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7001 0320 0001 3692 3135

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
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Mr. Clarence Troxell
 3321 Lakeside Circle
 Parrish, Florida 34219

PS Form 3811, January 2001

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Clarence Troxell
 3321 Lakeside Circle
 Parrish, Florida 34219

2. Article Number
 (Transfer from service label)

7001 0320 0001 3692 3135

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Clarence G. Troxell ☒ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Clarence G. Troxell *6/6*

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

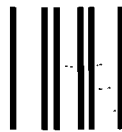
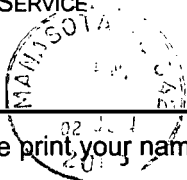
- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total F	Dan Kumarich, President Manatee Citizens Against Pollution P.O. Box 660 Parrish, FL 34219
Sent To	
Street, A or PO Box	
City, State	
PS Form 3800, January 2001 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Paul Sayers</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>PAUL SAYERS</i></p> <p>C. Date of Delivery</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>Dan Kumarich, President Manatee Citizens Against Pollution P.O. Box 660 Parrish, FL 34219</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7001 0320 0001 3692 3111</p>	

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Dept. of Environmental Protection
Division of Air Resources Mgt.
Bureau of Air Regulation, NSR
2600 Blair Stone Rd., MS 5505
Tallahassee, FL 32399-2400

RECEIVED

JUN 06 2005

BUREAU OF AIR REGULATION



U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 0320 0001 3692 3128

OFFICIAL USE

Postage	\$
Certified Fee	
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Total Post

Sent To

Street, Apt.
or PO Box
City, State, .

Mr. Ron Getman, Chairman
 Manatee County Board of
 Commissioners
 Post Office Box 1000
 Bradenton, Florida 34206-1000

PS Form 3800, January 2001

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to:

Mr. Ron Getman, Chairman
 Manatee County Board of
 Commissioners
 Post Office Box 1000
 Bradenton, Florida 34206-1000

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

[Printed Name]

C. Date of Delivery

- D. Is delivery address different from item 1? ☒ Yes
 If YES, enter delivery address below: ☒ No



3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

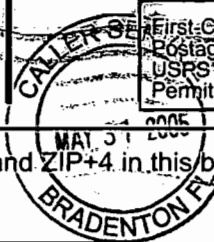
4. Restricted Delivery? (Extra Fee)

- ☐ Yes

2 Article Number
 (Transfer from service label)

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UNITED STATES POSTAL SERVICE



First-Class Mail
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USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

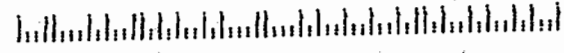
RECEIVED

JUN 02 2005

BUREAU OF AIR REGULATION

Dept. of Environmental Protection
Division of Air Resources Mgt.
Bureau of Air Regulation, NSR
2600 Blair Stone Rd., MS 5505
Tallahassee, FL 32399-2400

30046042



U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Postmark
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Mr. Paul Plotkin, General Manager
Manatee Plant
Florida Power & Light Company
19050 State Road 62
Parrish, Florida 34219-9220

PS Form 3800, January 2001

See Reverse for Instructions

7001 0320 0001 2692 3142



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

May 24, 2005

Mr. Paul Plotkin
General Manager, Manatee Plant
Florida Power & Light Company
19050 State Road 62
Parrish, FL 34219-9220

Re: DEP File No. 0810010-010-AC
Reburn Technology Project

Dear Mr. Plotkin:

One copy of the Public Notice and the Draft Air Construction Permit for the FPL Manatee Power Plant reburn project is enclosed. The Department's "Intent to Issue Air Construction Permit" and the "Public Notice of Intent to Issue Air Construction Permit" are also included.

The "Public Notice of Intent to Issue Air Construction Permit" must be published as soon as possible. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within seven (7) 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 permits 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 M. P. Halpin, at the above letterhead address. If you have any other questions, please contact Mr. Halpin, at 850/921-9519.

Sincerely,

Trina Vielhauer, Chief
Bureau of Air Regulation

TV/mph

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an
Application for Permit by:

Mr. Paul Plotkin, General Manager
FPL – Manatee Power Plant
19050 State Road 62
Parrish, FL 34219-9220

DEP File No. 0810010-010-AC
Reburn Technology Project

INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit (copy of Draft permit attached) for the proposed project, detailed in the application specified above and for the reasons stated below.

The applicant, Paul Plotkin, General Manager, Manatee Plant – Florida Power & Light Company, applied on May 11, 2005, to the Department for an Air Construction Permit at its Manatee Power Plant, located at 19050 State Road 62 in Parrish, Manatee County. The request is to construct and commence operation of a reburn system on Units 1 and 2. The proposed project is intended to comply with an agreement reached between the Department and Florida Power & Light Company on September 19, 2002. The reburn system will incorporate overfire air system and burner replacements on each boiler, as well as modifications to the oil and gas systems for the reburn fuel. A control system installation and ancillary plant service modifications are necessary in order to complete the installation.

The Department 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, 62-212 and 40 CFR 52.21. The above actions are not exempt from permitting procedures. The Department has determined that an Air Construction Permit is required in order to accommodate a reburn system installation such as the one described herein.

The Department intends to issue this Air Construction Permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. and 40 CFR 52.21.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Construction Permit. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. 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 Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the 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 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. 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) of the Florida Statutes 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), however, any person who asked the Department 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 of the Florida Administrative Code.

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 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, 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 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.

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 notice. 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 is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply 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, 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 EPA 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.

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 Intent to Issue Air Construction Permit (including the Public Notice of Intent to Issue Air Construction Permit and the Draft Air Construction Permit) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 5/26/05 to the person(s) listed:

Paul Plotkin, FPL*
Clarence Troxell *
Chair, Manatee County Commissioners *
President, Manatee County Citizens Against Pollution (MCAP) *
Manatee County Environmental Management Department
Kevin Washington, FPL

Mary Maxwell, FPL
Ken Kosky, Golder
Joel Smolen, SWD
Hamilton Oven, DEP Siting Office
Gregg Worley, EPA Region 4
John Bunyak, NPS

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.

 5/26/05
(Clerk) (Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0810010-010-AC

Florida Power & Light Company
Manatee Power Plant
Manatee County

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit for Manatee Power Plant, located at 19050 State Road 62 in Parrish, Manatee County. The permit is to allow the construction and operation of a reburn system on Manatee Units 1 and 2. The proposed project is intended to comply with an agreement reached between the Department and Florida Power & Light Company on September 19, 2002. The reburn system will incorporate overfire air system and burner replacements on each boiler, as well as modifications to the oil and gas systems for the reburn fuel. A control system installation and ancillary plant service modifications are necessary in order to complete the installation. A Determination of Best Available Control Technology (BACT) is not required in order to comply with the aforementioned agreement.

An air quality impact analysis was not required. The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the 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 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. 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) of the Florida Statutes 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), however, any person who asked the Department 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 of the Florida Administrative Code.

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 petitioner received notice of the agency action or proposed action;

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

(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, 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 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

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 notice. 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.

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:

Florida Department of
Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: (850) 488-1344
Fax: (850) 922-6979

Florida Department of
Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: (813) 744-6100
Fax: (813) 744-6084

The complete project file includes the application, Draft permit, and the information submitted by the Responsible Official. Interested persons may review specific details of this project by contacting the Administrator, North Permitting Section, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

DRAFT

June xx, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Paul Plotkin
General Manager, Manatee Plant
Florida Power & Light Company
19050 State Road 62
Parrish, FL 34219-9220

Re: DEP File No. 0810010-010-AC
Reburn Technology Project

Dear Mr. Plotkin:

In September 2002, FPL and FDEP entered into an agreement ("Agreement") for the purpose of ensuring compliance with the ambient air quality standards for ozone in the Tampa Bay region. This agreement, among other things, called for the installation of reburn technology for Units 1 and 2, designed to achieve a nitrogen oxides (NO_x) emission rate of 0.20 lb/MMBtu on a 30-day rolling average.

The Department has reviewed your request for an air construction permit for the purpose of installing reburn technology on Manatee Units 1 and 2 as required by the Agreement. As a result of this review, the Department has concluded that construction may be authorized. It is the Department's expectation that construction, start-up and optimization will occur according to the following parameters (Conditions 3 through 7 of the Agreement):

3. FPL shall commence installation of reburn technology in one of the existing Manatee Units (either Unit 1 or Unit 2) no later than 18 months after receiving all required state, federal or local environmental permits. FPL shall commence installation of reburn technology on the other unit no later than 12 months after installation has commenced on the first Unit. Installation of reburn technology in each Unit shall be completed no later than 12 months after commencement of installation in that Unit. The reburn technology will consist of a combustion modification process that utilizes fuel (either oil or natural gas) and air staging within the boilers to reduce nitrogen oxides emissions. In addition, overfire air (OFA) may be injected above the reburn zone within the boilers of Manatee Units 1 and 2 to reduce overall nitrogen oxides emissions.
4. The reburn technology installed in Manatee Units 1 and 2 shall be designed to achieve a nitrogen oxides emissions goal of 0.20 pounds per million BTU heat input on a 30-day rolling average. It is anticipated that achievement of this emissions goal will be achieved by utilizing the reburn when operating the Unit at greater than or equal to 350 megawatts.
5. Upon completion of installation of the reburn technology in each Unit, FPL shall optimize the operation of that Unit with reburn technology. After this optimization period has been completed for a Unit, or after a six month period, whichever occurs first, the reburn technology shall be utilized to minimize nitrogen oxides emissions when that Unit is in operation.
6. After completion of the optimization period for each Unit described in Paragraph 5, a nitrogen oxides emissions limit of 0.25 pounds per million BTU (30-day rolling average) shall apply to that Unit. This nitrogen oxides emissions limit shall apply during the data collection, testing and evaluation program described in Paragraph 7 and shall be incorporated into the Manatee Plant's Title V permit at the time of the next renewal.

DRAFT

7. Beginning upon completion of the optimization period for the first of the Manatee Units in which reburn technology is installed, FPL shall conduct an 18 month program designed to evaluate nitrogen oxides emissions rates, boiler performance and Unit operation with the goal of identifying and implementing the lowest emissions rate possible for Manatee Units 1 and 2. This program shall include collection and analysis of data on nitrogen oxides emissions, boiler operating parameters, Unit performance characteristics and emissions of other pollutants, as well as projections of emissions rates assuming alternative, non-tested operating parameters and scenarios, including variations in fuels fired, Unit load and load-changing conditions, boiler and burner performance and any other factors relevant in evaluating possible changes to the nitrogen oxides emissions limit for Manatee Units 1 and 2. At the end of the 18 month period, FPL shall submit a report to FDEP summarizing the results of the program and addressing whether any further change in the applicable nitrogen oxides emissions limit is possible under tested and other alternative operating scenarios. Following receipt of the report, FDEP and FPL shall meet to discuss whether any further change in the applicable nitrogen oxides emissions limit for Manatee Units 1 and 2 is possible. If FPL and FDEP mutually agree on a change in the nitrogen oxides emissions limit for Manatee Units 1 and 2, FPL shall submit a Title V application for the Manatee Plant's Title V permit to incorporate the new, agreed upon limit. If FPL and FDEP do not agree on any new nitrogen oxides emissions limit for Manatee Units 1 and 2, the limit established in Paragraph 6 shall remain applicable.

Authorized Construction for Units 1 and 2:

- The top row of burners (8) and the existing overfire air ports (16) will be removed.
- The remaining 3 burner rows (24) will be replaced with Zink Dynaswirl burners.
- The windbox and associated ductwork will be modified so as to incorporate secondary air and gas injection, turning vanes and baffles, as necessary.
- A booster fan and associated ductwork will be installed downstream of the existing G1 fan.
- A new overfire air system will be installed (including air flow metering and control components) which will comprise approximately 30 percent of the combustion air capacity.
- Fuel piping for natural gas and fuel oil will be installed (including fuel flow metering and control components) which will comprise approximately 25 percent of the heat input capacity.
- A full (DCS) control system will be installed and integrated with existing controls as necessary.
- Ancillary utilities will be involved, including air, steam and electric.

DRAFTI. Conditions of Construction - The project shall be subject to the following conditions:

1. The permittee shall notify the DEP Southwest District and the Bureau of Air Regulation, in writing, at least seven days prior to beginning construction. Notification shall also occur within seven days, in writing, of completion of construction activities.
2. Beginning March 31, 2006, the permittee shall be responsible for submitting semi-annual summary reports. These reports will outline the status of construction, each test program conducted and a summary of any test program results. Proprietary or confidential data, documents or information submitted or disclosed to FDEP shall be identified as such by the Permittee and shall be maintained as such pursuant to applicable Florida law. The semi-annual summary reports will be sent to the DEP Southwest District Office and the Bureau of Air Regulation. The first summary will be due March 31, 2006 and will cover all construction, tests and results from such tests conducted between the issuance date of this permit and December 31, 2005. In a like manner, a similar summary shall be submitted for each 180 day period thereafter.
3. For the duration of the project, once the permittee has established any test program which involves stack testing (formal or informal), a Scope of Work shall be sent by fax to the DEP Southwest District Office as soon as possible and in advance of the planned commencement of the test program. This Scope of Work will give *general* descriptions of processes, work planned, dates of the tests and general objectives of the tests. Proprietary or confidential data, documents or information submitted or disclosed to FDEP shall be identified as such by the Permittee and shall be maintained as such pursuant to applicable Florida law.
4. Stack emissions shall not exceed any limit within existing permits.
5. All stack performance tests shall be conducted using EPA Reference Methods, as contained in 40 CFR 60 (Standards of Performance for New Stationary Sources) or any other method approved by the Department, in writing, in accordance with Chapter 62-297, F.A.C.
6. The project shall not result in the release of objectionable odors pursuant to Rule 62-296.320(2), F.A.C.
7. Testing shall cease as soon as possible if the boiler operations are not in accordance with the conditions within existing permits, or this authorization protocol. Such testing shall not resume until appropriate measures to correct the problem(s) have been implemented.
8. This Department action is only to authorize the reburn construction and operation. Notification shall occur within 30 days, in writing, upon completion of each optimization period as well as the eighteen month study.
9. Upon completion of the study, FPL shall submit a written report to the Department as indicated by the "Agreement". Such report shall be prepared and certified by a Florida licensed Professional Engineer. An "as-built" drawing, including pertinent equipment specifications shall be provided within the report.
10. The "Agreement" signed by FPL and FDEP on September 19, 2002, is incorporated herein.

II. Fugitive Construction Dust Emissions - The following describes measures which shall be used as necessary, in order to mitigate fugitive dust: water or similar dust suppressant spraying on exposed areas, covering of trucks hauling dust generating materials to and from the site, washing wheels and underbodies of construction vehicles prior to departure from the site, minimizing vehicle flow over non-paved areas and routinely cleaning paved areas.III. General Conditions - Appendix GC (attached)

Florida Power and Light
Manatee Power Plant

Air Permit No. 0810010-010-AC
Reburn Project

DRAFT

This construction permit is issued pursuant to Chapter 403, Florida Statutes. No other changes to the permit are authorized by this action. A copy of this letter shall be filed with permit No. 0810010-009-AV and shall become part of the permit. Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of 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 of Appeal must be filed within (thirty) days after this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

Sincerely,

Michael G. Cooke, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit (including the Final permit) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on _____ to the person(s) listed:

Paul Plotkin, FPL*
Clarence Troxell*
Chair, Manatee County Commissioners*
President, Manatee County Citizens Against Pollution (MCAP)*
Manatee County Environmental Management Department
Kevin Washington, FPL

Mary Maxwell, FPL
Ken Kosky, Golder
Joel Smolen, SWD
Hamilton Oven, DEP Siting Office
Gregg Worley, EPA Region 4
John Bunyak, NPS

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.

(Clerk)

(Date)

SECTION III. APPENDIX GC
GENERAL CONDITIONS

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
 - a. Have access to and copy and records that must be kept under the conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of non-compliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida

SECTION III. APPENDIX GC
GENERAL CONDITIONS

Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - a. Determination of Best Available Control Technology (NA);
 - b. Determination of Prevention of Significant Deterioration (NA); and
 - c. Compliance with New Source Performance Standards (NA).
14. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 - 1) The date, exact place, and time of sampling or measurements;
 - 2) The person responsible for performing the sampling or measurements;
 - 3) The dates analyses were performed;
 - 4) The person responsible for performing the analyses;
 - 5) The analytical techniques or methods used; and
 - 6) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

**AGREEMENT
FOR THE PURPOSE OF
ENSURING COMPLIANCE WITH
AMBIENT AIR QUALITY STANDARDS FOR OZONE**

This Agreement is entered into between the Florida Department of Environmental Protection ("FDEP") and Florida Power & Light Company ("FPL") to reduce emissions of nitrogen oxides from an existing electrical generating facility for the exclusive purpose of ensuring compliance with the ambient air quality standards for ozone, as provided for by Section 366.8255(1)(d)7, Florida Statutes (2002).

WHEREAS:

I. The Florida Legislature enacted Chapter 2002-276, Laws of Florida, to allow agreements between electric utilities and FDEP for the purpose of ensuring compliance with ozone ambient air quality standards, and further to provide for the recovery of costs and expenses prudently incurred by an electric utility pursuant to such an agreement entered into prior to October 1, 2002;

II. FDEP has the statutory duty and authority, pursuant to Chapter 403, Florida Statutes, and rules adopted under Chapter 62, Florida Administrative Code, to protect and maintain Florida's air quality, including ensuring compliance with ambient air quality standards for ozone;

III. The U.S. Environmental Protection Agency ("U.S. EPA") has promulgated a new ambient air quality standard for ozone that establishes a permissible limit on the level of ozone during any 8-hour period;

IV. Manatee County is located in the vicinity of the Tampa Bay Airshed, which has experienced recent episodes of elevated ozone levels higher than the U.S. EPA's new ambient air quality standard for ozone on at least 15 separate days in the past four years;

V. Nitrogen oxides emissions from electrical generating facilities owned by electric utilities can contribute to the formation of ozone in the vicinity of an electrical generating facility;

Based upon the best available information, including ambient air quality monitoring data, it is not clear whether the Tampa Bay Airshed will be in compliance with the 8-hour ozone standard in 2004/2005.

FPL is an electric utility that owns and operates an electrical generating facility known as the Manatee Plant, located in unincorporated Manatee County, Florida, comprised of two 800 megawatt class fossil fuel-fired generating units known as Manatee Units 1 and 2 or jointly as "the facility";

FPL is regulated by the Florida Public Service Commission, and the Manatee Plant provides electric power to consumers in FPL's service area;

Manatee Units 1 and 2 emit nitrogen oxides, a precursor to regional ozone formation, into the atmosphere of Manatee County and surrounding areas, including the Tampa Bay Airshed;

X. The Manatee Plant, together with other regional power plants, commercial and industrial activities, and transportation, are the main sources of nitrogen oxides affecting regional ozone formation in the Tampa Bay Airshed;

XI. FPL has identified a nitrogen oxides emissions control technology known as "reburn" that is a "pollution prevention" system, which can reduce nitrogen oxides emissions from Manatee Units 1 and 2 without the use of reagents, catalysts, pollution collection or removal equipment;

XII. Use of the proposed reburn emissions control technology in Manatee Units 1 and 2 will require FPL to incur certain costs and expenses to install, operate and maintain that control technology; and,

XIII. Installation of reburn technology in FPL's Manatee Units 1 and 2 and the

achievement of an emissions rate of no greater than 0.25 pounds per million BTU on a 30-day rolling average basis will help to ensure that the Tampa Bay Airshed will comply with the ozone ambient air quality standards established by U.S. EPA and by FDEP.

NOW THEREFORE, in consideration of the premises and mutual agreements contained herein, and intending to be legally bound, FDEP and FPL hereby agree as follows:

1. This Agreement is entered into by FDEP and FPL for the exclusive purpose of ensuring compliance with ozone ambient air quality standards.
2. This Agreement is in full force and effect upon the signature of both parties unless the Florida Public Service Commission (FPSC) does not issue a final order authorizing FPL to recover the costs incurred pursuant to this Agreement through the Environmental Cost Recovery Clause within 120 days of the execution of the Agreement at which time the parties may mutually agree, in writing, to extend the Agreement. In the event the FPSC does not issue a final order within 120 days of the execution of the Agreement and the parties do not mutually agree to extend the Agreement, the Agreement becomes null and void. A final order is one that is no longer subject to review or appeal by a court of competent jurisdiction. FPL will exercise good faith in seeking approval of such cost recovery from the FPSC in a timely manner. FDEP agrees to support FPL's request for such approval by the FPSC. FDEP and FPL agree that installation of reburn technology in Manatee Units 1 and 2, in conjunction with the achievement of an emissions rate of no greater than 0.25 pounds per million BTU on a 30-day rolling average, will reduce nitrogen oxides emissions from the facility in a potential ozone nonattainment area.
3. FPL shall commence installation of reburn technology in one of the existing Manatee Units (either Unit 1 or Unit 2) no later than 18 months after receiving all required state, federal or local environmental permits. FPL shall commence installation of reburn technology on the other unit no later than 12 months after installation has commenced on the first Unit. Installation of reburn technology in each Unit shall be completed no later than 12 months after commencement of installation in that Unit. The reburn technology will consist of a combustion

modification process that utilizes fuel (either oil or natural gas) and air staging within the boilers to reduce nitrogen oxides emissions. In addition, overfire air (OFA) may be injected above the reburn zone within the boilers of Manatee Units 1 and 2 to reduce overall nitrogen oxides emissions.

4. The reburn technology installed in Manatee Units 1 and 2 shall be designed to achieve a nitrogen oxides emissions goal of 0.20 pounds per million BTU heat input on a 30-day rolling average. It is anticipated that achievement of this emissions goal will be achieved by utilizing the reburn when operating the Unit at greater than or equal to 350 megawatts.

5. Upon completion of installation of the reburn technology in each Unit, FPL shall optimize the operation of that Unit with reburn technology. After this optimization period has been completed for a Unit, or after a six month period, whichever occurs first, the reburn technology shall be utilized to minimize nitrogen oxides emissions when that Unit is in operation.

6. After completion of the optimization period for each Unit described in Paragraph 5, a nitrogen oxides emissions limit of 0.25 pounds per million BTU (30-day rolling average) shall apply to that Unit. This nitrogen oxides emissions limit shall apply during the data collection, testing and evaluation program described in Paragraph 7 and shall be incorporated into the Manatee Plant's Title V permit at the time of the next renewal.

7. Beginning upon completion of the optimization period for the first of the Manatee Units in which reburn technology is installed, FPL shall conduct an 18 month program designed to evaluate nitrogen oxides emissions rates, boiler performance and Unit operation with the goal of identifying and implementing the lowest emissions rate possible for Manatee Units 1 and 2. This program shall include collection and analysis of data on nitrogen oxides emissions, boiler operating parameters, Unit performance characteristics and emissions of other pollutants, as well as projections of emissions rates assuming alternative, non-tested operating parameters and scenarios, including variations in fuels fired, Unit load and load-changing conditions, boiler and burner performance and any other factors relevant in evaluating possible changes to the nitrogen

oxides emissions limit for Manatee Units 1 and 2. At the end of the 18 month period, FPL shall submit a report to FDEP summarizing the results of the program and addressing whether any further change in the applicable nitrogen oxides emissions limit is possible under tested and other alternative operating scenarios. Following receipt of the report, FDEP and FPL shall meet to discuss whether any further change in the applicable nitrogen oxides emissions limit for Manatee Units 1 and 2 is possible. If FDEP and FPL mutually agree on a change in the nitrogen oxides emissions limit for Manatee Units 1 and 2, FPL shall submit a Title V application for the Manatee Plant's Title V permit to incorporate the new, agreed-upon limit. If FDEP and FPL do not agree on any new nitrogen oxides emissions limit for Manatee Units 1 and 2, the limit established in Paragraph 6 shall remain applicable.

8. In the event state or federal law changes to require a change in nitrogen oxides emissions or the Tampa Bay Airshed is declared non-attainment for ozone, any reduction requirements would be in accordance with all applicable state and federal requirements. FDEP concurs that the changes contemplated by this Agreement will not constitute "modifications" that trigger New Source Review. In addition, although Florida currently has no state statute providing for nitrogen oxides trading or credits, FPL shall be entitled to retain all nitrogen oxides reduction credits and trading rights that may be authorized by Florida law in the future.

9. FDEP concurs that the steps and changes described in paragraphs 3 through 7, above, are prudent for purposes of (a) ensuring that FPL's Manatee Plant located within the Tampa Bay Airshed supports the area's compliance with the 8-hour ozone ambient air quality standard and (b) authorizing related cost recovery pursuant to Section 366.8255(1)(d), Florida Statutes, as amended by the Florida Legislature in its 2002 session and signed into law by the Governor of the State of Florida.

10. FDEP shall process in a timely manner any permit applications or requests for approvals necessary to implement this Agreement.

11. This Agreement is not and shall not be construed to be a permit issued or required pursuant to any federal, state or local law, rule or regulation including those of FDEP and Manatee County.

12. FPL shall be entitled to relief from the time requirements of this Agreement in the event of a *force majeure*, which includes, but is not limited to, delays in regulatory approvals, construction, labor, material, or equipment delays, fuel supply delays, acts of God or other similar events that are beyond the control of FPL and do not result from its own actions, for the length of time necessarily imposed by any such delay.

13. There shall be no modifications or amendments of this Agreement without the written agreement of all parties to this Agreement.

14. This Agreement shall apply to and be binding upon FDEP and FPL and their successors and assigns. Each person signing this Agreement certifies that he or she is authorized to execute this Agreement and to legally bind the party on whose behalf he or she signs this Agreement.

By their signatures affixed below, the parties agree to be bound by the terms and conditions of this Agreement.

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

9-19-02
Date

BY: 
Allan Bedwell, Deputy Secretary

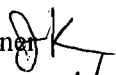

FLORIDA POWER & LIGHT COMPANY

9-19-02
Date

BY: 
Randall LaBauve, Vice President
Environmental Services

Memorandum

Florida Department of Environmental Protection

TO: Trina Vielhauer
THRU: Jeff Koerner 
FROM: M. P. Halpin 
DATE: May 13, 2005
SUBJECT: Florida Power & Light Company
Manatee Plant Reburn Project
DEP File No. 0810010-010-AC

Attached is the public notice package for the Manatee Plant Reburn Project to be completed on Units 1 and 2. This is an existing oil/gas fired facility located in Parrish, Manatee County.

As indicated in the application, this construction permit is being issued in order for FPL to comply with the settlement agreement reached between FDEP and FPL on September 19, 2002. Since there will be a number of construction and testing activities occurring over a long period of time (potentially 4 years), the construction permit requires FPL to submit semi-annual reports of the status of their efforts over this time. Otherwise, the conditions in this draft permit are fairly general in nature.

I recommend your approval.

mph

Attachments