

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF FINAL PERMIT

In the Matter of an
Application for Permit by:

Gene L. Ussery, Jr.
Gulf Power Company
One Energy Place
Pensacola, Florida 32520-0100

DEP File No. 0050014-011-AC
Lansing Smith Electric Generating Plant
Bay County

Enclosed is Final Permit Number 005014-011-AC. This permit authorizes Gulf Power Company to establish the compliance method for the permitted capacity as the use of composite fuel samples taken by on-site personnel. This permit is issued pursuant to Chapter 403, Florida Statutes.

Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, 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 thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit (including the Final permit) was sent by certified mail (*) and copies were electronically mailed by Internet e-mail before the close of business on 11/10/04 to the person(s) listed:

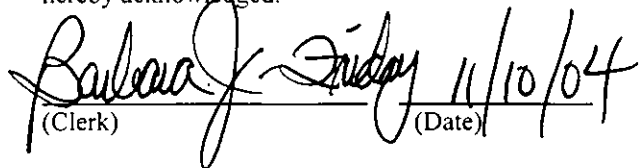
Mr. Kennard Kosky, P.E. (kkoskv@golder.com)

Mr. Kevin White, P.E., DEP-NWD (kevin.white@dep.state.fl.us)

Mr. G. Dwain Waters, QEP, Gulf Power Company (GDWATERS@southernco.com)

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) 11/10/04 (Date)

FINAL DETERMINATION

Gulf Power Company
Lansing Smith Electric Generating Plant
DEP File No. 0050014-011-AC

The Department distributed a public notice package on September 21, 2004, to establish the compliance method for the permitted capacity as the use of composite fuel samples taken by on-site personnel at the Gulf Power Lansing Smith Electric Generating Plant located at 4300 Highway 2300, Southport, Bay County. The Public Notice of Intent to Issue was published in The Panama City News Herald on October 6, 2004.

COMMENTS/CHANGES

No comments were received by the Department in response to the Draft permit and Public Notice.

CONCLUSION

The final action of the Department is to issue the final permit as it was noticed.



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

November 8, 2004

CERTIFIED MAIL – Return Receipt Requested

Mr. Gene L. Ussery, Jr.
V.P. of Power Generation/Transmission
Gulf Power Company
One Energy Place
Pensacola, Florida 32520-0328

Dear Mr. Ussery:

RE: Compliance Determination Method for Heat Input Limits on Units 1 and 2
Gulf Power Company - Smith Electric Generating Plant
Project No.: 0050014-011-AC

This permitting project establishes the compliance method for the permitted capacity on Units 1 and 2 as the use of composite fuel samples taken by on-site personnel.

1. Other Permits. The conditions of this permit supplement all previously issued air construction and operation permits for this facility. Unless otherwise specified, these conditions are in addition to all other applicable permit conditions and regulations.

[Rule 62-4.070, F.A.C.]

2. To establish the method for demonstrating compliance with the permitted capacity on Units 1 and 2 as the use of the on-site composite fuel samples, the following condition is added.

Permitted Capacity. The maximum operation heat input rate is as follows:

<u>Unit No.</u>	<u>MMBtu/hr Heat Input</u>	<u>Fuel Type</u>
-001	1,944.8	Coal
	153	No. 2 Fuel Oil
	153	On-Specification Used Oil
-002	2,246.2	Coal
	76	No. 2 Fuel Oil
	76	On-Specification Used Oil

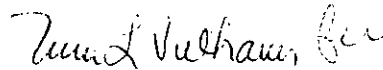
Note: When a blend of fuels is fired, the heat input shall be prorated based on the percent heat input of each fuel.

"More Protection, Less Process"

Printed on recycled paper.

Compliance with the above heat input limitations shall be demonstrated solely through the use of the composite fuel samples taken by on-site personnel. Records of the composite samples (typically taken daily as-fired for solid fuel and per shipment (after blending) for liquid fuel) shall be maintained on-site for a period of five years and shall be made available for Department inspection upon request.
[Applicant Request; and, Rule 62-4.070, F.A.C.]

Sincerely,



Michael G. Cooke, Director
Division of Air Resource Management

MGC/jkh

Enclosures

cc: Trina Vielhauer, DEP - BAR
Bruce Mitchell, DEP - BAR
Sandra Veazey, DEP - NWD
G. Dwain Waters, Q.E.P., GPC

Jim Pennington, DEP - BAR
Cleve Holladay, DEP - BAR
Andy Allen, DEP - NWD

ATTACHMENT GENERAL CONDITIONS

Rule 62-4.160, F.A.C.

- G.1 The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
[Rule 62-4.160(1), F.A.C.]
- G.2 This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
[Rule 62-4.160(2), F.A.C.]
- G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
[Rule 62-4.160(3), F.A.C.]
- G.4 This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
[Rule 62-4.160(4), F.A.C.]
- G.5 This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
[Rule 62-4.160(5), F.A.C.]
- G.6 The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
[Rule 62-4.160(6), F.A.C.]
- G.7 The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- (a) Have access to and copy and records that must be kept under the conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

[Rule 62-4.160(7), F.A.C.]

- G.8 If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- (a) A description of and cause of non-compliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- [Rule 62-4.160(8), F.A.C.]
- G.9 In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- [Rule 62-4.160(9), F.A.C.]
- G.10 The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- [Rule 62-4.160(10), F.A.C.]
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- [Rule 62-4.160(11), F.A.C.]
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- [Rule 62-4.160(12), F.A.C.]
- G.13 This permit also constitutes:
- (a) Determination of Best Available Control Technology ()
 - (b) Determination of Prevention of Significant Deterioration (); and
 - (c) Compliance with New Source Performance Standards ().
- [Rule 62-4.160(13), F.A.C.]
- G.14 The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements;
 - 2. The person responsible for performing the sampling or measurements;
 - 3. The dates analyses were performed;
 - 4. The person responsible for performing the analyses;
 - 5. The analytical techniques or methods used; and
 - 6. The results of such analyses.
- [Rule 62-4.160(14), F.A.C.]

- G.15 When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
[Rule 62-4.160(15), F.A.C.]

Florida Department of
Environmental Protection

Memorandum

TO: Michael G. Cooke

THRU: Trina Vielhauer
Jim Pennington *J&P*

FROM: Jonathan Holtom *J.H.*

DATE: November 8, 2004

SUBJECT: Final Construction Permit for Gulf Power Lansing Smith Electric Generating Plant

Attached for approval and signature is a Final construction permit for Gulf Power Company's Lansing Smith Electric Generating plant. This permitting project establishes the compliance method for the permitted capacity as the use of composite fuel samples taken by on-site personnel. .

The Public Notice requirements were met on October 6, 2004, by publishing in The Panama City News Herald. No comments have been received from the public in response to this Public Notice, and no petitions were filed for an Administrative Hearing.

I recommend your approval and signature.

Attachments

/jh

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0026 4329 8849

Gene L. Ussery

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)
Gene L. Ussery
Street, Apt. No. or PO Box No.
One Energy place
City, State, ZIP+4
Pensacola, Florida 32520-0111