



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

July 3, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Florida Power and Light Company
Martin Power Plant
P.O. Box 176
Indiantown, FL 34956

Authorized Representative:

John M. Lindsay, Plant General Manager

Re: FPL Martin Power Plant, Units 8A and 8B
Extension of Air Construction Permit Expiration Date
Air Permit No. PSD-FL-286

Dear Mr. Lindsay:

In a letter dated June 28, 2002, Florida Power and Light Company (FPL) requested an extension of the expiration date for the above permit. The units have been constructed and are in operation. FPL requests additional time to complete the process of obtaining the Title V air operation permit. The Department approves this request.

The expiration date is hereby extended from **July 1, 2002** to **January 1, 2003** to provide the necessary time to obtain the Title V air operation permit. This permitting action does not authorize any new construction. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

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 (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, 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 (14) 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), F.S., must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (F.A.C.)

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or

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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, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this 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.

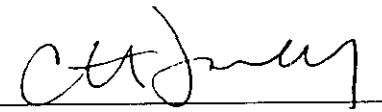
Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable 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.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a

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

Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty (30) days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

for 
Howard L. Rhodes, Director
Division of Air Resources Management

CERTIFICATE OF SERVICE

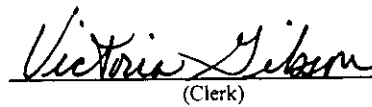
The undersigned duly designated deputy agency clerk hereby certifies that this order was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 7/9/02 to the person(s) listed:

Mr. John M. Lindsay, FPL*
Mr. John Hampp, FPL
Mr. Buck Oven, PPSO

Mr. Tom Tittle, SED
Mr. Gregg Worley, EPA Region 4
Mr. 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.

 July 9, 2002
(Clerk) (Date)

Florida Department of
Environmental Protection

Memorandum

TO: Howard Rhodes
THRU: Clair Fancy *ag for CHF*
Al Linero *ag*
FROM: Jeff Koerner *JK*
DATE: July 3, 2002
SUBJECT: FPL Martin Power Plant, Units 8A and 8B
Extension of Air Construction Permit Expiration Date
Air Permit No. PSD-FL-286

*I signed for
Howard as he is
out of office -*

Attached for your approval and signature is a permit modification that extends the permit expiration date for the above referenced project. Day 74 is September 13, 2002. I recommend your approval and signature.

Attachments

CHF/AAL/jfk



RECEIVED

JUL 02 2002

BUREAU OF AIR REGULATION

June 28, 2002

Clair Fancy
Bureau of Air Regulation
State of Florida
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Rd.
Tallahassee, FL 32399-2400

Re: Martin Power Plant Construction Permit Extension Request, 0850001-008-AC:

Dear Clair,

Florida Power & Light Company is requesting an extension to the Construction Permit for the Simple Cycle CT's 8A and 8B. This request for the extension is to provide additional time to resolve operating conditions through simultaneous changes in the Martin Plant Construction and Title V Operating Permits. The Martin Combustion Turbines are GE Frame 7FA "Hot Nozzle" units which are not currently able to operate as designed under the current Construction and Operating Permits. Specifically the conditions for exempted excess emissions for these very low emitting units will not allow the units to operate fully as peaking units without exceeding permit limits during startup, shutdown, and oil to natural gas fuel switches.

The Martin Plant is providing additional test and operating data to the Department to assist in the development of acceptable permit conditions for the operation of Units 8A and 8B. Upon development of the new conditions for excess emissions, FPL will provide the required application for the simultaneous change in the permits.

Thanks for your assistance in this matter, and, if you should have any questions, please do not hesitate to contact me at (561) 691-2894.

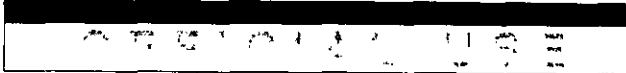
Sincerely,

A handwritten signature in black ink, appearing to read 'John Hampp'.

John Hampp
Senior Environmental Specialist
Florida Power and Light Company

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

9288 2692 1000 0220 0320 7001



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|---|-----------|
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |

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Sent To **John M. Lindsay**
 Street, Apt. No.,
 or PO Box No. **Box 176**
 City, State, ZIP+4
Indiantown, FL 34956