Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

September 18, 2009

Electronically Sent – Received Receipt Requested

Mr. William Reichel, Plant General Manager
Florida Power & Light Company – Martin Plant
Post Office Box 176
Indiantown, Florida 34956-0176

Re: Florida Power & Light Company (FP&L) Martin Plant
Project No. 0850001-022-AC
Combined Cycle Combustion Turbine 3A – Excess Emissions Authorization For Dry Low-NOx Tuning

Dear Mr. Reichel:

The Department has reviewed your request received by e-mail September 17, 2009, for authorization of excess emissions while conducting Dry Low-NOx (DLN) tuning on combustion turbine 3A, which is recommended by the equipment manufacturer following a major overhaul. The DLN tuning is scheduled to occur no sooner than September 21, 2009. Similar requests have previously been granted for other units at both the FP&L Martin and Sanford Plants. 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, which shall not exceed 12 hours for the duration of DLN tuning;
- 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 NOx emissions during the DLN tuning.

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

The Department will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, of the Florida Statutes (F.S.). Mediation under Section 120.573, F.S., will not be available for this proposed 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. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice. Petitions filed by any other person must be filed within 14 (fourteen) 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. 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, 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 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.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000; 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 notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

Trina L. Vielhauer

Trina L. Vielhauer, Chief
Bureau of Air Regulation

TLV/jk/rbm

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this authorization was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 9/18/09 to the persons listed below.

Mr. William Reichel, Florida Power & Light Company: (bill.reichel@fpl.com)
Ms. Mary Archer, Florida Power & Light Company: (mary_archer@fpl.com)
Mr. John Hampp, Florida Power & Light Company: (john.hampp@fpl.com)
Mr. Lennon Anderson, DEP Southeast Office: (lennon.anderson@dep.state.fl.us)
Ms. Vickie Gibson, DEP BAR Reading File: (victoria.gibson@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.

(Clerk) 9/18/09 (Date)