PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0950137-012-AC

OUC Curtis H. Stanton Energy Center Unit 1
Unit 1 Scrubber Upgrade, Phase 2

Orange County

Applicant: The applicant for this project is the Orlando Utilities Commission (OUC). The applicant's authorized representative and mailing address are: Ms. Denise Stalls, Vice President, Environmental Affairs, Orlando Utilities Commission, 500 South Orange Avenue, Post Office Box 3193, Orlando, Florida 32802

Facility Location: OUC operates the Stanton Energy Center, which is located in Orange County, Southeast of Orlando and North of Highway 528 at 5100 South Alafaya Trail. OUC Stanton Unit 1 is a coal fired boiler/steam generator and steam turbine with a 468 megawatts nominal capacity rating. The unit is equipped with an electrostatic precipitator for control of particulate matter, and a wet flue gas desulfurization (WFGD) system for sulfur dioxide (SO_2) control.

Project: OUC applied on February 5, 2007 to the Florida Department of Environmental Protection for a permit to conduct additional upgrades to the WFGD system on Unit 1 at the existing Curtis H. Stanton Energy Center Southeast of Orlando in Orange County. The proposed project includes: installation of a new distribution tray or an additional spray level with increased recycle pump capacity; modifications to the spray nozzle arrangement and piping; and modifications to the induced draft fan. These modifications are expected to reduce the operating costs of the Unit 1 scrubber system and improve its reliability. Emissions of SO_2 are expected to decrease as a direct result of the improved efficiency of the WFGD system. The project is part of a continuing program at the OUC Stanton Energy Center to reduce emissions of SO_2 and nitrogen oxides (NO_X) for the purpose of complying with the Clean Air Interstate Rule. The Department has reasonable assurance that the project will not result in significant net emission increases from the unit that would otherwise require a review under the Rules for the Prevention of Significant Deterioration (PSD) at Paragraph 62-212.400, Florida Administrative Code (F.A.C.) or 40 Code of Federal Regulations, Part 52, Section 52.21.

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

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 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/eproducts/ards and entering the permit number indicated above. A copy of the complete project file is also available at the Air Resources Section of the Department's Central District Office at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. The telephone number is 407/894-7555.

Notice of Intent to Issue 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 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 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. A best available control technology (BACT) determination was not required.

The Department has reasonable assurance that the project will not result in significant net emission increases from the unit that would otherwise require a review under the Rules for the Prevention of Significant Deterioration (PSD) at Section 62-212.400, F.A.C

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

(Public Notice to be Published in the Newspaper)

Comments: The Department will accept written comments concerning the proposed permit issuance action for a period of 14 days from the date of publication of Public Notice. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written 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.

Petitions: The Department will issue the construction 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.

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, MS #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 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 14 days of publication of the public notice or within 14 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 (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 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 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 specified rules or statutes; 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.

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 32301
Telephone: 850/488-0114
Fax: 850/921-9533

Department of Environmental Protection
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-5963

The complete project file includes the technical evaluation and the Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Program Administrator, South Permitting Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. The draft permit and technical evaluation can be accessed at the following site by clicking the link to OUC Stanton in the power plant category: www.dep.state.fl.us/Air/permitting/construction.htm

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