



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

February 17, 2010

Sent by Electronic Mail – Received Receipt Requested

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

Re: Exemption from the Requirement to Obtain an Air Construction Permit
Florida Power & Light Company (FP&L) Martin Power Plant, Martin Solar Power Energy Center
Project No. 0850001-024-AC
Exemption to Install a Ullage System with Flare

Dear Mr. Reichel:

On January 20, 2010, FP&L submitted a request to install a ullage system with a vent flare on the Martin Solar Power Energy Center. The ullage system will operate as a batch system. The solar power plant uses a heat transfer fluid (HTF) to collect solar energy and convert it to thermal energy. The ullage system uses a low pressure expansion vessel, filled with nitrogen gas, and an associated distillation process to remove low pressure contaminants from the HTF as it breaks down over time. The expansion vessel is used to bleed-off these low pressure contaminants, which are called low boilers (LB), through the displacement of the nitrogen gas and collected in what is called the ullage space. These LB are volatile organic compounds (VOC) and include some hazardous air pollutants such as benzene and phenol. Approximately once per week, it is expected that the system pressure in the expansion vessel will be sufficiently high to automatically discharge the gas mixture in the ullage space to the associated distillation process. Any uncondensed VOC released during the distillation process shall be treated using a vent flare. Uncontrolled VOC emissions are estimated to be 6.2 tons per year. The vent flare has a design VOC destruction efficiency of 98 percent and an estimated height of approximately 60 feet. The igniter gas for the vent flare will be natural gas. Based on this frequency and the preliminary design, VOC emissions will be reduced to less than 250 pounds per year. The existing Martin Power Plant is located seven miles North of Indiantown on State Road 710 in Martin County, Florida. Pursuant to Rule 62.4.040(1)(b) of the Florida Administrative Code (F.A.C.), the project is exempt from the requirement to obtain an air construction permit and you are authorized to install a ullage system on the Martin Solar Power Energy Center and shall install an associated vent flare.

Determination: A complete review of this project is summarized in the attached Technical Evaluation. Pursuant to Rule 62.4.040(1)(b), F.A.C., and for the reasons stated in the Technical Evaluation, the Bureau of Air Regulation determines that the activity will not emit air pollutants, "... in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified." Therefore, the project is exempt from the requirement to obtain an air construction permit. This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403 of the Florida Statutes (F.S.).

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, F.S., and Chapters 62-4, 62-210 and 62-212, F.A.C. The Permitting Authority

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responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

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. The petition must contain the information set forth below and must be filed with (received by) the agency clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions must be filed within 21 days of receipt of this exemption from air permitting requirements. 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 (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, 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 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 permitting action. 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.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Permitting Authority unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Permitting Authority.

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Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief
Bureau of Air Regulation

TLV/jfk/rbm

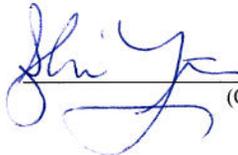
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Exemption from Air Construction Permitting 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 2/18/10 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 Section 120.52(7), Florida Statutes, with the
designated agency clerk, receipt of which is hereby
acknowledged.



(Clerk)

2/18/10

(Date)