



Florida Department of Environmental Protection

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2600 Blair Stone Road
Tallahassee, Florida 32399-2400

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Secretary

July 8, 2011

Sent by Electronic Mail – Received Receipt Requested

dbaez@ouc.com

David R. Báez
Project Engineer, Environmental Affairs
Orlando Utilities Commission (OUC)
P.O. Box 3193
Orlando, Florida 32802

Re: Exemption from the Requirement to Obtain an Air Construction Permit
OUC Stanton Energy Center Unit 2 (Stanton Unit 2)
Project No. 0950137-038-AC
Temporary Dry Sorbent Injection (DSI) controls

Dear Mr. Báez:

On June 30, 2011, OUC submitted an application for an air construction permit to allow for the use of a temporary DSI (hydrated lime) control system in conjunction with engineering tests of coal blends from different suppliers. The temporary DSI system will be used to control sulfuric acid mist (SAM) downstream of the selective catalytic reduction (SCR) system and upstream of the of the existing wet flue gas desulfurization (WFGD) scrubber and electrostatic precipitator (ESP) at Stanton Unit 2 located at 5100 South Alafaya Trail, Orlando, Florida 32193.

Determination: A complete description of this project by the applicant's consultant is given in the application available at: [00005F38.pdf](#) (application/original letter) and [00005F39.pdf](#) (follow up letter from OUC regarding stack testing).

Stanton Unit 2 is a nominal 468 megawatts coal-fueled steam generation unit that began operation in 1997. It is equipped with emission controls to abate particulate matter (PM), nitrogen oxides (NO_x) and sulfur dioxide (SO₂) emissions in accordance with a Prevention of Significant Deterioration (PSD) permit and best available control technology (BACT) determination. Unit 2 is also equipped with continuous emission monitoring systems (CEMS) for NO_x, SO₂, CO and mercury (uncertified). The emission standards for Unit 2, including limits for SO₂, NO_x, SAM, PM, and other pollutants are listed in the most recent Title V permit, which can be found at the following link: <http://arm-permit2k.dep.state.fl.us/psd/0950137/00005E8D.pdf>.

OUC has planned an outage for Unit 2 in September 2011 and will conduct most of the tests before this outage pending equipment and testing company schedules. If the outage inspections reveal the need for more testing, such tests will be conducted once the boiler is returned to service. OUC anticipates that all testing will be completed by December 31, 2011. OUC shall provide the test results to the Department.

Although OUC submitted an application for an air construction permit to use the temporary DSI controls when the test coal is burned, the Air Permitting and Compliance Section has determined 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 proposed project as described above is exempt from the requirement to obtain an air construction permit pursuant to Rule 62-4.040(1)(b) of the Florida Administrative Code (F.A.C.).

EXEMPTION FROM AIR CONSTRUCTION PERMITTING

Furthermore, the use or testing of other coal blends is not prohibited by rule or permit conditions applicable to Stanton Unit 2 and does not constitute a modification provided the unit has been designed to accommodate such fuels.

This determination may be revoked if the proposed activity is substantially modified, continues significantly beyond the anticipated completion date, or if 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, 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, F.A.C. The Permitting Authority responsible for making a permit determination for this project is the Air Permitting and Compliance Section 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 850/717-9000.

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. 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 how and when 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 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.

EXEMPTION FROM AIR CONSTRUCTION PERMITTING

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 with in 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 of a request for extension of time, this action will not be effective until further order for the Permitting Authority.

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

for 

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

7/8/11

(Date)

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Letter of Exemption, or a link to this document made available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on 7-8-11 to the persons listed below.

- Mr. Michael Soltys, Black & Veatch: soltysjm@bv.com
- Mr. David Baez, OUC: dbaez@ouc.com
- Ms. Caroline Shine, DEP Central District Office: caroline.shine@dep.state.fl.us
- Ms. Cindy Mulkey, DEP Siting Office: cindy.mulkey@dep.state.fl.us
- Ms. Lynn Searce, DEP PC Reading File: 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.



(Clerk) *July 8, 2011*

(Date)