



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

April 30, 1998

Mr. Brian Beals, Section Chief
Air, Radiation Technology Branch
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8909

RE: PSD-FL-219 Public Notice

Dear Mr. Beals:

Enclosed are copies of the public notice documents for Florida Power and Light Company to fire Orimulsion at their Manatee Power Plant in Manatee County, Florida (PSD-FL-219).

Sincerely,

Patty Adams

for C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/pa

Enclosures



Bradenton Herald

102 MANATEE AVE. WEST, P.O. BOX 921
BRADENTON, FLORIDA 34206
TELEPHONE (813) 748-0411

Bradenton Herald
Published Daily
Bradenton, Manatee, Florida

STATE OF FLORIDA COUNTY OF MANATEE:

Before the undersigned authority personally appeared Jill Headings, who on oath says that she is Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of

Notice of Intent

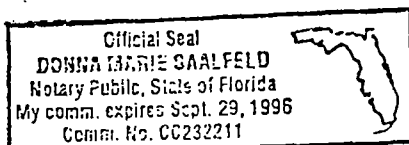
_____ in the _____ Court,
was published in said newspaper in the issues of
9/14/95

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she 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.

Jill Headings
(Signature of Affiant)

Sworn to and subscribed before me this

14 day of September, 1995
Donna Marie Saalfeld
SEAL & Notary Public



Personally Known _____ or Produced Identification _____
Type of Identification Produced _____

State of Florida Department of Environmental Protection Notice of Intent To Issue Permit PSD-FL-219

The Department of Environmental Protection (Department) gives notice of its intent to issue a construction permit, PSD-FL (PA 94-35), to Florida Power and Light Company (FPL) Manatee Power Plant in Manatee County for the modification of two existing 800 MW oil fired steam generators to allow, in addition to the currently permitted low (1.0% or less) sulfur fuel oil, the firing of Orimulsion fuel, a naturally-occurring bitumen emulsified in water. When Orimulsion fuel is not available, high (3.0% maximum) sulfur No. 6 fuel oil may be fired as the backup fuel. In addition equipment and buildings will be constructed to produce gypsum and to handle and store limestone/limerock, gypsum, and flyash. Pollution control equipment, including flue gas desulfurization, electrostatic precipitators, and low NOx burners will be installed to reduce emissions of sulfur dioxide, particulate matter, and nitrogen oxides. The maximum predicted PSD Class II nitrogen dioxide increment to be consumed by the proposed project, along with all of the other increment-consuming sources in the vicinity, is 4.2 ug/m3, annual average or 17% of the available annual increment of 25 ug/m3. The maximum predicted PSD Class I nitrogen dioxide increment to be consumed by the proposed project, along with all of the other increment-consuming sources in the vicinity of the Chassahowikza National Wilderness Area, is 0.85 ug/m3 or 34% of the available annual increment of 2.5 ug/m3. A Determination of Best Available Control Technology was required.

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 (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 at 3900 Commonwealth Boulevard, Room 633-B, Tallahassee, Florida 32399-3000, within 14 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the time of filing to Florida Power & Light Company, c/o Peter C. Cunningham, Hoppling Green Sams & Smith, Post Office Box 6526, Tallahassee, FL 32314. 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, F.S.

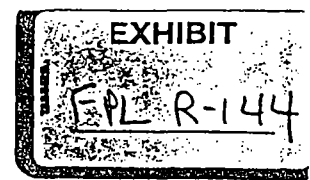
The Petition shall contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of 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. Petitioner 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, Florida Administrative Code.

The application 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, FL 32301; Department of Environmental Protection, Southwest District, 3804 Coconut Palm Drive, Tampa, FL 33619-8218; Manatee County Environmental Action Commission, 200 Sixth Avenue East, Bradenton, FL 34208.

Any person may send written comments on the proposed action to Mr. C. H. Fancy at the Department of Environmental Protection, Bureau of Air Regulation, Mail Station 5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. All comments received within 30 days of the publication of this notice will be considered in the Department's final determination. Further, a public hearing can be requested by any person(s). Such request must be submitted within 30 days of this notice. This is a preliminary determination in accordance with the Prevention of Significant Determination (PSD) rules and is subject to change based upon comments received by the USEPA, other governmental agencies and commissions, citizens, environmental groups, the applicant's representatives, and from comments received during the hearing scheduled to start on November 28, 1995.

9/14/95



NOTICE OF REMAND HEARING

TAMPA TRIBUNE AND BRADENTON HERALD

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

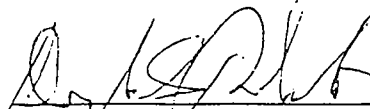
IN RE: FLORIDA POWER & LIGHT)	
COMPANY, MANATEE ORIMULSION)	CASE NO. 94-5675EPP
PROJECT, APPLICATION NO. 94-35)	
<hr/>		
IN RE: FLORIDA POWER & LIGHT)	CASE NO. 95-4829
COMPANY, MANATEE ORIMULSION)	95-5036
PROJECT, PSD PERMIT NO.)	95-5037
PSD-FL-219)	95-5598
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NOTICE OF FILING CERTIFIED PROOF OF PUBLICATIONS
FOR NOTICE OF REMAND HEARING ON APPLICATION FOR
SITE CERTIFICATION TO CONVERT AN ELECTRICAL POWER PLANT
LOCATED IN MANATEE COUNTY, FLORIDA

Florida Power & Light Company, by and through undersigned counsel, hereby serves notice that the attached Proofs of Publication for the Notice of Remand Hearing on Florida Power & Light Co.'s Application for Site Certification to Convert an Electrical Power Plant Located In Manatee County, Florida, which were published in The Bradenton Herald on December 15, 1997 and in The Tampa Tribune on December 15, 1997, have been filed with the Administrative Law Judge at the Division of Administrative Hearings, pursuant to Section 403.5115(1)(b), F.S.

Respectfully submitted this 27th day of January, 1998.

HOPPING GREEN SAMS & SMITH, P.A.

A handwritten signature in dark ink, appearing to read "P. C. Cunningham", is written over a horizontal line.

Peter C. Cunningham

Florida Bar No. 0321907

Douglas S. Roberts

Florida Bar No. 0559466

Carolyn S. Raepple

Florida Bar No. 329142

Post Office Box 6526

Tallahassee, FL 32314

(850) 222-7500

Attorneys for

**FLORIDA POWER & LIGHT
COMPANY**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing have been furnished to the following by hand delivery or facsimile on this 29th day of January, 1998:

Thomas W. Reese, Esq.
2951 61st Avenue South
St. Petersburg, FL 33712

Richard Tschantz, Esq.
Southwest Florida Water
Management District
2379 Broad Street
Brooksville, FL 34609-6899

Tedd Williams, Esq.
Mark Barnebey, Esq.
Manatee County Attorney's Office
P.O. Box 1000
Bradenton, FL 342061

Roger Tucker, Esq.
Tampa Bay Regional Planning Council
9455 Koger Blvd. Suite 219
St. Petersburg, Fla. 33702-2491

Doug Beason, Esq.
Dept. of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Hamilton S. Oven
Dept. of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399

Robert Elias, Esq.
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Preston Robertson, Esq.
Florida Game and Fresh Water
Fish Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Andrew Grayson, Esq.
Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100

Larry N. Curtin, Esq.
Holland & Knight LLP
P.O. Drawer 810
Tallahassee, FL 32302-0810

William H. Holliman, Esq.
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Dan Kumarich, President
Manatee Citizens Against Pollution
P.O. Box 660
Parrish, FL 34219

Louis D. Putney, Esq.
4805 S. Himes Avenue
Tampa, FL 33611

Richard J. Salem, Esq.
Richard A. Nielsen, Esq.
Post Office Box 3399
Tampa, FL 33601-3399

Vernon R. Wagner, Esquire
Environmental Protection Commission
of Hillsborough County
1900 Ninth Avenue
Tampa, FL 33605-3820

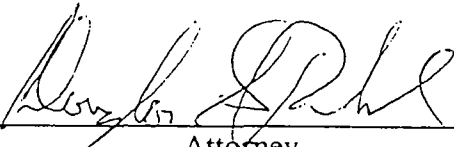
Jewel W. Cole
Assistant County Attorney
Pinellas County Attorney's Office
315 Court Street
Clearwater, FL 34616

Raymond B. Vickers, Esquire
William A. Friedlander
Meginniss-Dorman House
424 East Call Street
Tallahassee, FL 32301

Kenneth Hadow, President
Clean Air Society, Inc.
3015 Castleton Drive - Suite C
Bradenton, FL 34208

Deborah Glover-Pearcey
Assistant City Attorney
P.O. Box 2842
St. Petersburg, FL 33731

Kenneth Hadow, President
Clean Air Society
3015 Castleton Drive, Suite C
Bradenton, Florida 34208



Attorney

NOTICE OF REMAND HEARING ON FLORIDA POWER & LIGHT CO.'S APPLICATION FOR SITE CERTIFICATION TO CONVERT AN ELECTRICAL POWER PLANT LOCATED IN MANATEE COUNTY, FLORIDA

THE TAMPA TRIBUNE
Published Daily
Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough } ss.

Before the undersigned authority personally appeared J. Rosenthal, who on oath says that she is Classified Billing Manager of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE

in the matter of _____

NOTICE OF REMAND

was published in said newspaper in the issues of _____

DECEMBER 15, 1997

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

J. Rosenthal

Sworn to and subscribed before me, this _____ day
of _____, A.D. 1997

Personally Known _____ or Product Identification _____
Type of Identification Produced _____

(SEAL)

Lucie Lee Slaton

Date: January 15, 1998
Time: 9:00 a.m.
Place: Manatee County Convention Center
One Haben Boulevard, Palmetto, FL

1. Florida Power & Light Co.'s (FPL) application for certification to authorize conversion and operation of an existing electrical power plant in unincorporated Manatee County is now pending before the Florida Siting Board, pursuant to the Florida Electrical Power Plant Siting Act, Part II, Chapter 403, Application PA94-35 was filed on September 30, 1994 seeking approval to convert FPL's plant to the use of Orimulsion. The Siting Board, comprised of the Governor and Cabinet, have ordered that additional hearings be held on issues set forth in an Order of Remand issued September 30, 1997.
2. The project is known as the Manatee Orimulsion Conversion Project (Manatee Project). The project site is the 9,500 acre FPL Manatee Plant Site in Manatee County. The Manatee site is located entirely within unincorporated Manatee County, 5 miles east of Parrish, Florida and about 12 miles east of Bradenton, Florida. The site is bounded on the south by State Road 62 and by an FPL railroad right-of-way along the north-west boundary, and by Safford Road along the east side. The converted facility is scheduled to commence operation in 2000. The primary fuel for the converted units will be Orimulsion with fuel oil as a backup fuel.
3. The FPL Manatee Plant consists of two 800 megawatt (MW) (nominal) electrical generating units that have been in operation since the mid-1970's. The primary fuel for the existing units has been No. 8 residual fuel oil. FPL proposes to convert these existing units to burn Orimulsion as the primary fuel with high sulfur and low sulfur fuel oil as backup fuels. Orimulsion is a registered trademark name for a mixture of water and a naturally-occurring heavy hydrocarbon known as bitumen. Orimulsion, which originates in Venezuela, will be shipped to Port Manatee, offloaded at FPL's existing Port Manatee Terminal, and transported via FPL's existing fuel pipeline to the Manatee plant.
4. The proposed conversion will involve the addition of new pollution control equipment, including low NOx burners and reburn technology, as well as flue gas desulfurization equipment (scrubbers) and electrostatic precipitators for the cleaning of stack gases. Limestone delivery and handling facilities also be installed. Byproducts from the flue gas cleanup (gypsum and fly ash) are marketable materials which are planned to be sold to offsite industries. It is now proposed that limestone, gypsum and flyash will be transported primarily by rail, but will also include up to 30 round trip trucks per day to local industries. Deliveries of gypsum to Nabors Gypsum's Tampa wallboard manufacturing plant will be made by barges loaded near Port Sutton in Hillsborough County. Longterm onsite disposal of the byproducts is not available or offsite disposal is not economical. New construction will occur in an area comprising 470 acres of the existing FPL Manatee site. In addition to the work within this project area, a new onsite rail connection will be added at the junction of the existing plant rail spur and the adjacent existing FPL rail line to allow trains easier access to plant site. The existing rail line will be improved to accommodate its use for shipment of limestone and gypsum. The facilities that are the subject of this application include the existing generating facilities at the FPL Manatee Plant site, new pollution control equipment, new byproduct handling and storage facilities, FPL's existing fuel delivery pipeline, FPL's existing rail line, and FPL's existing Port Manatee Terminal.
5. The Florida Department of Environmental Protection (FDEP) and other state, regional, and local agencies previously evaluated and prepared reports on the application for the proposed power plant. The FDEP is preparing a supplemental report on the project to address issues raised in the Siting Board Order of Remand. That report will be available on or about December 20, 1997, for public review at the locations listed below. Certification of the project by the Governor and Cabinet sitting as the Power Plant Siting Board would allow its construction and operation subject to the Conditions of Certification set forth in the final Certification Order. The application, the Order of Remand and FDEP's supplemental report are available for public inspection at the addresses listed as follows:

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
Office of Siting Coordination
2720-H Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 487-0472

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
ATTN: Mike Hickey
(813) 744-6100

FLORIDA POWER & LIGHT COMPANY
416 Manatee Avenue, W.
Juno Beach, Florida 33408
ATTN: Wayne Ondler
(561) 691-2270

FLORIDA POWER & LIGHT COMPANY
416 Manatee Avenue, W.
Bradenton, Florida 34221
ATTN: Ed Rathke
(941) 708-2901

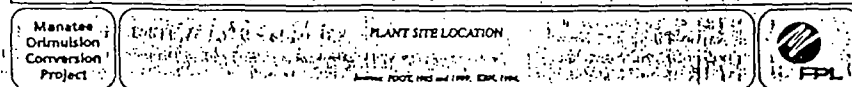
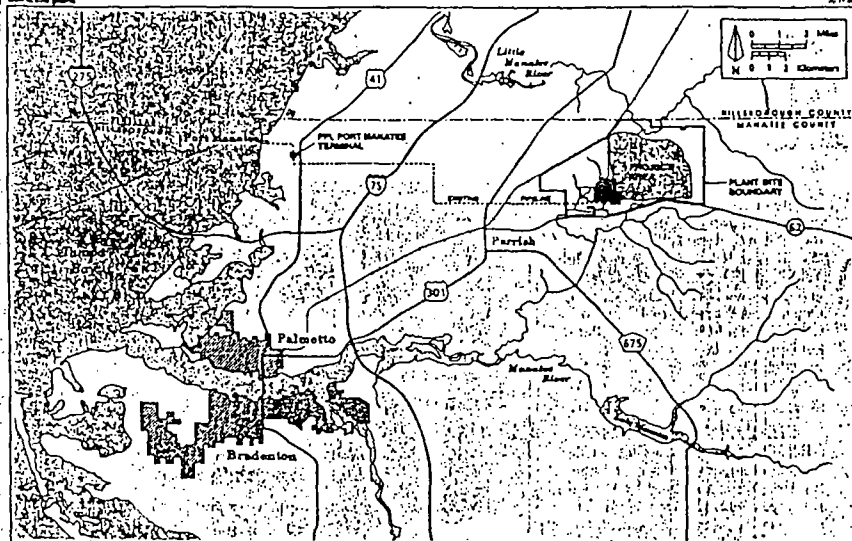
MANATEE COUNTY
PUBLIC LIBRARY
Central Library
1301 Barcarola Boulevard, West
Bradenton, Florida 34205

SCHOOL HOUSE COMMUNITY
CENTER/LIBRARY
Parrish Civic Association
Corner of 71st St and U.S. Highway 301
Parrish, Florida
(Hours: 2PM to 5PM, Mon. and Thurs.)

The business address of the applicant
for the project is:
FLORIDA POWER & LIGHT COMPANY
c/o Wayne Ondler
700 Universe Boulevard
Juno Beach, Florida 33408

6. Pursuant to the Administrative Law Judge's Amended Prehearing Order, the remand hearing will be held by the Division of Administrative Hearings beginning at 9:00 a.m. on January 15, 1998, and continuing through January 30, 1998, except Saturdays, Sundays, and state holidays. Manatee Convention Center, One Haben Boulevard, Palmetto, Florida. This hearing is being held in order to take written and oral testimony and other evidence on the matters set forth in the Siting Board's Order of Remand. Pursuant to Sections 403.505(1) and 403.507(3), F.S., petition for administrative hearing on a federally-required prevention of significant deterioration (PSD) permit for the Project (PSD-FL-219) pending before FDEP have been consolidated with the certification hearing, and will be addressed at the hearing, pursuant to a separate Order of Remand issued by FDEP on September 30, 1997.

Pursuant to the Siting Board's Order of Remand, the hearing will address the issues encompassed within the new conditions contained in Attachment A thereto and the following five issues:



1. Whether the use of rail for delivery of limestone and removal of gypsum and flyash is in fact currently feasible, and if so, what the impacts of operations would be. In this regard, the ALJ is also requested to consider and receive evidence, testimony, and public comment about the impact of Port Tampa and its citizens from the loading of limestone to and the off-loading of gypsum from rail cars at Port Tampa.
2. Whether the proposed reductions in emissions of nitrogen oxides and particulate matter from the Plant are scientifically and technically achievable. The ALJ is requested to consider and receive evidence, testimony, and public comment regarding the relative size, distribution, and other characteristics of particulate matter expected to be emitted from the Plant with the pollution control equipment proposed by FPL, as well as whether there is an increase in the emission of small particulates over those historically emitted by the Plant and, if so, whether such increased emission of small particulates would present an increased public health or environmental risk.
3. Whether additional information is available regarding the impacts of an Orimulsion spill on the shallows and nursery areas of Tampa Bay. The requested to consider and receive evidence, testimony, and public comment regarding the likely extent and duration of such ecological and economic impacts, including the relative areas of habitat that would be affected, should a large-scale spill of Orimulsion occur during adverse conditions.
4. Whether FPL will agree to a modification of Condition 3000.5, on page 5 of Attachment A (to the Order of Remand) regarding the proposed Traffic Information System (TIS) whereby FPL will pay the entire cost of said system.
5. What would be the anticipated financial impact upon FPL's customers in light of the New Conditions set forth in Attachment A (to the Order of Remand) in the Order.
6. Pursuant to Section 403.508(4), F.S.:
 - (a) Parties to the proceeding include: the applicant, the Public Service Commission; the Department of Community Affairs; the Game and Fresh Water Fish Commission; the Southwest Florida Water Management District; the Department of Environmental Protection; the Tampa Bay Regional Planning Council; and Manatee County, as the local government in whose jurisdiction the electrical power plant is located.
 - (b) Other parties may include any person whose substantial interests are affected and being determined by the proceeding and who timely file petition to intervene pursuant to Chapter 120, F.S., and applicable rules. Petitions to intervene must be filed no later than January 7, 1998, and filed at the earliest practicable date. Petitions to intervene will not be cause for continuance on the remand hearing.
 - (c) Any agency, including those whose properties or works are being affected pursuant to 403.509(4), F.S. shall be made a party upon the request of the Department of Environmental Protection or the applicant.
7. Petitions to intervene made prior to the hearing shall be made in writing to J. Lawrence Johnston, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550. Copies of such submissions, including any comments, shall be forwarded by mail to existing parties, including the Department of Environmental Protection and the applicant. FPL's list of parties may be obtained by contacting the Department's Office of Siting Coordination at the address listed above. The Division of Administrative Hearings Case Nos. are 94-5675EPP, 95-4829, 95-5036, 95-5037, 95-5598.
8. When appropriate, any person may be given an opportunity to present oral or written communications to the designated Administrative Law Judge or challenge or rebut such communications, then all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.
9. There will be an opportunity for oral public comment during the remand hearing after the completion of the cases-in-chief by all of the parties. The parties' presentations will be completed by Friday, January 23, 1998, and oral public comment is anticipated to be received Monday, January 26, 1998, from 1:00 p.m. until 4:00 p.m. and from 6:00 p.m. until 9:00 p.m.; however, the day and time of the opportunity for public comment is subject to possible postponement if the parties' presentations are not completed in time. Written comments may be submitted to the Administrative Law Judge at the address listed below or at the hearing, prior to the conclusion of the opportunity for public comment, but not later than January 23, 1998.
10. Any additional reports or written testimony to be submitted at the remand hearing will be available for public inspection at the Manatee Public Library and the School House Community Center Library in Parrish at the addresses listed above at least five days prior to the remand hearing.
11. Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear at administrative hearings, pursuant to Chapter 120, F.S. or Chapter 62-101.020, F.A.C.



Bradenton Herald

103 MANATEE AVE. WEST, P.O. BOX 821
BRADENTON, FLORIDA 34209
TELEPHONE 941-748-0411

Bradenton Herald
Published Daily
Bradenton, Manatee, Florida

STATE OF FLORIDA COUNTY OF MANATEE:

Before the undersigned authority personally appeared
Jill Headings, who on oath says that she is Legal
Advertising Representative of the Bradenton Herald, a
daily newspaper published at Bradenton in Manatee
County, Florida; that the attached copy of the adver-
tisement, being a Legal Advertisement in the matter of

Notice of Remand Hearing

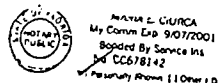
in the _____ Court,
was published in said newspaper in the issues of
12/15/97

Affiant further says that the said publication is a newspaper
published at Bradenton, in said Manatee County, Florida, and
that the said newspaper has heretofore been continuously pub-
lished in said Manatee County, Florida, each day and has been
entered as second-class mail matter at the post office in Bra-
denton, in said Manatee County, Florida, for a period of 1 year
next preceding the first publication of the attached copy of
advertisement; and affiant further says that she has neither paid
nor promised any person, firm or corporation any discount, re-
bate, commission or refund for the purpose of securing this
advertisement for publication in the said newspaper.

Jill Headings
(Signature of Affiant)

Sworn to and subscribed before me this
17 day of December, 1997

SEAL & Notary Public



Personally Known _____ or Produced Identification _____
Type of Identification Produced _____

NOTICE OF REMAND HEARING ON FLORIDA POWER & LIGHT CO.'S APPLICATION FOR SITE CERTIFICATION TO CONVERT AN ELECTRICAL POWER PLANT LOCATED IN MANATEE COUNTY, FLORIDA

Date: January 15, 1998
Time: 9:00 a.m.
Place: Manatee County Convention Center, One Habon Boulevard, Palmetto, FL

1. Florida Power & Light Co.'s (FPL) application for certification to authorize conversion and operation of an existing electrical power plant in unincorporated Manatee County is now pending before the Florida Siting Board, pursuant to the Florida Electrical Power Plant Siting Act, Part II, Chapter 403, F.S. Application PA94-33 was filed on September 30, 1994 seeking approval to convert FPL's plant to the use of Orimulsion. The Siting Board, comprised of the Governor and Cabinet, have ordered that additional hearings be held on issues set forth in an Order of Remand issued September 30, 1997.
2. The project is known as the Manatee Orimulsion Conversion Project (Manatee Project). The project site is the 9,500 acre FPL Manatee Plant Site in Manatee County. The Manatee site is located entirely within unincorporated Manatee County, 5 miles east of Parrish, Florida and about 12 miles east of Bradenton, Florida. The site is bounded on the south by State Road 62 and by an FPL railroad right-of-way along the south-west boundary, and by Safford Road along the east side. The converted facility is scheduled to commence operation in 2000. The primary fuel for the converted unit will be Orimulsion, with fuel oil as a backup fuel.
3. The FPL Manatee Plant consists of two 800 megawatt (MW) (nominal) electrical generating units that have been in operation since the mid 1970's. The primary fuel for the existing units has been No. 6 residual fuel oil. FPL proposes to convert these existing units to burn Orimulsion as the primary fuel, with high sulfur and low sulfur fuel oil as backup fuels. Orimulsion is a registered trademark name for a mixture of water and a naturally-occurring heavy hydrocarbon known as bitumen. Orimulsion, which originates in Venezuela, will be shipped to Port Manatee, offloaded at FPL's existing Port Manatee terminal, and transported via FPL's existing fuel pipeline to the Manatee plant.
4. The proposed conversion will involve the addition of new pollution control equipment, including low NO_x burners and return technology, as well as flue gas desulfurization equipment (scrubbers) and electrostatic precipitators for the cleaning of stack gases. Limestone delivery and handling facilities will also be installed. Byproducts from the flue gas cleanup (gypsum and fly ash) are marketable materials which are planned to be sold to offsite industries. It is now proposed that limestone, gypsum and fly ash will be transported primarily by rail, but will also include up to 30 round trip trucks per day to reach local industries. Deliveries of gypsum to National Gypsum's Tampa wallboard manufacturing plant will be made by barges loaded near Port Sunon in Hillsborough County. Longterm onsite disposal of the byproducts will occur only if beneficial reuse of the byproducts is not available or offsite disposal is not economical. New construction will occur in an area comprising 470 acres of the existing FPL Manatee site. In addition to the work within this project area, a new onsite rail connection will be added at the junction of the existing plant rail spur and the adjacent existing FPL rail line to allow trains easier access to the plant site. The existing rail line will be improved to accommodate the use for shipment of limestone and gypsum. The facilities that are the subject of this application include the existing generating facilities at the FPL Manatee Plant site, new pollution control equipment, new byproduct handling and storage facilities, FPL's existing fuel delivery pipeline, FPL's existing rail line, and FPL's existing Port Manatee Terminal.
5. The Florida Department of Environmental Protection (FDEP) and other state, regional, and local agencies previously evaluated and prepared reports on the application for the proposed power plant. The FDEP is preparing a supplemental report on the project to address issues raised in the Siting Board's Order of Remand. That report will be available on or about December 20, 1997, for public review at the locations listed below. Certification of the project by the Governor and Cabinet sitting as the Power Plant Siting Board would allow its construction and operation subject to the Conditions of Certification set forth in the final Certification Order. The application, the Order of Remand and FDEP's supplemental report are available for public inspection at the addresses listed as follows:

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
Office of Siting Coordination
2720-H Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 487-0472

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
ATTN: Mike Hickley
(813) 744-6100

FLORIDA POWER & LIGHT
COMPANY
700 Universe Boulevard
Juno Beach, Florida 33400
ATTN: Wayne Ondler
(561) 691-2270

FLORIDA POWER & LIGHT
COMPANY
416 Manatee Avenue, W.
Bradenton, Florida 34221
ATTN: Ed Ruhlke
(941) 708-2901

MANATEE COUNTY PUBLIC
LIBRARY
Central Library
1301 Barcelona Boulevard, West
Bradenton, Florida 34205

SCHOOL HOUSE COMMUNITY
CENTER/LIBRARY
Parrish Civic Association
Corner of 71st St. and U.S. Highway 301
Parrish, Florida
(Hours: 2PM to 5PM, Mon. and Thurs.)

The business address of the
applicant for the project is:
FLORIDA POWER & LIGHT
COMPANY
c/o Wayne Ondler
700 Universe Boulevard
Juno Beach, Florida 33408

6. Pursuant to the Administrative Law Judge's Amended Prehearing Order, the remand hearing will be held by the Division of Administrative Hearings beginning at 9:00 a.m. on January 15, 1998, and continuing through January 30, 1998, except Saturdays, Sundays, and state holidays, at the Manatee Convention Center, One Habon Boulevard, Palmetto, Florida. This hearing is being held in order to take written and oral testimony and other evidence on the matters set forth in the Siting Board's Order of Remand. Pursuant to Sections 403.505(1) and 403.507(3), F.S., petitions for administrative hearing on a federally-required prevention of significant deterioration (PSD) permit for the Project (PSD-FL-219) pending before FDEP have been consolidated with the certification hearing, and will be addressed at the hearing, pursuant to a separate Order of Remand issued by FDEP on September 30, 1997.

Pursuant to the Siting Board's Order of Remand, the hearing will address the issues encompassed within the new conditions contained in Attachment A thereto and the following five issues:

1. Whether the use of rail for delivery of limestone and removal of gypsum and fly ash is in fact currently feasible and if so, what the impacts of such operations would be. In this regard, the ALJ is also requested to consider and receive evidence, testimony, and public comment about the impact on Port Tampa and its citizens from the loading of limestone to and the off-loading of gypsum from rail cars at Port Tampa.
2. Whether the proposed reductions in emissions of nitrogen oxides and particulate matter from the Plant are scientifically and technically achievable. The ALJ is requested to consider and receive evidence, testimony, and public comment regarding the relative size, distribution, and other characteristics of particulate matter expected to be emitted from the Plant with the pollution control equipment proposed by FPL, as well as whether there may be an increase in the emission of small particulates over those historically emitted by the Plant and, if so, whether such increased emission of small particulates would present an increased public health or environmental risk.
3. Whether additional information is available regarding the impacts of an Orimulsion spill on the shallow and nursery areas of Tampa Bay. The ALJ is requested to consider and receive evidence, testimony, and public comment regarding the likely extent and duration of such ecological and economic impacts, including the relative areas of habitat that would be affected, should a large-scale spill of Orimulsion occur during adverse conditions.

4. Whether FPL will agree to a modification of Condition XXXI 5, on page 5 of Attachment A (to the Order of Remand) regarding the proposed Vessel Traffic Information System ("VTIS") whereby FPL will pay the entire cost of said system.

5. What would be the anticipated financial effect upon FPL's customers in light of the New Conditions set forth in Attachment A (to the Order of Remand) and in [the] Order.

7. Pursuant to Section 403.504(4), F.S.:
(a) Parties to the proceeding include: the applicant, the Public Service Commission; the Department of Community Affairs; the Game and Fresh Water Fish Commission; the Southwest Florida Water Management District; the Department of Environmental Protection; the Tampa Bay Regional Planning Council; and Manatee County, as the local government in whose jurisdiction the electrical power plant is located.

- (b) Other parties may include any person whose substantial interests are affected and being determined by the proceeding and who timely file a petition to intervene pursuant to Chapter 120, F.S., and applicable rules. Petitions to intervene must be filed no later than January 7, 1998, and should be filed at the earliest practicable date. Petitions to intervene will not be cause for continuance of the remand hearing.

- (c) Any agency, including those whose properties or works are being affected pursuant to 403.509(4), F.S., shall be made a party upon the request of the Department of Environmental Protection of the applicant.

8. Petitions to intervene made prior to the hearing shall be made in writing to J. Lawrence Johnston, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550. Copies of such submittals, including the Department of Environmental Protection and the applicant, FPL. A list of parties may be obtained by contacting the Department's Office of Siting Coordination at the address listed above. The Division of Administrative Hearings' Case No. is 94-5675EPF, 95-1829, 95-5036, 95-5037, 95-5598.

9. When appropriate, any person may be given an opportunity to present oral or written communications to the designated Administrative Law Judge. If the designated Administrative Law Judge proposes to consider such communications, then all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

10. There will be an opportunity for oral public comment during the remand hearing after the completion of the cases in-
cluded by all of the parties. It is estimated that the public presentations will be completed by Friday, January 23, 1998, and oral public comment is anticipated to be received on Monday, January 26, 1998, from 1:00 p.m. until 4:00 p.m. and from 6:00 p.m. until 9:00 p.m.; however, the day and time of the opportunity for oral public comment is subject to possible postponement if the parties' presentations are not completed in time. Written comments may be submitted to the Administrative Law Judge at the address listed below or at the hearing, prior to the conclusion of the opportunity for public comment, but no later.

11. Any additional reports or written testimony to be submitted at the remand hearing will be available for public inspection at the Manatee County Public Library and the School House Community Center library in Parrish at the addresses listed above at least five days prior to the remand hearing.

12. Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other persons who can be determined to be qualified to appear in administrative hearings, pursuant to Chapter 120, F.S., or Chapter 62-103.020, F.A.C.



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