

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

BROWARD COUNTY ENVIRONMENTAL
QUALITY CONTROL BOARD,

Petitioner,

vs.

OGC CASE NO. 90-1421

FP & L LAUDERDALE PLANT and
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

FINAL ORDER

On September 17, 1990, the State of Florida Department of Environmental Regulation ("Department") received a request for administrative hearing from Petitioner, BROWARD COUNTY ENVIRONMENTAL QUALITY CONTROL BOARD. The request challenged the Department's decision to issue Permit No. AC 06-179848 to FP & L LAUDERDALE PLANT, for Lauderdale Repowering Project in Broward County.

On September 25, 1990, the Department received a Stipulation and Notice of Voluntary Dismissal from the Petitioner. (Exhibit 1) There being no further matters to consider,

IT IS ORDERED:

The petition is hereby dismissed and the Department's Southeast District Office is directed to issue Permit No. AC 06-179848 to FP & L LAUDERDALE PLANT as soon as possible.

DEPARTMENT OF ENVIRONMENTAL REGULATION

ROUTING AND TRANSMITTAL SLIP

ACTION NO

ACTION DUE DATE

1. TO: (NAME, OFFICE, LOCATION)

Larry George Clair

Initial

Date

2.

rum 310 A

Initial

Date

3.

Patty ← let OGC know BAP, let SE District

Initial

Date

4.

Willard issues the permit

Initial

Date

REMARKS:

File

INFORMATION

Review & Return

Review & File

Initial & Forward

DISPOSITION

Review & Respond

Prepare Response

For My Signature

For Your Signature

Let's Discuss

Set Up Meeting

Investigate & Report

Initial & Forward

Distribute

Concurrence

For Processing

Initial & Return

RECEIVED

OCT 9 1990

DER-BAQM

FROM:

Souaine Dome

DATE

10-9-90

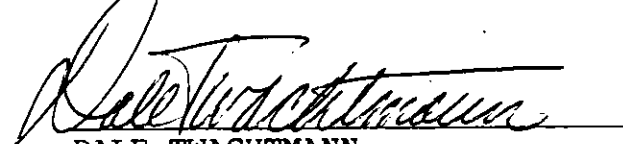
PHONE

8-9730

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 30 days from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this 8 day of October, 1990, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

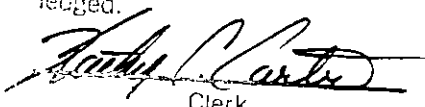


DALE TWACHTMANN
Secretary

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: (904)488-4805

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

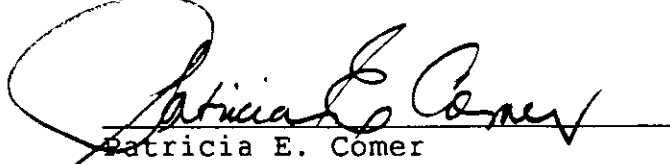

Clerk

10-8-90
Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Victor N. Howard, Broward County Environmental Quality Control Board, 500 S.W. 14th Court, Ft. Lauderdale, FL 33315 and to Douglas S. Robert, F P & L, P.O. Box 078768, West Palm Beach, FL 33407 on this 8th day of October, 1990.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION


Patricia E. Comer
Assistant General Counsel

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: (904)488-9730

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

BROWARD COUNTY ENVIRONMENTAL)
QUALITY CONTROL BOARD,)
)
Petitioner,)
)
vs.)
)
STATE OF FLORIDA DEPARTMENT)
OF ENVIRONMENTAL REGULATION,)
and FLORIDA POWER & LIGHT)
COMPANY,)
)
Respondent.)
_____)

DER FILE NO. AC 06-179848

STIPULATION AND NOTICE OF VOLUNTARY DISMISSAL

WHEREAS, the Broward County Environmental Quality Control Board (Board) wishes to protect and maintain the quality of the air in Broward County, Florida; and

WHEREAS, Florida Power & Light Company (FPL) wishes to offset the increased level of volatile organic compounds (VOCs) which will be allowed from its Lauderdale Repowering Project in Broward County, Florida;

WHEREAS, the Florida Department of Environmental Regulation (DER) has issued a Notice of Intent to Issue a Permit, dated August 31, 1990 for the FPL Lauderdale Plant;

WHEREAS, the Board filed, on September 14, 1990, a Petition for Administrative Proceedings to challenge DER's Intent to Issue a Permit;

WHEREAS, FPL and the Board desire to resolve this matter at this time without further administrative proceedings;

NOW, THEREFORE, be it agreed by FPL and the Board that:

1. Florida Power & Light Company shall pay to the Broward County Environmental Quality Control Board, within 60 days of the

date the Site Certification Order for the Lauderdale Repowering Project becomes final, the sum of \$280,000.00, to be held in trust by the Board in an interest-bearing account.

2. The Board shall utilize the funds provided by Florida Power & Light Company to develop and implement a program within Broward County to offset the potential increase in emissions of volatile organic compounds.


3. Said program shall be in effect for a period not to exceed two (2) years from the date of the signing of this Agreement, during which time the Board shall determine ways to offset the potential increase in emissions of VOCs within Broward County.

4. If, within said two (2) year time period, the Board determines that it is unable to effectuate appropriate offsets, the remaining funds held in trust shall be returned to Florida Power & Light Company.

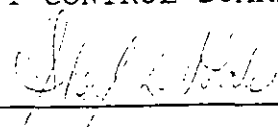
5. The Board hereby voluntarily dismisses its Petition for Administrative Proceedings regarding the Florida Department of Environmental Regulation's Intent to Issue Permit No. AC 06-179848.. This Stipulation and Notice of Voluntary Dismissal shall serve as notice to DER of the Board's dismissal of this challenge.

Dated this 25th day of September, 1990.

FLORIDA POWER & LIGHT COMPANY

By: 
ATTORNEY

BROWARD COUNTY ENVIRONMENTAL
QUALITY CONTROL BOARD

By: 
ATTORNEY



October 3, 1990

Mr. C.H. Fancy, P.E., Chief
Bureau of Air Regulation
Florida Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Subject: Air Construction Permit for Florida Power & Light Company's
Lauderdale Plant - DER File No. AC 06-179848

Attention: Mr. Barry Andrews, P.E.

Dear Barry:

On behalf of FPL, the following comments are offered on some of the technical aspects of the proposed air construction permit. Comments are provided for the specific conditions only and are listed below according to the condition number:

SPECIFIC CONDITIONS

4. The limitations on the maximum fuel inputs, i.e., millions of cubic feet per hour for natural gas and gallons per hour for oil, should be deleted from the table since actual inputs may vary slightly because of the heating value of the respective fuels. The maximum heat inputs are the most appropriate and are the same as those contained in the existing permit.

11. The VOC emissions in this condition should be 16.5 and 4.49 lb/hr for oil and natural gas, respectively. These values were contained in Table 5 of Attachment A.

19. The VOC emissions in this condition should be 57.28 and 21.06 lb/hr for natural gas and oil, respectively. As discussed above, these values were in the construction permit application.

21. The language "used by each turbine..." should be changed to "used by each bank of turbines (i.e., GTs 1-12 and GTs 13-24)...." This change would make this condition consistent with Specific Condition 19, which establishes limits on VOC emissions from all 24 combustion turbines. In addition, data are currently recorded on this basis at the plant.

23. Annual visible emission testing of each turbine when firing No. 2 fuel oil is both difficult to schedule and expensive. The GTs operate only during peak demand periods and primarily use natural gas. Performing a visible emission test would involve scheduling a GT for a specific period of time and fuel, i.e., oil firing. The low efficiency of these units compared to other

82813A2/6

KBN ENGINEERING AND APPLIED SCIENCES, INC.

1034 Northwest 57th Street Gainesville, Florida 32605 904/331-9000 FAX: 904/332-4189

Mr. C. H. Fancy
October 3, 1990
Page 2



base-load generation and the higher cost for No. 2 fuel oil cause a significant economic impact if each unit is tested each year. Therefore, the language "...from each unit..." should be changed to "...from one GT in each bank of turbines...."

24. This condition limits the use of solvents to no more than 250 gallons per year. While this usage was provided in the permit application, actual usage is expected to vary from year to year. As a consequence, this condition should be changed to "VOC-containing solvents used for maintenance will be included in calculating the total facility VOC emission limitation described in Specific Condition 26."

Your consideration of these comments is greatly appreciated. Please call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "David A. Buff".

David A. Buff, P.E.
Principal Engineer

cc: Martin A. Smith, FPL
Charles D. Henderson, FPL
Winifred Perkins, FPL
Peter Cunningham, Esq.
Kennard K. Kosky, KBN



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

4APT-AEB

SEP 26 1990

RECEIVED
OCT 2 1990
DER BANG

Mr. C. H. Fancy, P.E., Chief
Bureau of Air Regulation
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Florida Power and Light Company (FPL), Lauderdale Repowering
Project (PSD-FL-145)

Dear Mr. Fancy:

We acknowledge receipt of the Technical Evaluation and Preliminary Determination and proposed permit to construct the modified boiler units 4 and 5, gas turbines 1 through 24, 3 fuel tanks, and all other miscellaneous stationary sources of air pollution at the above referenced facility.

We have reviewed the package and offer the following comments.

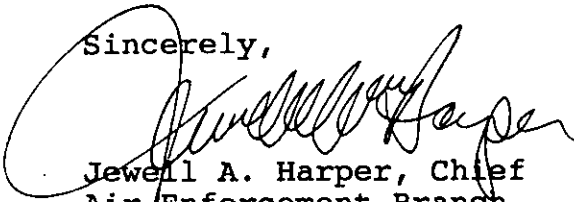
At the outset, we note that this permit action is being processed in advance of the pending modification at FPL involving the addition of new combustion turbines and heat recovery steam generators. We also note that the intended purpose of this permit is to impose federally enforceable permit conditions on FPL designed to limit potential emissions of volatile organic compounds (VOC) to below 100 tons per year (tpy). This action would theoretically make the existing FPL facility a "minor" source for nonattainment new source review (NSR) purposes and thus allow the future planned modification to increase VOC emissions by an additional 99 tpy. This action could easily be misconstrued as a deliberate attempt to circumvent the NSR regulations, and we feel that both "modifications" should normally be included as part of the same permit application. For example, if a company clearly intends to install two new presses at a major VOC facility located in a nonattainment area, it would obviously be considered circumvention for the permitting agency to issue separate permits limiting each unit to 39 tpy. We do feel, however, that there may be situations where limiting a source's potential emissions is valid and can be used to establish "minor source" status.

We recognize that many facilities may have the potential to emit VOC in excess of 100 tpy, but for whatever reason(s), a facility may actually be emitting considerably less than this amount. In these situations, we would not feel that it is inappropriate to limit the facility's potential to emit down to an emissions level indicative of

historic actual emissions. To discount previous actual levels of emissions and arbitrarily choose 99 tpy as the appropriate permit limit, however, does not appear to represent good permitting practice and should be discouraged. We strongly suggest that your Agency reconsider this proposed permitting action. We would be happy to discuss this with you in more detail at your convenience.

We appreciate the opportunity to review this package before the issuance of the final permits. Any further technical comments should be directed to Mr. Ahmed Amanulah of my staff at (404) 347-2904.

Sincerely,



Jewell A. Harper, Chief
Air Enforcement Branch
Air, Pesticides, and Toxics
Management Division

cc: Mr. A. A. Linero
Broward County Environmental Control Board
500 S. W. 14th Court
Fort Lauderdale, FL 33315

cc: E. f. [unclear]
J. H. [unclear]