Memorandum

Florida Department of Environmental Protection

TO: Joseph Kahn, Division of Air Resource Management

THROUGH: Trina Vielhauer, Bureau of Air Regulation

FROM: David Read and Al Linero, Special Projects Section

DATE: August 21, 2008

SUBJECT: Extension of time to install Continuous Emissions Monitoring System (CEMS)
Curtis H. Stanton Energy Center Units 1 and 2
Project No. 0950137-022-AC
Modification of Air Permit 0950137-015-AC

Attached for your approval and signature is a permit modification to extend the expiration date for the above referenced air permit. On February 7, 2008, the Department issued Air Permit No. 0950137-015-AC to install or modify low NO_X burners and overfire air systems on OUC Stanton Units 1 and 2. The permit included a requirement in Appendix CEMS to install and test the new CO monitoring equipment by June 30, 2008 for Unit 2. The Department received a request to extend the date by which the CO-CEMS must be tested until September 30 for the following reason.

- The equipment could not be ordered, received and certified for Unit 2 within the initial time provided. The CEMS for Unit 1 will be installed and certified by the time provided which is December 31, 2008.

A correction is included indicating that full load tests are for coal only and not for coal and oil (since oil is used only during startup).

Based on the circumstances and information provided, I recommend your approval and signature.

Attachments

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

August 22, 2008

Sent by Electronic Mail – Received Receipt Requested

Ms. Denise Stalls DStalls@ouc.com
Vice President Environmental Affairs
Orlando Utilities Commission (OUC)
500 South Orange Avenue
Post Office Box 3193
Orlando, Florida 32802

Re: DEP File No. 0950137-022-AC
Extension of time to install Continuous Emissions Monitoring System (CEMS)
Curtis H. Stanton Energy Center Units 1 and 2
Low NO_X Burners (LNB) and Overfire Air (OFA) Project

Dear Ms. Stalls:

On April 15, 2008, OUC requested additional time to install a carbon monoxide CEMS in relation to the LNB and OFA installation on OUC Stanton Unit 2 (reference Permit No. 0950137-015-AC issued February 7, 2008). According to OUC, the vendor required more lead time to provide the equipment, integrate it with the other CEMS and conduct performance testing. OUC also requested a correction to indicate that full load tests will be conducted while firing coal rather than a combination of coal and oil since fuel oil is fired only during startup.

Based on the circumstances and information provided, the Department approves this request.

Determination:

Section III, Specific Condition 12 is modified as shown below in strikeout and underline format.

Initial Compliance Demonstration: Within 60 days of commencing operation of each respective unit, following installation of the Low-NO_X burners and overfire air system, tests shall be conducted to determine emissions of CO and NO_X. Tests shall be conducted between 90% and 100% of permitted capacity while firing coal ~~and fuel oil~~. Tests shall consist of three, 1-hour test runs. [Rule 62-297.310(7)(a)1, F.A.C.]

Section IV (Appendix CEMS), Condition 5 is modified as shown below.

Timelines: The owner or operator shall install the CO-CEMS required by this permit and conduct the appropriate performance specification for the CO-CEMS no later than ~~June~~ September 30, 2008, for Unit 2, and December 31, 2008, for Unit 1, respectively.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

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 Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a determination for this project. 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 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 (Telephone: 850/245-2241 / Facsimile: 850/245-2303). Petitions must be filed within 14 days of receipt of this permit extension. 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; (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. 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 Department 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 Department.

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.

Joseph Kahn, Director
Division of Air Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this written notice of permit extension was sent by electronic mail with received receipt requested to the persons listed below.

Denise Stalls, OUC: dstalls@ouc.com
Jim Bradner, DEP CD: james.bradner@dep.state.fl.us
Lori Cunniff, Orange County EPD: lori.cunniff@ocfl.net
Katy Forney, EPA Region 4: forney.kathleen@epa.gov
Larry Todd Newland, P.E., Black & Veatch: newlandlt@bv.com
Mike Halpin, DEP Siting: mike.halpin@dep.state.fl.us

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) 8/22/08 (Date)