



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castillo  
Secretary

April 4, 2006

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Robert E. McGarrah, Production Superintendent  
City of Tallahassee - Electric Utilities  
300 South Adams Street, A-36  
Tallahassee, Florida 32301

Re: Excess Emissions Authorization Due to Supplemental Gas Turbine and SCR Tuning  
City of Tallahassee - Arvah B. Hopkins Electric Generating Station  
Units HC3 (EU-031) and HC4 (EU-032)  
Air Construction Permit No. 0730003-005-AC

Dear Mr. McGarrah:

On March 28, 2006, the Department received a request for authorization of excess emissions resulting from tuning the new gas turbines and SCR control systems to accommodate the variety of current operating demands. General Electric (the gas turbine vendor) and Deltak (the SCR system vendor) will both participate in the tuning program intended to provide four new performance curves. During the required tuning sessions, the gas turbine systems will operate intermittently and there may be periods when NOx emission levels are higher than normal. An important part of the program is to record the actual elevated NOx emissions, which will be used to modify the automated control system. The changes will allow the entire system to better respond to actual operating scenarios and improve performance and emission levels. The tuning program will last approximately two weeks and is preliminarily scheduled to begin April 17th.

**Determination:** In accordance with Rule 62-210.700(5), F.A.C., the Department authorizes temporary excess emissions due to tuning the new gas turbines and SCR control systems, provided the following conditions are met.

- The owner or operator shall notify the Department's Northwest District Office (phone call, fax, or email) at least one day prior to beginning the tuning program.
- The tuning program shall not exceed 17 operating days. This includes 14 operating days for gathering operational and emissions data and 3 operating days after implementing the modified control systems to make refinements. An operating day is defined as a day when one or more of the gas turbine fires fuel.
- The owner or operator shall adhere to best operational practices to minimize the level and the duration of excess emissions. The owner or operator is authorized to exclude up to a total of 60 hours of elevated NOx emissions due to the temporary tuning program.
- The owner or operator shall notify the Department's Northwest District Office (phone call, fax, or email) at least one day prior to implementing the modified control systems.
- Within 14 days of completing the tuning program, the owner or operator shall submit a report to the Department's Northwest District Office and the Bureau of Air Regulation summarizing the following: hourly NOx emissions rates during the tuning sessions; the four levels of performance evaluated; adjustments made to the control systems; and a discussion/presentation of the new performance curves.

Please note that the Department cannot vary any requirement of the NSPS Subpart GG provisions for the gas turbine. The authorization to conduct this tuning program expires on July 1, 2006.

**Petitions:** This determination is made pursuant to Chapter 403, Florida Statutes. A person whose substantial interests are affected by the proposed 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 with (received by) the

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Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this determination. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of a Public Notice or within fourteen (14) days of receipt of this determination, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) 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 Department'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 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; 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 Department'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 Department's final action may be different from the position taken by it in this determination. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

**Mediation:** Mediation is not available in this proceeding.

**Effective Date:** This decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

**Appeal:** Any party to this decision (order) has the right to seek judicial review of it under Section 120.68, F.S., 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 (30) days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

  
Trina Vielhauer, Chief  
Bureau of Air Regulation

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 4/5/06 to the persons listed:

Robert McGarrah, City of Tallahassee\*  
John Powell, City of Tallahassee  
Sandra Veazey, NWD Office  
Rick Bradburn, NWD Office

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.

Barbara J. Sunday 4/5/06  
(Clerk) (Date)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><i>[Signature]</i></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p><i>[Signature]</i> <span style="float: right;"><b>4-7-06</b></span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center; padding-top: 20px;">Mr. Robert McGarrah Manager of Power Production City of Tallahassee 2602 Jackson Bluff Road Tallahassee, Florida 32304</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <span style="float: right; font-family: monospace; font-size: 1.2em;">7005 1160 0004 3034 3977</span></p>	
<p>PS Form 3811, February 2004 <span style="float: right;">Domestic Return Receipt <span style="margin-left: 20px;">102594-02-M-1540</span></span></p>	

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Mr. Robert McGarrah, Manager of Power Production

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Sent To  
Mr. Robert McGarrah, Manager of Power Production

Street, Apt. No.,  
or PO Box No. 2602 Jackson Bluff Road

City, State, ZIP+4  
Tallahassee, Florida 32304

PS Form 3800, June 2002
See Reverse for Instructions