



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

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

RECEIVED

FEB 1 1991

4APT-AEB

JAN 28 1991

DER-BAQM

Mr. Clair 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: Vero Beach Municipal Power Plant (PSD-FL-152)

Dear Mr. Fancy:

This is to acknowledge receipt of the preliminary determination and draft permit for the above referenced facility dated December 21, 1990. As discussed between Mr. Barry Andrews of your staff and Mr. Gregg Worley of my staff on January 17, 1991, we have reviewed the package and have the following comment.

We concur with FDER's determination that the application of selective catalytic reduction is appropriate as best available control technology for the 60 MW combined cycle turbine of this project. The draft permit allows the SCR system to be bypassed when the turbine is operating in the simple cycle mode. In order to be consistent with recent determinations in Region IV concerning simple cycle turbines, we feel that the hours of operation in the simple cycle mode should be limited even though common sense would dictate that for energy efficiency and economic reasons, the source would want to operate in the combined cycle mode as much as possible.

Thank you for the opportunity to review and comment on this package and for addressing our earlier concerns. If you have any questions or comments, please contact Mr. Gregg Worley of my staff at (404) 347-2904.

Sincerely yours,

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

cc: Mr. Shuler W. Massey
Vero Beach Municipal Power Plant
P.O. Box 1389
Vero Beach, Florida 32961-1389

D. Meron
B. Andrews
C. Halladay
C. Collins, C. Dist.
1#F

HOPPING BOYD GREEN & SAMS

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

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OF COUNSEL
W. ROBERT FOKES

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JAN 11 1991

DER-BAQM

January 10, 1991

BY HAND DELIVERY

Carol M. Browner, Secretary
c/o Office of General Counsel
Florida Department of Environmental
Regulation
2600 Blair Stone Road, Room 654
Tallahassee, Florida 32399-2400

Re: City of Vero Beach Municipal Power Plant
Combined Cycle Gas Turbine System
Permit No. AC 31-184928
PSD-FL-152

Dear Secretary Browner:

On December 27, 1990, the City of Vero Beach received notice of the Department's Intent to Issue permit No. AC 31-184928 (PSD-FL-152) for a proposed sixty megawatt combined cycle gas turbine system to be constructed at the existing Municipal Power Plant in Vero Beach, Indian River County, Florida. The Notice of Intent, and the accompanying Technical Evaluation and Preliminary Determination, were issued by the Bureau of Air Regulation in the Department's Division of Air Resources Management. Pursuant to Florida Administrative Code Rule 17-103.155, the City of Vero Beach has until January 10, 1991 to file a petition for administrative proceedings regarding the Department's proposed action on this permit.

I am writing on behalf of the City of Vero beach to request an extension of thirty-five (35) days, to and including February 14, 1991, in which to file a petition for administrative proceedings regarding the permit. This

Carol M. Browner, Secretary
January 10, 1991
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request is made pursuant to Florida Administrative Code Rule 17-103.070, which provides that a timely request for extension of time shall toll the running of the period in which to file an appropriate petition. As good cause for granting the requested extension of time for filing, the City of Vero Beach would show the following:

1. The proposed permit contains twenty-four (24) specific conditions, including prescribed emission limits for a number of air pollutants based upon the Department's preliminary determination of "Best Available Control Technology".

2. The emission limits for nitrogen oxides proposed in the permit are significantly more stringent than those which the City of Vero Beach believes reflect Best Available Control Technology in this case.

3. The Best Available Control Technology determination for nitrogen oxides involves consideration of technical, economic, energy and environmental factors.

4. Undersigned counsel has very recently been retained to represent the City of Vero Beach in this matter, and additional time is needed to allow review of pertinent documents.

5. Representatives of the City of Vero beach intend to initiate discussions with Department staff regarding the proposed permit in the near future.

6. This request is filed as a protective measure to avoid waiver of the City of Vero Beach's right to challenge the Department's proposed action as set forth in the Notice of Intent and the Technical Evaluation and Preliminary Determination. Grant of the request will allow the parties an opportunity to discuss the matters in dispute with the potential for achieving a mutually acceptable resolution without the initiation of formal administrative proceedings.

I hereby certify that I have spoken with Carol Forthman, Deputy General Counsel for the Department, and that she is in agreement with the grant of this request.

Accordingly, I respectfully request that you issue an order formally extending the time for filing of a petition

Carol M. Browner, Secretary
January 10, 1991
Page 3

for administrative proceedings regarding the Department's
proposed air permit No. AC 31-184928 (PSD-FL-152) to and
including February 14, 1991.

Respectfully submitted,

Hopping Boyd Green & Sams


Peter C. Cunningham

Counsel for the
City of Vero Beach

VBExtReq:gb

cc: Carol Forthman, Esquire
Douglas MacLaughlin, Esquire
Clair Fancy ✓

J. Heron
B. Andrews
C. Halladay
C. Collins

City of Vero Beach

100 - 17th STREET - P. O. BOX 1389
VERO BEACH, FLORIDA - 32961-1389
Telephone: (407) 562-7231

MUNICIPAL POWER PLANT

January 2, 1991

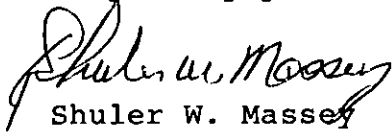
Mr. C. H. Fancy, P.E.
Chief
Bureau of Air Regulation
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Fancy:

Please find enclosed the proof of publication as set forth in the INTENT TO ISSUE received with your letter of December 21, 1990.

If you have any questions or comments, I am available at your convenience.

Very truly yours,



Shuler W. Masse
Director of Power Resources

SWM/js

attachments

mail certified P 254 195 041

xc: Mr. Barry Andres, DER
Lloyd Wade Sherrill, P.E.

J. Deron
C. Halladay
J. Harper, EPA
C. Collins, C Dist

RECEIVED

JAN 4 1991

DER-BAQM

VERO BEACH PRESS-JOURNAL

Published Daily

Vero Beach, Indian River County, Florida

COUNTY OF INDIAN RIVER: STATE OF FLORIDA

Before the undersigned authority personally appeared J. J. Schumann, Jr. who on oath says that he is Business Manager of the Vero Beach Press-Journal, a daily newspaper published at Vero Beach in Indian River County, Florida; that the attached copy of advertisement, being

a Notice in the matter of Intent to Issue

in the _____ Court, was published in said newspaper in the issues of January 2, 1991

Affiant further says that the said Vero Beach Press-Journal is a newspaper published at Vero Beach, in said Indian River County, Florida, and that the said newspaper has heretofore been continuously published in said Indian River County, Florida, each daily and has been entered as second class mail matter at the post office in Vero Beach, in said Indian River County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 03rd day of January, 1991
J. J. Schumann, Jr.
(Business Manager)

(Clerk of the Circuit Court, Indian River County, Florida)

(SEAL)

**State of Florida
Department of Environmental Regulation
Notice of Intent to Issue**

The Department of Environmental Regulation hereby gives notice of its intent to issue a permit to Vero Beach Municipal Power Plant, 100 - 17th Street, Vero Beach, Indian River County, Florida 32961-1389, to construct and operate a 60 MW combined cycle gas turbine system. A determination of Best Available Control Technology (BACT) was required. The maximum degree of increment consumed for nitrogen dioxide is 2.0% of the Class II proposed annual mean. For sulfur dioxide, the maximum consumption is also 2.0%. The Department is issuing this intent to issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

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

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Department of Environmental Regulation
Central District
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767

Any person may send written comments on the proposed action to Mr. Barry Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination. Furthermore, a public hearing can be requested by any person. Such requests must be submitted within 30 days of this notice.

Jan. 2, 1991 755647