e-mail comments to alvaro.linero@dep.state.fl.us . The application, key correspondence, draft permit and technical evaluation can be accessed at www.dep.state.fl.us/air/permitting/construction/turkeypoint.htm .

In the Matter of an
Application for Permit by:

Florida Power and Light Company (FPL)
700 Universe Boulevard
Juno Beach, Florida 33408

Authorized Representative:
Mr. H. O. Nunez, Plant General Manager

DEP File No. 0250003-006-AC
Draft Permit No. PSD-FL-338
FPL Turkey Point Fossil Plant
1,150 MW Combined Cycle Unit 5

INTENT TO ISSUE PSD PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to issue a permit pursuant to the rules for the Prevention of Significant Deterioration of Air Quality (PSD), copy of DRAFT Permit attached, for the proposed project as detailed in the application specified above and the attached Technical Evaluation and Preliminary Determination for the reasons stated below.

The applicant, FPL, applied on November 14, 2003 (deemed sufficient on April 7 2004) to the Department for a PSD permit for a 1150 megawatt combined cycle gas turbine project (Unit 5) at the FPL Turkey Point Fossil Plant located east of Homestead and Florida City on Biscayne Bay, Miami-Dade County.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that a PSD permit is required.

The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue PSD Permit. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of the enclosed Public Notice. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

This PSD permitting action is being coordinated with a certification under the Power Plant Siting Act (Sections 403.501-519, F.S.). If a petition for an administrative hearing on the Department's Intent to Issue is filed by a substantially affected person, that hearing shall be consolidated with the certification hearing, as provided under Section 403.507(3).

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen 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. 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 of the Florida Administrative Code.

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, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when 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, 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; 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 Department'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.

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 Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a

variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.

Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Construction Permit (including the Public Notice, Technical Evaluation and Preliminary Determination, and the DRAFT permit) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on _____ to the persons listed:

H. O. Nunez, FPL*
Mayor, Miami-Dade County
Mayor, City of Homestead
Mayor, Florida City
John Benjamin, Everglades National Park
Linda Canzanelli, Biscayne National Park
Gregg Worley, U.S. EPA Region 4, Atlanta GA
John Bunyak, National Park Service, Denver CO
Steven L. Palmer, DEP Siting Office
Tom Tittle, DEP SED
Paul Darst, Department of Community Affairs
Chair, Miami-Dade County EQCB
H. Patrick Wong, Miami-Dade County DERM
Ken Kosky, P.E., Golder
Barbara Linkiewicz, FPL

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the

designated Department Clerk, receipt of which is hereby acknowledged.

_____ _____
(Clerk) (Date)