Florida Department of Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Ryan E. Matthews
Interim Secretary

Sent by Electronic Mail – Received Receipt Requested

Chip Merriam
Orlando Utilities Commission
PO BOX 31931
Orlando, Florida 32802

Re: Extension of Air Construction Permit Expiration Date
Orlando Utilities Commission, Stanton Energy Center
Project No. 0950137-052-AC
2nd Extension of Original Air Permit No. 0950137-045-AC

Dear Mr. Merriam:

On April 25, 2017, Orlando Utilities Commission (OUC) requested an extension of the expiration date of Air Construction Permit No. 0950137-045-AC for the Stanton Energy Center located in Orange County at 5100 South Alafaya Trail in Orlando, Florida. OUC requests additional time for the installation of fuel lean gas reburn (FLGR) systems on Coal Fired Steam Generators (Units 1 & 2). Air Construction Permit No. 0950137-045-AC expired on June 30, 2016. On June 15, 2016, OUC requested an extension of Permit No. 0950137-045-AC, which was approved through the issuance of Permit No. 0950137-048-AC, with an expiration date of June 30, 2017. All requirements of Permit No. 0950137-045-AC have been completed, as they refer to authorization to install equipment and control technology, except that the installation of the FLGR systems authorized by Condition 7 remain ongoing. The FLGR installation on Unit 1 commenced during the spring outage of 2015. Following this outage, Phase I of the installation was evaluated during operations of Unit 1, for feedback on appropriate installation of Phase II, to be implemented at the next outage. In 2016, the subsequent outage for Unit 1 was significantly prolonged by 4 months for reasons unrelated to the project. While this afforded the opportunity to further the installation of Phase II of the FLGR, the extended outage interrupted the ability to use operational feedback for adjustments and commissioning steps. At present, the vendor is completing additional modeling and testing, but cannot complete the adjustments and commissioning until a subsequent outage, which is not planned until the spring of 2018 for Unit 1. Based on the circumstances and information provided, the Department approves this request.

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 Office of Permitting and Compliance is the Permitting Authority responsible for making a determination for this project. The Permitting Authority's physical address is: 2600 Blair Stone Road, 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.

Determination: The expiration date is hereby extended from **June 30, 2017** to **June 30, 2019** to provide the necessary time to complete construction and submit a complete application for a Title V air operation permit. This permitting action does not authorize any new construction. 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.

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. 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, Agency_Clerk@dep.state.fl.us, 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.

David Lyle Read, P.E.

David Lyle Read, P.E.
2017.05.03 12:21:11 -04'00'

For:
Syed Arif, P.E.
Program Administrator
Division of Air Resource Management

SA/dlr/lcr

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit 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 the date indicated below to the following persons.

Mr. Chip Merriam, Orlando Utilities Commission: cmerriam@ouc.com
Mr. Jan Aspuru, Orlando Utilities Commission: jaspuru@ouc.com
Mr. David Baez, Orlando Utilities Commission: dbaez@ouc.com
Mr. Michael Ballenger, P.E., Trinity Consultants: MBalleng@trinityconsultants.com
Ms. Alisa Coe, Earthjustice: acoe@earthjustice.org
DEP Central District: DEP_CD@dep.state.fl.us
DEP Siting Office: SCO@dep.state.fl.us
Ms. Lynn Scearce, DEP OPC: Lynn.Scearce@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.

Lynn Scearce 2017.05.03 12:53:37 -04'00'