

Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

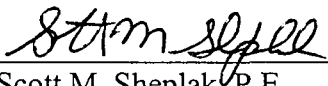
P.E. Certification Statement

Permittee:
Florida Power & Light Company
Riviera Plant

DRAFT Permit No.: 0990042-003-AV

Project type: Title V Air Operation Permit Renewal

***I HEREBY CERTIFY** that the engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).*



Scott M. Sheplak, P.E.
Registration Number: 48866

08/05/03

Date

Permitting Authority:
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

STATEMENT OF BASIS

Florida Power & Light Company
Riviera Plant
Facility ID No.: 0990042
Palm Beach County

Title V Air Operation Permit Renewal
DRAFT Permit Project No.: 0990042-003-AV

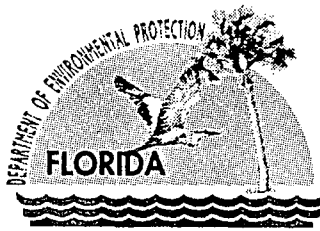
This Title V Air Operation Permit Renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213 and 62-214. The above named permittee is hereby authorized to operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

The subject of this permit is for the renewal of Title V Air Operation Permit and the incorporation of an Administrative Correction, No. 0990042-002-AV, issued on January 11, 2002.

This facility consists of two fossil fuel steam generators, Unit 3 and Unit 4, each rated at 300 megawatts (MW) (315 MW gross capacity) output. The steam generators each burn a variable combination of No. 6 fuel oil, No. 2 fuel oil, natural gas, propane, used oil from FPL operations, and expired fuel oil samples from FPL's Central laboratory, discharging pollutants through a stack 298 feet above ground level. Each unit is a Foster-Wheeler outdoor type boiler, equipped with low NOx burners and Research-Cottrell multiple cyclones with ash re-injection, with a General Electric steam turbine that drives an oil and hydrogen-cooled 300 MW class generator with capability of 315 MW. CAM does not apply.

Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

Based on the Title V Air Operation Permit Renewal application received July 3, 2003, this facility is a major source of hazardous air pollutants (HAPs).



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Department of Environmental Protection

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

David B. Struhs
Secretary

August 11, 2003

Mr. Rick Blomgren
Plant Manager
Florida Power & Light Company Riviera Plant
200-300 Broadway
Riviera Beach, Florida 33408

Re: Title V Air Operation Permit Renewal
DRAFT Permit Project No.: 0990042-003-AV
Riviera Plant

Dear Mr. Blomgren:

One copy of the DRAFT Permit for the renewal of a Title V Air Operation Permit for the Riviera Plant located at 200-300 Broadway, Riviera Beach, Palm Beach County, is enclosed. The permitting authority's "INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" and the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" must be published as soon as possible. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Scott M. Sheplak, P.E., at the above letterhead address. If you have any other questions, please contact Edward J. Svec, at 850/921-8985.

Sincerely,

Trina Vielhauer, Chief
Bureau of Air Regulation

TV/es

Enclosures

In the Matter of an
Application for Permit Renewal by:

Florida Power & Light Riviera Plant
200-300 Broadway
Riviera Beach, Florida 33408

DRAFT Permit Project No.: 0990042-003-AV

Riviera Plant
Palm Beach County

INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal (copy of DRAFT Permit attached) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Florida Power & Light Company, applied on July 3, 2003, to the permitting authority for a Title V Air Operation Permit Renewal for the Riviera Plant located at 200-300 Broadway, Riviera Beach, Palm Beach County.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210 and 62-213. This source is not exempt from Title V permitting procedures. The permitting authority has determined that a Title V Air Operation Permit Renewal is required to commence or continue operations at the described facility.

The permitting authority intends to issue this Title V Air Operation Permit Renewal based on the belief that reasonable assurances have been provided to indicate that operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/922-6979), within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the attached DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. 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 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 action;

(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, as well as the rules and statutes which entitle the petitioner to relief;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,

(g) A statement of the relief sought by the petitioner, stating precisely the action 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 intent. 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 will not be available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information:

- (a) The name, address, and telephone number of the petitioner;
- (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- (c) Each rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and,
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

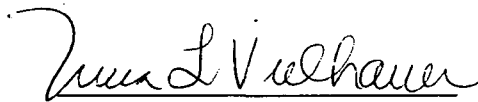
Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within

the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

A handwritten signature in cursive script, reading "Trina Vielhauer".

Trina Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL (including the PUBLIC NOTICE and the DRAFT Permit) and all copies were sent by certified mail before the close of business on 8/12/03 to the person(s) listed:

Rick Blomgren, Responsible Official, FP&L Riviera Plant
Tom Sadler, National Environmental Trust

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL (including the PUBLIC NOTICE and the Statement of Basis) were sent by U.S. mail on the same date to the person(s) listed or as otherwise noted:

Kennard Kosky, PE, Golder Associates Inc.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL (including the DRAFT Permit package) were sent by INTERNET E-mail on the same date to the person(s) listed:

James Stormer, PBCHD
U.S. EPA, Region 4

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.

Balena J. Friday 8/12/03
(Clerk) (Date)

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL

Department of Environmental Protection

Title V Air Operation Permit Renewal
DRAFT Permit No.: 0990042-003-AV

Florida Power & Light Company
Riviera Plant
Palm Beach County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to Florida Power & Light for their Riviera Plant located at 200-300 Broadway, Riviera Beach, Palm Beach County. The applicant's name and address are: Florida Power & Light Company Riviera Plant; Mr. Rick Blomgren, Plant Manager, 200-300 Broadway, Riviera Beach, Florida 33408.

The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

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 of the Florida Statutes (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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. 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 applicable 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (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; 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 petitioner's substantial rights will be affected by the agency determination;
- (c) A statement of how and when the petitioner received notice of the agency action or proposed action;
- (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, as well as the rules and statutes which entitle petitioner to relief;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,

(g) A statement of the relief sought by the petitioner, stating precisely the action 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 intent. 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 is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Palm Beach County Health Department
Air Section
901 Evernia Street
West Palm Beach, FL 33401
Phone: 561/355-3070
Fax: 561/355-2442

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

October 28, 2003

Mr. Rick Blomgren
Plant Manager
Florida Power & Light Company Riviera Plant
200-300 Broadway
Riviera Beach, Florida 33408

Re: Title V Air Operation Permit Renewal
PROPOSED Permit Project No.: 0990042-003-AV
Riviera Plant

Dear Mr. Blomgren:

One copy of the "PROPOSED Determination" for the renewal of a Title V Air Operation Permit for the Riviera Plant located at 200-300 Broadway, Riviera Beach, Palm Beach County, is enclosed. This letter is only a courtesy to inform you that the DRAFT Permit has become a PROPOSED Permit.

An electronic version of this determination has been posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is:

"http://www.dep.state.fl.us/air/permitting/airpermits/AirSearch_ltd.asp"

Pursuant to Section 403.0872(6), Florida Statutes, if no objection to the PROPOSED Permit is made by the USEPA within 45 days, the PROPOSED Permit will become a FINAL Permit no later than 55 days after the date on which the PROPOSED Permit was mailed (posted) to USEPA. If USEPA has an objection to the PROPOSED Permit, the FINAL Permit will not be issued until the permitting authority receives written notice that the objection is resolved or withdrawn.

If you should have any questions, please contact Edward J. Svec, at 850/921-8985.

Sincerely,

Trina L. Vielhauer, Chief
Bureau of Air Regulation

TV/es

Enclosures

copy furnished to:
Mr. Kennard Kosky, PE, Golder Associates Inc.
Mr. James Stormer, PBCHD
USEPA, Region 4 (INTERNET E-mail Memorandum)
Mr. Thomas Sadler
Ms. Aneda Sanders
Mr. Gerald Ward

"More Protection, Less Process"

Printed on recycled paper.

PROPOSED Determination

Title V Air Operation Permit Renewal
PROPOSED Permit Project No.: 0990042-003-AV
Page 1 of 6

I. Public Notice.

An "INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" to Florida Power & Light Company for the Riviera Plant located at 200-300 Broadway, Riviera Beach, Palm Beach County was clerked on August 12, 2003. The "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" was published in The Palm Beach Post on August 26, 2003. The DRAFT Permit was available for public inspection at the Palm Beach County Health Department in West Palm Beach and the permitting authority's office in Tallahassee. Proof of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" was received on September 2, 2003.

II. Public Comment(s).

A. Written comments were received from nine respondents during the 30 (thirty) day public comment period. In addition, similar comments were raised during the public meeting on September 23, 2003. Therefore, these comments are being addressed together. The topic of each comment will be addressed, rather than each individual comment letter. All of the following comments were received on September 23, 2003.

1. Six of the comments concerned "dirty air", "bad air", "blight on the neighborhood".

Response: The Department has not been able to document emissions exceeding permit limits from the plant. The material on a garbage can lid, represented at the public meeting as soot from the plant, was analyzed by the Palm Beach County Health Department and found to consist of: mold spores; plant dusts and minerals; and, vegetative ash (possibly cigarette).

2. One of the comments requested that the plant be dismantled.

Response: Florida Power & Light, not the Department, is responsible for this decision.

3. Two of the comments requested that the plant conform with standards for newly constructed plants.

Response: The Department does not have the authority to impose additional requirements or new control equipment when renewing an operating permit for a facility complying with Department rules and its current operating permit.

4. One of the comments expected to see changes to the permit content from the initial issuance.

Response: Since there were no: changes in operation; addition / removal of emissions units; or changes in the applicable rules governing the facility, no changes to the permit were required. See also response to number 3, above.

5. Two of the comments objected to the use of on-specification used oil as a fuel and the ability to dispose of high density polyethylene fuel sample bottles from its fuel analysis lab. The comment questioned the issue of recycling.

Response: The USEPA, in an effort to promote recycling, considers on-specification used oil to be identical to new oil and has encouraged its use as a fuel. The permit also allows the facility to continue the practice of utilizing up to 80 pounds per year of high density polyethylene fuel sample bottles as a fuel rather than burden the landfill with their disposal. See also response to number 3, above.

6. One of the comments asked what "CAM" is.

Response: CAM is "compliance assurance monitoring" and is required when certain sources utilize control equipment to meet certain emission standards. It is not applicable to this facility.

7. Five of the comments requested monthly compliance tests.

Response: Rule 62-297, F.A.C. establishes the frequency of compliance tests and the permit complies with the rule. The Department does not have the authority to impose additional requirements when renewing an operating permit for a facility complying with Department rules and its current operating permit.

8. One of the comments questioned the numbering within certain conditions.

Response: Where possible, the specific condition quotes the rule and the paragraph numbering of the rule is maintained so the rule citation can be referenced.

9. One of the comments requests the Department decrease the allowable hours of operation if the plant does not switch to a "cleaner fuel" for a facility complying with Department rules and its current operating permit.

Response: The Department does not have the authority to restrict an existing facility's hours of operation when renewing an operating permit for a facility complying with Department rules and its current operating permit.

10. One of the comments wants to see power plants become "zero emission facilities" with the requirement to plant trees to "sequester the carbon dioxide emitted from the stacks".

Response: The Department acknowledges the comment. See also response to number 3, above.

11. One of the comments requests that the Department amend its public notice rule because it is inadequate and does not meet the requirements of 40 CFR 70.7(h).

Response: The Department disagrees with the comment. The commenter should also have noted the requirements of 40 CFR 70.7(h)(1) – (5), which specify the procedures for public comment and a hearing on the DRAFT permit. These are the very procedures followed by the Department contained in Chapters 62-210 and 62-213, F.A.C.

12. One of the comments requests the Department address environmental justice as a part of the Title V permitting process because of a disproportionate share of negative impacts from air pollution.

Response: The Department has no information that any such disproportionate negative impact exists.

13. One of the comments requests the Department include specific notes or comments relating to a letter from EPA, Region 4, objecting to the issuance of the initial Title V permit in 1999.

Response: All of the objections in the letter were addressed to the satisfaction of USEPA, Region 4, prior to the issuance of the initial Title V operation permit. Any change to the permit conditions resulting from the resolution of an objection is already noted in the rule justification portion of this permit by the note: “applicant agreement with EPA on March 3, 1998”.

14. One of the comments claims that the Department has the discretion to require this permit be renewed on a three year basis.

Response: The Department disagrees with the comment. Rule 62-213.440(1)(a), F.A.C. requires all Acid Rain permits be issued for a period of five (5) years.

15. One of the comments requests the Department subject the facility to something called “Continuous Air Monitoring”.

Response: The Department is not familiar with this term. If the commenter is referring to Compliance Assurance Monitoring, please see the response to comment 6., above. If the comment is referring to continuous emissions monitoring [CEM], this facility has such monitoring for NOx and SO2 as well as a continuous opacity monitor [COM].

16. One of the comments requests the department specify the best management practices to minimize excess emissions.

Response: The Department does not have the authority to dictate operational practices at a facility when renewing an operating permit for a facility complying with Department rules and its current operating permit.

17. One of the comments objected to the exemptions from visible emissions testing.

Response: The rule cited at the bottom of the condition authorizes the exemption from testing and is applicable to these emissions units.

18. One of the comments objected to the exemptions from particulate matter testing.

Response: The rule and the approved alternate sampling procedure cited at the bottom of the condition authorize the exemption from testing and is applicable to these emissions units.

19. One of comments requests the testing language in conditions A.20., A.22., and A.23. be reworded.

Response: These conditions quote the rules applicable to these emissions units and no changes will be made.

20. One of the comments claims the provisions necessary to establish a permit shield are absent from the permit.

Response: The permit shield requirements of Rule 62-213.460, F.A.C. are found at condition 52. of Appendix TV-4, referenced as a part of the permit.

21. One of the comments requests that the Acid Rain Part include comments of the “adequacy of past and future compliance”.

Response: The format of the Acid Rain Part and its content is subject to approval by EPA. The current format and content comply with EPA requirements.

22. Eleven of the comments claimed certain requirements of 40 CFR 70 were missing from the permit.

Response: The State of Florida’s Title V permitting program is fully approved by EPA. As part of the approval process, the State incorporated all of these requirements in Chapter 62-213, F.A.C. or they were already incorporated in other rules applicable to these permits.

B. From September 23, 2003 through September 25, 2003, the Department received thirteen requests to extend the 30 (thirty) day public comment period. In accordance with Rule 62-210.350(3), F.A.C., the Department extended the 30 (thirty) day public comment period until 5:00 P.M. on October 6, 2003. The “PUBLIC NOTICE OF INTENT TO EXTEND THE PUBLIC COMMENT PERIOD” was published in The Palm Beach Post on September 29, 2003. The DRAFT Permit remained available for public inspection at the Palm Beach County Health Department in West Palm Beach and the permitting authority’s office in Tallahassee. Proof of publication of the “PUBLIC NOTICE OF INTENT TO EXTEND THE PUBLIC COMMENT PERIOD” was received on October 2, 2003.

Comments were received from seven respondents during the extended public comment period. The topic of each comment will be addressed, rather than each individual comment letter.

23. Five of the comments request the permit not be renewed because the plant is “noisy”, “dirty” and/or “ugly”.

Response: The Department has not been able to document excessive noise or emissions exceeding permit limits from the plant.

24. Two of the comments claim “non compliance with the concept of Environmental Justice” or “negative impact on the minority community”.

Response: Please see the response to comment 12., above.

25. Two of the comments requested that the plant conform with standards for newly constructed plants.

Response: Please see the response to comment 3., above.

26. Two of the comments requested that the plant be closed.

Response: Please see the response to comment 2., above.

27. One of the comments requests “extensive testing and monitoring”.

Response: The permit provides for testing and monitoring in condition numbers A.20. through A.36. In addition, see response to comment 3., above.

28. One of the comments suggested that the number of people attending a public meeting on September 23, 2003 demonstrates an air quality problem from the Riviera Plant.

Response: The Department has not been able to document emissions exceeding permit limits from the plant.

29. One of the comments states that the residents were assured in the early 1980’s that all four units would be dismantled and shipped out of the country and that the property would be redeveloped.

Response Please see the response to comment 2., above.

30. One of the comments objected to the exemptions from testing for visible emissions and particulate matter and monthly testing should be required.

Response: Please see the response to comments 7., 17. and 18., above.

31. One of the comments questioned if all of the “General Procedures of 62-213.300(2), F.A.C.” were followed, as well as other provisions contained in Rule 62-213.300, F.A.C.

Response: Rule 62-213.300, F.A.C. applies only to perchloroethylene dry cleaning facilities, ethylene oxide sterilization facilities, halogenated solvent degreasing facilities, chromium electroplating and anodizing facilities, asbestos manufacturing and fabrication facilities and secondary aluminum sweat furnaces, that meet the requirements contained in Rule 62-213.300, F.A.C.

32. One of the comments requested that monitoring records be available for five years.

Response: This requirement is found at condition 12.(14)(b) of Appendix TV-4, referenced as a part of the permit.

33. One of the comments requests that "unrecorded emissions are documented".

Response: The Department acknowledges the comment.

C. Documents on file with the permitting authority:

- Letter received September 23, 2003, from Mr. Thomas Sadler.
- Letter received September 23, 2003, from Ms. Deborah Evans.
- Letter received September 23, 2003, from Mr. Anthony Canon.
- Letter received September 23, 2003, from Mr. John Gates.
- Letter received September 23, 2003, from Ms. Anne Owens.
- Letter received September 23, 2003, from Ms. Bettye Alexander-Hodges.
- Letter received September 23, 2003, from Mr. Sten Lilja.
- Letter received September 23, 2003, from Mr. Scott Addesberger.
- Letter received September 23, 2003, from Anonymous.
- Letter received September 29, 2003, from Ms. Aneda Sanders.
- Letter received October 3, 2003, from Ms. Rhonda Hebert.
- Letter received October 4, 2003, from Ms. Myrna Sossner.
- Letter received October 6, 2003, from Mr. Luc Petre.
- Letter received October 6, 2003, from Mr. Fredrick Van Poznak.
- Letter received October 6, 2003, from Mr. Anthony Gigliotti.
- Letter received October 6, 2003, from Mr. Gerald Ward.

III. Conclusion.

Comments were received and the DRAFT Permit was not changed. The comments were not considered significant enough to reissue the DRAFT Permit and require another Public Notice. The permitting authority hereby issues the PROPOSED Permit, as noticed.

STATEMENT OF BASIS

Florida Power & Light Company
Riviera Plant
Facility ID No.: 0990042
Palm Beach County

Title V Air Operation Permit Renewal
PROPOSED Permit Project No.: 0990042-003-AV

This Title V Air Operation Permit Renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213 and 62-214. The above named permittee is hereby authorized to operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

The subject of this permit is for the renewal of Title V Air Operation Permit and the incorporation of an Administrative Correction, No. 0990042-002-AV, issued on January 11, 2002.

This facility consists of two fossil fuel steam generators, Unit 3 and Unit 4, each rated at 300 megawatts (MW) (315 MW gross capacity) output. The steam generators each burn a variable combination of No. 6 fuel oil, No. 2 fuel oil, natural gas, propane, used oil from FPL operations, and expired fuel oil samples from FPL's Central laboratory, discharging pollutants through a stack 298 feet above ground level. Each unit is a Foster-Wheeler outdoor type boiler, equipped with low NOx burners and Research-Cotrell multiple cyclones with ash re-injection, with a General Electric steam turbine that drives an oil and hydrogen-cooled 300 MW class generator with capability of 315 MW. CAM does not apply.

Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

Based on the Title V Air Operation Permit Renewal application received July 3, 2003, this facility is a major source of hazardous air pollutants (HAPs).