



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

*Electronic Mail – Received Receipt Requested.*

Mr. Brad Williams, Regional Plant General Manager  
Florida Power & Light Company (FPL).  
700 Universe Blvd.  
Juno Beach, Florida 33408

Re: Air Construction Permit No. 0850001-029-AC  
Martin Power Plant

Dear Mr. Williams:

Enclosed is the draft permit package to issue an air construction permit for the Martin Power Plant. The facility is located 7 miles North of Indiantown on State Road 710, at 21900 SW Warfield Blvd., Indiantown in Martin County, Florida. The permit package includes the following documents:

- The Technical Evaluation and Preliminary Determination, which establishes the basis for approving the requested changes made in the construction permit.
- The draft air construction permit which includes the specific permit conditions that regulate the emissions units covered by the proposed project.
- The Written Notice of Intent to Issue Air Permit provides important information regarding: the Permitting Authority's intent to issue an air permit for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue air permit; the procedures for submitting comments on the draft; the process for filing a petition for an administrative hearing; and the availability of mediation.
- The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The Public Notice of Intent to Issue Title V Air Permit must be published as soon as possible and the original proof of publication affidavit must be provided to the Department within seven days of the date of publication.

If you have any questions, please contact the Project Engineer, Tom Cascio by telephone at (850) 717-9077 or by email at [tom.cascio@dep.state.fl.us](mailto:tom.cascio@dep.state.fl.us).

Sincerely,

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

Enclosures  
JFK/jkh/tbc

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## WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

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*In the Matter of an  
Application for Air Construction Permit by:*

Florida Power & Light Company (FPL)  
700 Universe Blvd.  
Juno Beach, Florida 33408

Permit No. 0850001-029-AC  
Facility ID No. 0850001  
Martin Power Plant  
Air Construction Permit  
Martin County, Florida

*Responsible Official:*  
Brad Williams, Regional Plant General Manager

**Facility Location:** Florida Power & Light Company operates the existing Martin Power Plant, which is located in Martin County, 7 miles North of Indiantown on State Road 710, at 21900 SW Warfield Blvd., Indiantown, Florida.

**Project:** The project is to construct two electrostatic precipitators (ESP) on fossil fuel steam generator Units 1 and 2 at the Martin Power Plant. The existing cyclones used to control particulate matter (PM/PM<sub>10</sub>) emissions from the units will be removed and replaced by the ESP. In addition, to handle the additional fly ash collected by the ESP, a fly ash handling, storage and shipment system, including two storage silos, will be installed. Finally, as part of the ESP installation, foundations for ancillary pollution control equipment will be installed. The plant is installing the two new ESP to meet the emission limits in the 40 Code of Federal Regulations (CFR) 63, Subpart UUUUU - National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coal- and Oil-Fired Electric Utility Steam Generating Units. The additional foundations are being installed at this time should ancillary control equipment be necessary for additional emission reductions.

**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 of the Florida Administrative Code (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 Office of Permitting and Compliance is the Permitting Authority responsible for making a permit determination for this project.

**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 the address indicated above for the Permitting Authority. The complete project file includes the Technical Evaluation and Preliminary Determination, the draft permit, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft permit by visiting the following website: <http://www.dep.state.fl.us/air/emission/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Permit:** The Permitting Authority gives notice of its intent to issue an air construction 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 appropriate 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 draft air construction 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.

**Public Notice:** Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take

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## WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

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place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at the above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**Comments:** The Permitting Authority will accept written comments concerning the draft air construction 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 written comments received result in a significant change to the draft air construction permit, the Permitting Authority shall revise the draft air construction 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. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. 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 attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, 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. 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 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 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 Written 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.

## WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

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Executed in Tallahassee, Florida.

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

### **CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue an Air Construction Permit (including the Public Notice and the Draft Air Construction Permit), or a link to these documents 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, FPL ([david.williams@fpl.com](mailto:david.williams@fpl.com))

Mr. Willie Welch, FPL ([willie.welch@fpl.com](mailto:willie.welch@fpl.com))

Mr. Kennard Kosky, P.E., Golder Associates, Inc. ([ken\\_kosky@golder.com](mailto:ken_kosky@golder.com))

Mr. Joe Lurix, P.E., DEP, SE District Office ([joe.lurix@dep.state.fl.us](mailto:joe.lurix@dep.state.fl.us))

Ms. Cindy Mulkey, DEP Siting Office ([cindy.mulkey@dep.state.fl.us](mailto:cindy.mulkey@dep.state.fl.us))

Ms. Kathleen Forney, EPA Region 4 ([forney.kathleen@epa.gov](mailto:forney.kathleen@epa.gov))

Ms. Heather Ceron, EPA Region 4 ([ceron.heather@epa.gov](mailto:ceron.heather@epa.gov))

Ms. Lynn Searce, DEP Office of Air Permitting and Compliance ([lynn.searce@dep.state.fl.us](mailto:lynn.searce@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.