Florida Department of Environmental Protection

Southeast District
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary-Designee

April 20, 2010

Sent by Electronic Mail – Received Receipt Requested
vince_munne@flp.com

Florida Power and Light (PSL)
6501 South Ocean Drive
Jensen Beach, FL 34957

DEP File No. 1110071-007-AF
St. Lucie County
Project: Permit Modification

RE: Modification of Air Permit, Permit Number 1110071-006-AF, Issued March 11, 2010

Dear Mr. Munne:

We have reviewed your request for a modification of the above permit. Pursuant to that request, the permit is changed as follows:

FROM:

2. Authorized Fuel: Fuel burned shall be limited to No. 2 diesel fuel with a maximum sulfur content of 0.05 percent by weight, as demonstrated by the shipment records. [Application No. 1110071-006-AF, Rule 62-62-4.070(3), F.A.C., and 1110071-005-AF]

9. Allowable Fuels Records: The owner or operator shall maintain records to demonstrate that each shipment of diesel fuel has 0.05 percent or less (by weight) of sulfur and that the sulfur content was determined by ASTM methods ASTM D4057-88 and ASTM D129-91, ASTM D2622-94 or ASTM D4294-90, adopted and incorporated by reference in Rule 62-297.440(1). Certifications from the fuel supplier in accordance with the above requirement shall be satisfactory records. [Rule 62-4.070(3), F.A.C.]

TO:

2. Authorized Fuel: Fuel burned shall be limited to No. 2 diesel fuel with maximum sulfur content of 0.05 percent by weight, or 500 ppm, as demonstrated by the shipment records. [Application No. 1110071-006-AF, Rule 62-62-4.070(3), F.A.C., and 1110071-005-AF]

9. Allowable Fuels Records: The owner or operator shall maintain records to demonstrate that each shipment of diesel fuel has a sulfur content of 0.05 percent or less by weight, or 500 ppm, and that the sulfur content was determined by ASTM methods ASTM D4057-88 and ASTM D129-91, ASTM D2622-94 or ASTM D4294-90, adopted and incorporated by reference in Rule 62-297.440(1). Certifications from the fuel supplier in accordance with the above requirement shall be satisfactory records. [Rule 62-4.070(3), F.A.C.]

This letter must be attached to the original permit and becomes part of that permit. The remaining provisions of the permit are not changed by this action and remain in effect.

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 (received) in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by the applicant or any of the parties listed below, must be filed within 14 days of receipt of this Notice of Extension. Petitions filed by within 14 days of receipt of this modification. 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. 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 state; (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 Notice of extension. 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.`

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000 or with the Clerk of the Department of Environmental Protection Southeast District Office at 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401; 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 of Appeal must be filed within thirty days from the date this notice is filed with the Clerk of the permitting authority.

If you have questions regarding this modification, you may contact Manuel P. Delosantos at 561-681-6628.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

4-20-2010

Jack Long
District Director
Southeast District

Date

JL/LA/md

cc:

Mr. Eric S. Katzman, Licensing Manager: eric.katzman@fpl.com
Ms. Mary Archer, Project Manager: mary.archer@fpl.com
Mr. David Niebch, Environmental Specialist: david_niebch@fpl.com

FILING AND ACKNOWLEDGMENT: FILED**,** on this date, pursuant to § 120.52(7), F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

4/20/10

Clerk

Date