



PA 81-14

Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

June 18, 1998

Ms. Gail Kamaras, Director
Energy Advocacy Program
LEAF
1115 North Gadsden Street
Tallahassee, Florida 32303-6327

Dear Ms. Kamaras:

Enclosed per your request is a copy of Orlando Utilities Commission's modification request. I have forwarded a copy of your letter dated June 16, 1998, to the Division of Air Resources Management for their consideration.

Sincerely,

Hamilton S. Oven

Hamilton S. Oven, P.E.
Administrator, Siting
Coordination Office

Encl:

Best Available Copy

YOUNG, VAN ASSENDERP & VARNADOE, P. A.

ATTORNEYS AT LAW

REPLY TO:

Naples

R. BRUCE ANDERSON
TASHA O. BUFORD
DAVID P. HOPSTETTER*
C. LAURENCE KEESEY
KENZA VAN ASSENDERP
GEORGE L. VARNADOE
ROY C. YOUNG

*BOARD CERTIFIED REAL ESTATE LAWYER

DAVID B. ERWIN
OF COUNSEL

July 16, 1998

Via Facsimile (850) 921-7250

GALLIE'S HALL
225 SOUTH ADAMS STREET, SUITE 200
POST OFFICE BOX 1833
TALLAHASSEE, FLORIDA 32302-1833
TELEPHONE (850) 222-7206
TELECOPIER (850) 561-6834

SUNTRUST BUILDING
801 LAUREL OAK DRIVE, SUITE 300
POST OFFICE BOX 7907
NAPLES, FLORIDA 34101-7907
TELEPHONE (941) 597-2814
TELECOPIER (941) 597-1060

Hamilton S. Oven, P.E.
Siting Coordination Office
Division of Air Resources
Department of Environmental Protection
2600 Blair Stone Road, MS-48
Tallahassee, Florida 32399-2400

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

JUL 20 1998

SITING COORDINATION

Re: Orlando Utilities Commission Request for Modification of Conditions of Certification, Stanton Energy Center, Unit 2

Dear Buck:

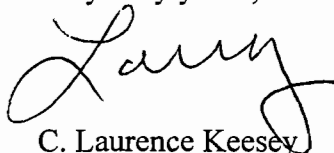
I understand from our recent phone conversation that you soon will begin preparing the Department's order approving OUC's Request to Modify Conditions of Certification by eliminating the requirement for submission of data from the ambient air monitoring station. I am writing to request that your order clarify the date through which collected data will continue to be submitted to the Department. We request that the Department's order specify that OUC shall be required to report air monitoring data or information gathered from this station through June 30, 1998.

As you are aware, the Conditions of Certification require OUC to file monitoring reports with the Department on a quarterly basis. The subject air monitoring station has been in operation for more than three years and has provided more data than was originally contemplated in the Conditions of Certification for Stanton Unit II. June 30, 1998, is the end of the second quarter of the year and is the most appropriate and logical date on which to finalize OUC's reduction and submission of monitoring data. Therefore, we request that your order specify June 30, 1998, as the date through which OUC is required to submit collected air monitoring data to the Department from this station.

Hamilton S. Oven, P.E.
July 16, 1998
Page 2

If you have any questions or foresee any problem in meeting this request, please give me a call. As always, we appreciate your consideration and assistance on this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Larry", written in black ink.

C. Laurence Keesey

1*OUClettersioven.716.wpd

cc: Thomas Tart
Greg DeMuth

YOUNG, VAN ASSENDERP & VARNADOE, P. A.
ATTORNEYS AT LAW

REPLY TO:

Naples

June 16, 1998

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Hamilton S. Oven, P.E., Siting Coordination Office
Division of Air Resources Management
Department of Environmental Protection
2600 Blair Stone Road, MS-48
Tallahassee, Florida 32399-2400

DEPARTMENT OF
ENVIRONMENTAL PROTECTION
JUN 19 1998
SITING COORDINATION

Re: Modification of Conditions of Certification for Stanton Unit 2

Dear Buck:

As per our phone conversation on Monday, June 15, 1998, I am enclosing the attached list of parties to the previous certification proceedings for the Stanton Energy Center Unit 2. All of the parties listed have received proposed Modification Agreements and a letter advising them of their right to object to the modification. The agreement and other documents were sent to each party by certified mail, return receipt requested. The dates above the parties' names are the dates they received the agreement as shown on the return of service cards we have on file.

The forty-five day time period for objections is running for the parties listed, and will expire on the forty-fifth day following the date each received the proposed modification agreement, as indicated on the return receipts we have in our office.

The notice to non-parties was published in the June 12, 1998, edition of the *Florida Administrative Weekly*. The thirty day time period for non-parties to object and request a hearing on the proposed modification will expire on July 12, 1998. By July 12, 1998, all parties' forty-five day period to object will have expired and, assuming no party or non-party objects, the Department will be able to issue its Modification Order following that date.

wait for ref
MSJ



RECEIVED
98 JUN 17 AM 10:00
NOT FOR ADMINISTRATIVE
HEARINGS OF
ADMINISTRATIVE
HEARINGS

June 16, 1998

Hamilton S. Oven, P.E.
Administrator
Siting Coordination Office
Dept. of Environmental Protection
2600 Blair Stone Rd., MS 48
Tallahassee, FL 32399-2400

Re: Orlando Utilities Commission, Application PA 81-14

Dear Mr. Oven:

This responds to the June 12, 1998 notice of intent to issue proposed modification of power plant certification in which OUC seeks to eliminate an air monitoring station at the Stanton Energy Center, Unit 2. We would like to receive a copy of the proposed modification.

Although we do not intend to file a petition, we would like to express our general concerns about the elimination of an air monitoring station. It is difficult to determine from the above-referenced notice exactly what the circumstances are. However, we would note that the Stanton power plant emits thousands of tons of SO2 and NOx each year and that its NOx emissions are approximately two times the rate of new plants. Stanton emitted over 9000 tons of NOx in 1997. Elimination of air monitoring equipment does not appear to be in the public interest.

In addition, Florida's air monitoring system is currently inadequate, both for ambient and source monitoring. Removal of any functioning monitoring equipment appears to be a step in the wrong direction in terms of obtaining sufficient information about power plant emissions.

Thank you for consideration of these comments.

Sincerely,

Gail Kamaras
Gail Kamaras, Director
Energy Advocacy Program

c: Thomas B. Tart, Esq.
Division of Administrative Hearings



June 16, 1998

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

JUN 17 1998

Hamilton S. Oven, P.E.
Administrator
Siting Coordination Office
Dept. of Environmental Protection
2600 Blair Stone Rd., MS 48
Tallahassee, FL 32399-2400

SITING COORDINATION

Re: Orlando Utilities Commission, Application PA 81-14

Dear Mr. Oven:

This responds to the June 12, 1998 notice of intent to issue proposed modification of power plant certification in which OUC seeks to eliminate an air monitoring station at the Stanton Energy Center, Unit 2. We would like to receive a copy of the proposed modification.

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In addition, Florida's air monitoring system is currently inadequate, both for ambient and source monitoring. Removal of any functioning monitoring equipment appears to be a step in the wrong direction in terms of obtaining sufficient information about power plant emissions.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Gail Kamaras".

Gail Kamaras, Director
Energy Advocacy Program

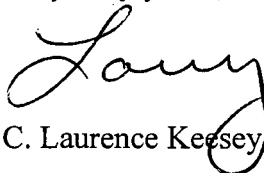
c: Thomas B. Tart, Esq.
Division of Administrative Hearings

Hamilton S. Oven, P.E.
June 16, 1998
Page 2

It is my understanding from our phone conversation that the DEP's Air Section has advised you they do not object to the modification. Therefore, if no party or non-party objects by July 12, 1998, it is our understanding that DEP will issue its order shortly thereafter.

Thank you for your assistance in processing this modification request. If you receive a response from a party or non-party, as a result of the notifications, please let me know.

Very truly yours,



C. Laurence Keesey

attachment

1*ouc\letters\oven.616

cc: Thomas B. Tart
Greg DeMuth

**Parties Receiving Notice of OUC Proposed Agreement for Modification of
Conditions of Certification for Unit 2 at the Stanton Energy Center**

The following parties received Notice on May 13, 1998:

Charles Lee
Senior Vice President
Florida Audubon Society
460 Highway 435, Ste 200
Casselberry, Florida 32707

John Fumero, Esquire
South Fl. Water Management Dist.
3301 Gun Club Road
P.O. Box 24680
W. Palm Beach, Florida 33416-4680

Kathryn Menella, Esquire
St. Johns River Water Mgmt. Dist.
P.O. Box 1429
Palatka, Florida 32178-1429

G. Stephen Pfeiffer, Esquire
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100

Perry Odom, Esquire
General Counsel
Dept. of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

Tom Wilks, Esquire
Orange County
5th Floor
201 South Rosalind Avenue
Orlando, Florida 32801

Bob Elias, Bureau Chief
Electric & Gas Division of Legal Services Florida
Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Clay McGonagill, Asst. Gen. Counsel
Marriane Trussell, Asst. Gen. Co.
Department of Transportation
605 Suwannee Street, MS-58
Tallahassee, Florida 32399-0458

Aaron Dowling, Executive Director
East Central Florida Regional
Planning Council
1011 Wymore Road, Suite 105
Winter Park, Florida 32789

Jim Antista, General Counsel
Florida Game & Fresh Water Fish Commission
Farris Bryant Building, Room 108
620 S. Meridian Street
Tallahassee, Florida 32399-1600

The following party received Notice on May 22, 1998:

Fred Bryant, Esquire
Williams, Bryant & Gautier
2010 Delta Boulevard
Tallahassee, Florida 32303

Florida Department of
Environmental Protection

Memorandum

TO: Howard Rhodes
Dottie Diltz
Dick Arbes

FROM: Buck Oven

DATE: June 18, 1998

SUBJECT: Orlando Utilities Commission, Stanton Energy Center
Request to Modify Conditions, PA 81-14,

For your information, I am forwarding the attached letter from LEAF.

Attch:

cc: Scott Goorland



June 16, 1998

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

JUN 17 1998

Hamilton S. Oven, P.E.
Administrator
Siting Coordination Office
Dept. of Environmental Protection
2600 Blair Stone Rd., MS 48
Tallahassee, FL 32399-2400

SITING COORDINATION

Re: Orlando Utilities Commission, Application PA 81-14

Dear Mr. Oven:

This responds to the June 12, 1998 notice of intent to issue proposed modification of power plant certification in which OUC seeks to eliminate an air monitoring station at the Stanton Energy Center, Unit 2. We would like to receive a copy of the proposed modification.

Although we do not intend to file a petition, we would like to express our general concerns about the elimination of an air monitoring station. It is difficult to determine from the above-referenced notice exactly what the circumstances are. However, we would note that the Stanton power plant emits thousands of tons of SO₂ and NO_x each year and that its NO_x emissions are approximately two times the rate of new plants. Stanton emitted over 9000 tons of NO_x in 1997. Elimination of air monitoring equipment does not appear to be in the public interest.

In addition, Florida's air monitoring system is currently inadequate, both for ambient and source monitoring. Removal of any functioning monitoring equipment appears to be a step in the wrong direction in terms of obtaining sufficient information about power plant emissions.

Thank you for consideration of these comments.

Sincerely,

Gail Kamaras
Gail Kamaras, Director
Energy Advocacy Program

c: Thomas B. Tart, Esq.
Division of Administrative Hearings

Date: 6/12/98 8:57:10 AM
From: Dick Arbes TAL
Subject: Orlando Utilities Commission Modification Request

Approval is recommended for the Orlando Utilities Commission, Stanton Energy Center PA 81-14 Request to Modify Conditions.

Howard Rhodes and the ambient monitoring staff met regarding the on going requirements for ambient monitoring by the various utilities as it related to the Title V permit process. It was determined that the Orlando Utilities Commission Stanton Energy Center's ambient monitoring activities were superfluous to the needs of the statewide monitoring program and were recommended for elimination when the new permits were issued.

If you have any questions, please call me at 921-9575.



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

June 18, 1998

Ms. Gail Kamaras, Director
Energy Advocacy Program
LEAF
1115 North Gadsden Street
Tallahassee, Florida 32303-6327

Dear Ms. Kamaras:

Enclosed per your request is a copy of Orlando Utilities Commission's modification request. I have forwarded a copy of your letter dated June 16, 1998, to the Division of Air Resources Management for their consideration.

Sincerely,

Hamilton S. Oven, P.E.
Administrator, Siting
Coordination Office

Encl:

NOTICE OF INTENT TO ISSUE PROPOSED MODIFICATION
OF POWER PLANT CERTIFICATION

The Department has received a request for modification of Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes, concerning:

Orlando Utilities Commission

Power Plant Siting Application: PA 81-14

Curtis H. Stanton Energy Center, Units 1 and 2

Orange County, Florida

The Department is reviewing the requested modifications of the conditions of certification to eliminate an air monitoring station located at the Stanton Energy Center site, Unit 2. The Department is considering changes to certain conditions to conform to State Implementation Plan requirements. A copy of the proposed modification is available from Hamilton S. Oven, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850) 487-0472.

Pursuant to Section 403.516, Florida Statutes, and Rule 62-17.211(4), F.A.C., all parties to the certification proceeding have 45 days from the date of receipt of this notice in which to respond to the request. Failure to file a response constitutes a waiver of objection to the requested modification.

POINT OF ENTRY

Any person who is not already a party to the certification

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

proceeding and whose substantial interest is affected by the requested modification may petition for intervention pursuant to Chapter 120, 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, MS 35, Tallahassee, Florida 32399-3000. Petitions must be filed within 30 days of publication of the public notice or within 30 days of receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant in care of Thomas B. Tart, Esq., Orlando Utilities Commission, P.O. Box 3193, Orlando, Florida 32802 and a copy of the petition to the Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550.

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.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: ORLANDO UTILITIES)
COMMISSION, CURTIS H. STANTON)
ENERGY CENTER UNITS NO. 1 AND) DOAH Case No. 91-1813 EPP
NO. 2, SITE CERTIFICATION)
_____)

PROPOSED AGREEMENT FOR MODIFICATION
OF CONDITIONS OF CERTIFICATION

The Orlando Utilities Commission ("OUC") hereby requests all parties who participated in the supplemental site certification hearing for the Curtis H. Stanton Energy Center Unit No. 2, to concur and agree to OUC's proposed Agreement for Modification of Conditions of Certification for Stanton Unit No. 2, pursuant to Section 403.516(1)(b), Florida Statutes, and Rule 62-17.211, Florida Administrative Code. The parties to the supplemental certification for Unit No. 2 (DOAH Case No. 91-1813 EPP) approved by the Siting Board's Final Order entered December 17, 1991, are requested to consent to, or to not object to, the modification of the Conditions of Certification described in this Agreement.

Following notice to the parties, and an opportunity for review by the public, the Department of Environmental Protection is requested to issue an order modifying the Conditions of Certification for Unit 2 at the Stanton Energy Center, pursuant to the statute and rule provisions cited above.

This Proposed Agreement for Modification of Conditions of Certification authorizes OUC to eliminate an air monitoring station

located at the Stanton Energy Center site which was established by OUC pursuant to paragraphs numbered 3 and 6 of Section II/I. B. (Air Monitoring Program) of the Supplemental Conditions of Certification (COC) for Unit No. 2. Pursuant to COC paragraph II/I. B. 6., this air monitoring station was to be in operation beginning at least one year prior to initial start up of Unit 2 and to "continue for at least one year of commercial operation."

Unit 2 at the Stanton Energy Center has been in commercial operation since May, 1996. Ambient air quality has been monitored and maintained by OUC during construction of Unit 2 and during two years of its commercial operation. There is no longer a need for the data generated by the station. There are significant costs to OUC to operate and maintain the air monitoring station.

The deletion of the air monitoring station will not change or affect in any way the specific air emissions limitations, continuous emission monitors and other environmental and performance standards and safeguards applicable to Stanton Unit 2 under the Supplemental Conditions of Certification which will remain in full force and effect. Therefore, as contemplated by COC II/I. B. 6., OUC requests concurrence in the elimination of this air monitoring station. In support of this Request for Modification, Orlando Utilities Commission states the following:

History of the Stanton Energy Center Site Certification

1. The Siting Board, in its Certification Order issued December 14, 1982, adopted and approved the recommended order of the Administrative Law Judge dated November 12, 1982, in DOAH Case

No. 81-1431, certifying, pursuant to Chapter 403, Part II, Florida Statutes, the location, construction and operation of the Curtis H. Stanton Energy Center, Unit 1 and its associated facilities and directly associated transmission lines, subject to the Conditions of Certification attached thereto. The Certification Order further certified the Curtis H. Stanton Energy Center for an ultimate electrical generating capacity on site of approximately 2,000 megawatts.

2. On December 17, 1991, the Siting Board issued its Final Order Approving Supplemental Certification (DOAH Case No. 91-1813 EPP) authorizing the construction and operation of Stanton Energy Center Unit 2 and its directly associated facilities, subject to the Supplemental Conditions of Certification attached as Exhibit A to the adopted Recommended Order of the Administrative Law Judge dated November 15, 1991.

3. On July 24, 1995, the Siting Board issued its Final Order Approving Modification of Certification which authorized, subject to the Stipulation of the Parties and the modified Conditions of Certification referenced in the Order, the construction of the Alafaya Trail Extension through portions of the Stanton Energy Center site.

4. On December 22, 1997, the Department of Environmental Protection issued its Final Order Modifying Conditions of Certification which approved, subject to the Stipulation of the Parties, the following modifications of the COC for Stanton Units 1 and 2: (a) Use of landfill gas as fuel; (b) the use of off-site

fly ash containing residual lime to displace fly ash from SEC Units 1 and 2 in the flue gas desulfurization process; (c) approval of a consistent igniter fuel oil for Units 1 and 2; (d) a modification process for federally delegated permits; (e) relocation of the fleet maintenance facility; (f) and two clarifications of existing conditions.

Description of Requested Modification

5. This Proposed Agreement for Modification of Conditions of Certification deletes paragraphs 3 and 6 of Section II/I Air B. (Air Monitoring Program) which are stated below:

3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 52, and one ambient monitoring device for PM₁₀, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.

The ambient air monitoring station implemented pursuant to paragraph 3, above, was intended to be temporary and subject to termination by the Department after a suitable monitoring period, as described in COC Paragraph II/I B. 6. Paragraph II/I B. 6., which will also be deleted from the Conditions of Certification, states the following:

6. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.

6. Stanton Unit 2 has been in operation for two calendar years since it went into operation in May, 1996. The air monitoring station has fulfilled its purpose. Both the Department and Orlando Utilities Commission have reviewed the data provided by the station and confirmed that ambient air quality has been maintained during the construction and operation of Stanton Unit 2. The monitoring station costs OUC a significant amount to operate and maintain. There is no further practical benefit from or need for its continued operation pursuant to the conditions of certification.

7. The elimination of the air monitoring station authorized by this agreement does not in any way affect, change or reduce the air emission limitations established in the Conditions of Certification Section II/I A., nor does it change any other performance monitoring or testing requirements in the Supplemental COCs, such as the stack testing requirements contained in Section II/I. C.

Agreement of the Parties

8. All parties to the Supplemental Site Certification proceeding for Stanton Unit 2 (DOAH Case No. 91-1813 EPP) listed in the attached certificate of service agree to, or otherwise do not object to, this Proposed Agreement For Modification of Conditions of Certification including the revised wording of Section II/I B. of the Supplemental Conditions of Certification contained in Exhibits 1 and 2, attached hereto. All parties further consent to the Department of Environmental Protection's issuance of a Final

Order Modifying Conditions of Certification pursuant to Section 403.516(1)(b), Florida Statutes, to approve the changes to Section II/I B., as shown in Exhibit 1.

Notice of Right to Respond

9. The parties to the Supplemental Site Certification proceeding for Stanton Unit 2 are hereby notified that they have the right to respond, or to object in writing within forty-five (45) days, to OUC's proposed modification of the Supplemental Conditions of Certification described in this Agreement. Pursuant to Rule 62-17.211(4)(a), Florida Administrative Code, failure to file a timely response shall be deemed acceptance of the proposed Agreement. A failure to object to the Proposed Agreement For Modification, as described herein, may result in the Department of Environmental Protection issuing an order approving the modification requested by Orlando Utilities Commission. Parties to the Supplemental Site Certification proceeding for Stanton Unit 2 who wish to object or respond to the proposed modification and to request the appointment of an Administrative Law Judge to conduct a formal hearing on the modification proposed by Orlando Utilities Commission must file, within 45 days of their receipt by mail of this proposed Agreement, a written statement of the reasons for their objection with the Department of Environmental Protection at the following address:

Ms. Cathy Carter, Agency Clerk
Office of the General Counsel
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Orlando Utilities Commission requests that any responding or objecting party send a copy of its written response to the undersigned attorney for OUC.

REQUEST FOR RELIEF

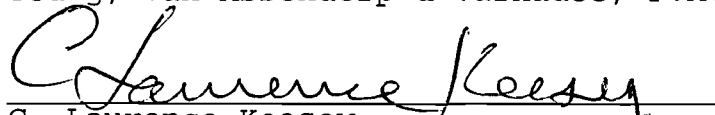
10. Orlando Utilities Commission requests that the Department of Environmental Protection give notice of this request for modification to the public, as provided by law.

11. Upon no objection being received by the Department from a party or a member of the public following the publication of public notice of the filing of this request for modification, the Department of Environmental Protection is requested to issue its Final Order Modifying Conditions of Certification for the Stanton Energy Center Unit 2, as requested by OUC in the Proposed Agreement For Modification of Conditions of Certification, pursuant to Section 403.516(1)(b), Florida Statutes.

12. The Department of Environmental Protection is requested to grant such other relief as may be appropriate and necessary with regard to Conditions of Certification for the Orlando Utilities Commission's Stanton Energy Center, Unit 2.

Respectfully submitted this 11th day of May, 1998.

Young, van Assenderp & Varnadoe, P.A.



C. Laurence Keesey
Florida Bar No. 0174225
Young, van Assenderp & Varnadoe, P.A.
SunTrust Building
801 Laurel Oak Drive, Suite 300
Naples, Florida 34108
(941) 597-2814
Attorneys for Orlando Utilities Commission

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Proposed Agreement For Modification of Conditions of Certification has been furnished to **Hamilton S. Oven**, P.E., Siting Coordination Office, Division of Air Resources Management, Department of Environmental Protection, 2600 Blair Stone Road, MS-48, Tallahassee, Florida 32399-2400 by Federal Express; and to **Fred Bryant**, Esquire, 306 E. College Avenue, Tallahassee, Florida 32302; **Kathryn Menella**, Esquire, Sr. Asst. General Counsel, St. Johns River Water Mgmt. Dist., P.O. Box 1429, Palatka, Florida 32178-1429; **G. Stephen Pfeiffer**, Esquire, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399-2100; **Aaron Dowling**, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789; **Tom Wilks**, Esquire, Orange County, 201 S. Rosalind Avenue, 5th Floor, Orlando, Florida 32801; **John Fumero**, Esquire, South Florida Water Management District, 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, Florida 33416-4680; **Bob Elias**, Bureau Chief, Electric & Gas Division of Legal Services, Florida Public Service Commission, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; **Charles Lee**, Senior Vice President, Florida Audubon Society, 13331 Palmetto Avenue, Suite 110, Winter Park, Florida 32789; **Clay McGonalgill and Marrienne Trussell**, Assistants General Counsel, Department of Transportation, 605 Suwannee Street, MS-58, Tallahassee, Florida 32399-0458; **Perry Odom**, Esquire, General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399; and **Jim Antista**, General Counsel, Florida Game and Fresh Water Fish Commission, Farris Bryant Building, Room 108, 620 S. Meridian Street, Tallahassee, Florida 32399-1600; by U.S. Mail, Postage Prepaid, this 11th day of May, 1998.


C. Laurence Keesey

1*ouc\agree.mod

Exhibit 1

Proposed Modification is to change the wording of Subsection B. (Air Monitoring Program) of Part II, Section II/I, beginning at page 13 of Supplemental Conditions of Certification attached as Appendix A to Administrative Law Judge Diane Kiesling's Recommended Order dated November 15, 1991, approved by Final Order of the Siting Board, dated December 17, 1991, to read as follows:

16. The Licensee shall submit to the Department at least 120 days prior to start of construction of the NO_x control system, copies of technical data pertaining to the selected NO_x control system. These data, if applicable to the technology chosen by the Licensee, should include but not be limited to design efficiency, guaranteed efficiency, emission rates, flow rates, reagent injection rates, or types of catalysts. The Department may, upon review of these data, disapprove the use of any such device or system if the Department determines the selected control device or system to be inadequate to meet the emission limits specified in 1.b. above. Such disapproval shall be issued within 90 days of receipt of the technical data.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for Stanton Unit 2 to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. The flue gas manufacturing oxygen monitor shall be calibrated and operated according to established procedures as approved by DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.
2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen oxides, oxygen, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC., and 40 CFR 60.47a. The opacity monitor may be placed in the duct work between the electrostatic precipitator and the FGD scrubber.

3. The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is recorded. Fuel analysis data including sulfur content, ash content, and heating values shall be determined on an as received basis and kept for two years.
4. The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) F.A.C.

C. Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which Unit 2 will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates, SO₂, NO_x, and visible emissions during normal operations near (\pm 10%) 4286 MMBtu/hr heat input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.
2. Compliance with emission limitation standards mentioned in specific Conditions No. II/I.A. shall be demonstrated during the initial performance test using appropriate EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any method as proposed by the Applicant and approved by the Department, in accordance with F.A.C. Rule 17-2.700.

EPA Method For Determination of

- 1 Selection of sample site and velocity traverses.
- 2 Stack gas flow rate when converting concentrations to or from mass emission limits.

Exhibit 2

Proposed Modification is to change the wording of Subsection B. (Air Monitoring Program) of Part II, Section II/I, beginning at page 13 of Supplemental Conditions of Certification attached as Appendix A to Administrative Law Judge Diane Kiesling's Recommended Order dated November 15, 1991, approved by Final Order of the Siting Board, dated December 17, 1991, to read as follows:

16. The Licensee shall submit to the Department at least 120 days prior to start of construction of the NO_x control system, copies of technical data pertaining to the selected NO_x control system. These data, if applicable to the technology chosen by the Licensee, should include but not be limited to design efficiency, guaranteed efficiency, emission rates, flow rates, reagent injection rates, or types of catalysts. The Department may, upon review of these data, disapprove the use of any such device or system if the Department determines the selected control device or system to be inadequate to meet the emission limits specified in 1.b. above. Such disapproval shall be issued within 90 days of receipt of the technical data.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for Stanton Unit 2 to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. The flue gas manufacturing oxygen monitor shall be calibrated and operated according to established procedures as approved by DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.
2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen oxides, oxygen, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC., and 40 CFR 60.47a. The opacity monitor may be placed in the duct work between the electrostatic precipitator and the FGD scrubber.
- ~~3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and one~~

~~ambient monitoring device for PM₁₀, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.~~

4.3. The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is recorded. Fuel analysis data including sulfur content, ash content, and heating values shall be determined on an as received basis and kept for two years.

5.4. The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) F.A.C.

~~6. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.~~

C. Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which Unit 2 will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates, SO₂, NO_x, and visible emissions during normal operations near (± 10%) 4286 MMBtu/hr heat input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.

2. Compliance with emission limitation standards mentioned in specific Conditions No. II/I.A. shall be demonstrated during the initial performance test using appropriate EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any method as proposed by the Applicant and approved by the Department, in accordance with F.A.C. Rule 17-2.700.

EPA Method For Determination of

- 1 Selection of sample site and velocity traverses.
- 2 Stack gas flow rate when converting concentrations to or from mass emission limits.

EXHIBIT 2

CONDITIONS OF CERTIFICATION

I. Air

The construction and operation of Unit 1 at Orlando Utilities Commission. Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions or Chapters 17-2, 17-4, and 27-5, Florida Administrative Code. In addition to the foregoing, the permittee shall comply with the following conditions of certification:

A. Emission Limitations

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including the 474 gross megawatt generating capacity and the 4286 MMBtu/hr heat input rate for each steam generator. For the purpose of calculating mass stack emissions, based on a maximum heat input of 4136 million BTU per hour, stack emissions from CHSEC Unit 1 shall not exceed the following when burning coal:

a. SO₂ -1.2 lb. per million BTU heat input, maximum two hour average, and 1.14 lb/MMBtu maximum three hour average.

b. NO_x -0.60 lb. per million Btu heat input, 30 day rolling average.

c. Particulates -0.03 lb. per million BTU heat input, 124.1 lb. per hour

d. Visible emissions -20% (6-minute average, except one 6-minute period per hour of not more than 27% opacity

2. The height of the boiler exhaust stack for CHSEC Unit 1 shall not be less than 550 ft. above grade.

3. Particulate emissions from the coal, lime and limes to the handling facilities.

a. All conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the emergency stockout and the limestone stockout for which enclosure is operationally infeasible). All coal and limestone conveyors not underground or within buildings will be enclosed (roof and sides) with steel grating or concrete floors (except the stacker/reclaimer which will have windscreen protection).

b. Inactive coal storage piles will be shaped, compacted and oriented to minimize wind erosion.

c. Water sprays or chemical wetting agents and stabilizers will be applied to storage piles, handling equipment, etc., during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent, except when adding, moving or removing coal from the coal pile, which would be allowed no more than 20%.

d. The limestone handling receiving hopper will be equipped with water spray dust control facilities. Limestone conveyors not underground or within buildings will be enclosed with open grating floors (except where concrete floors are provided over roads or other facilities). Limestone day silos and associated transfer points will be maintained at negative pressures during filling operations with the exhaust vented to a control system. Lime will be handled with a totally enclosed pneumatic system. Exhaust from the lime silos during filling will be vented to a collector system.

e. The fly ash handling system and the fluidized bed ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters; and

f. The permittee must submit to the Department within thirty (30) days after it becomes available, copies of technical data pertaining to the selected particulate emission control for the coal, lime and limestone handling facilities. These data should include, but not be limited to, guaranteed efficiency and emission rates, and major design parameters such as air/cloth ratio and flow rate. The department may, upon review of these data, disapprove the use of any such device if the Department determines the selected control device to be inadequate to meet the emission limits specified in 4 below. Such disapproval shall be issued within 30 days of receipt of the technical data.

4. Particulate emissions from bag filter exhausts from the following facilities shall be limited to 0.02 gr/acf, coal, lime, limestone and fly ash handling systems excluding those facilities covered by 3.c above. A visible emission reading of 5% opacity or less may be used to establish compliance with this emission limit. A visible emission reading greater than 5% opacity will not create a presumption that the 0.02 gr/acf emission limit is being violated. However, a visible emission reading greater than 5% opacity will require the permittee to perform a stacktest, as set forth in Condition 1.C.

5. Compliance with opacity limits of the facilities listed in Condition I.A. will be determined by EPA reference method 9 (Appendix A, 40 CFR 60).

6. Construction shall reasonably conform to the plans and schedule given in the application.

7. The permittee shall report any delays in construction and completion of the project which would delay commercial operation by more than 30 days to the Department's St. Johns River District Office in Orlando.

8. Reasonable Precautions to prevent fugitive particulate emissions during construction, such as coating of roads and construction sites cased by contractors, regrassing or watering areas of disturbed soils, will be take by the permittee.

9. Coal shall not be burned in the unit unless both electrostatic precipitator and limestone Scrubber are operational properly except as provided under 40 CFR 60 Part 60 Subpart Da.

10. The Fuel oil to be fired in Unit No. 1 and the auxiliary boiler shall be "new oil", which means an oil which has been refined from crude oil and has not been used. On-site generated lubricating oil and used fuel oil which meets the requirements of 40 CFR 266.40 may also be burned.

A. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP42.

<u>Allowable Emission Limits</u>	
<u>Pollutant</u>	<u>lb/MMBtu</u>
PM	0.015
SO ₂	0.51
NO _x	0.16
Visible emissions	Maximum 20% Opacity

B. Landfill gas from the Orange County Landfill may be burned in Unit No. 1 to the extent that quantities are available provided that all emission limits contained in Condition A-1 are met.

C. Natural gas as supplied by commercial pipeline may be burned in Unit No. 1 to the extent that quantities are available provided that all emission limits contained in Condition A-1 are met.

11. The flue gas scrubber shall be put into service during normal operation startup, and shutdown when No. 6 fuel oil is being burned. The No. 6 fuel oil shall not contain more than 1.5% sulfur by weight.

12. No fraction of flue gas shall be allowed to bypass the FGD system to reheat the gases exiting from the FGD system, if the bypass will cause overall SO₂ removal efficiency less than 90 percent

(or 70% for mass SO₂ emission rates less than or equal to 0.6 lb/MMBtu 30 day rolling average). The percentage and amount of flue gas bypassing the FGD system shall be documented and records kept for a minimum of two years available for FDER's inspection.

13. Samples of all fuel oil and coal fired in the boilers shall be taken and analyzed for sulfur content, ash content, and heating value. Accordingly, samples shall be taken on each fuel oil shipment received. Coal sulfur content shall be determined and recorded on a daily basis. When determining coal sulfur content for the purpose of establishing the percentage reduction in potential sulfur emissions, such determination shall be in accordance with EPA Reference Method 19. Records of all the analyses shall be kept for public inspection for a minimum of two years after the data is recorded.

14. Within 90 days of commencement of operations, the applicant will determine and submit to EPA and FDER the pH level in the scrubber effluent that correlates with 90% removal or the SO₂ in the flue gas (or 70% for mass SO₂ emission rates less than or equal to 0.6 lb/MMBtu). Moreover, the applicant is required to operate a continuous pH meter equipped with an upset alarm to ensure that the operator becomes aware when the pH level of the scrubber effluent falls below this level. The pH monitor can also act as a backup in the event of malfunction of the continuous SO₂ monitor. The value of the scrubber pH may be revised at a later date provided notification to EPA and FDER is made demonstrating the minimum percent removal will be achieved on a continuous basis. Further, if compliance data show that higher FGD performance is necessary to maintain the minimum removal efficiency limit, a different pH value will be determined and maintained.

15. The applicant will comply with all requirements and provisions of the New Source Performance Standard for electric utility steam generating units (40 CFR 60 Part Da).

16. As a requirement of this specific condition, the applicant will comply with all emissions limits and enforceable restrictions required by the State of Florida Department of Environmental Regulation which may be adopted by regulation and which are more restrictive, that is lower emissions limits or more strict operating requirements and equipment specifications than the requirements of specific conditions 1.A. 1-16 of these conditions.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for each unit to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. Performance tests shall be conducted and operating procedures established. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide. The permittee shall install and operate continuously monitoring devices for each main boiler exhaust for sulfur dioxide, nitrogen dioxide, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC, and 40 CFR 60.47a. The opacity monitor may be replaced in the duct work between the electrostatic precipitator and the FGD scrubber.

2. The permittee shall operate two continuous ambient monitoring devices for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and two ambient monitoring devices for suspended particulates, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitors shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.

3. The permittee shall maintain a daily log of the amounts and types of fuel used and copies of fuel analyses containing information on sulfur content, ash content and heating values. These logs shall be kept for at least two years.

4. The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) FAC.

5. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 1 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.

6. Prior to operation of the source, the permittee shall submit to the Department a plan or procedure that will allow the permittee to monitor emission control equipment efficiency and enable the permittee to return malfunctioning equipment to proper operation as expeditiously as possible.

C. Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which each unit will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates SO₂, NO_x, and visible emissions during normal operations near ($\pm 10\%$) 4136 MMBtu/hr heat input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.

2. Performance tests shall be conducted and data reduced in accordance with methods and procedures outlined in Section 17-2.700 SAC.

3. Performance tests shall be conducted under such conditions as the Department shall specify based on representative performance of the facility. The permittee shall make available to the Department such records as may be necessary to determine the conditions of the performance tests.

4. The permittee shall provide 30 days notice of the performance tests or 10 working days for stack tests in order to afford the Department the opportunity to have an observer present.

5. Stack tests for particulates NO_x and SO₂ and visible emissions shall be performed annually in accordance with Conditions C.2, 3, and 4 above.

D. Reporting

1. For CSEC, stack monitoring, fuel usage and fuel analysis data shall be reported to the Department's St. Johns River District Office and to the Orange County Pollution Control Department on a quarterly basis commencing with the start of commercial operation in accordance with 40 CFR, Part 60, Section 60.7, and 60.49a and in accordance with Section 17-2.08, FAC.

2. Utilizing the SAROAD or other format approved in writing by the Department, ambient air monitoring data shall be reported to the Bureau of Air Quality Management of the Department quarterly. Commencing on the date of certification, such reports shall be due within 45 days following the quarterly reporting period. Reporting and monitoring shall be in conformance with 40 CFR Parts 53 and 58.

3. Beginning one month after certification, the permittee shall submit to the Department a monthly status report briefly outlining progress made on engineering design and purchase of major pieces of air pollution control equipment. All reports and information required to be submitted under this condition shall be submitted to the Administrator of Power Plant Siting, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida, 32301.

II. Cooling Tower

A. Makeup Water Constituency

The CHSEC Shall utilize only treated sewage effluent, or stormwater runoff to the makeup water supply storage pond, as cooling tower makeup water. The effluent shall have received prior to use in the tower sufficient treatment from the source of cooling water, "a sewage treatment plant", but as a minimum, secondary treatment, as well as treatment described in Condition II.B. below. Use of waters other than treated sewage effluent or site storm water, i.e., higher quality potable waters, or lower quality less-than-secondarily-treated sewage effluent, will require notification of conditions agreed to by the St. Johns River Water Management District, Orange County and the Department, and must be approved by the Governor and Cabinet.

EXHIBIT 2

Amended Conditions of Certification

Unit 2

Part II

Conditions Recommended by
the
Department of Environmental Regulation

II/I. AIR

The construction and operation of Unit 2 at Orlando Utilities Commission, Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions of Chapters 17-2, 17-4, and 17-5, Florida Administrative Code except for NO_x, and SO₂ which shall be governed by 40 CFR Part 60 regarding startup, shutdown, and malfunction. In addition to the foregoing, the permittee shall comply with the following conditions of certification:

A. Emissions Limitations

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including the proposed 465 (gross) megawatt generating capacity and the 4286 MMBtu/hr heat input rate for each steam generator. Based on a maximum heat input of 4286 million Btu per hour, stack emissions from CHSEC Unit 2 shall not exceed the following when burning coal:

a. SO ₂ -lb/million Btu heat input		
30 - day rolling average		0.25
24 - hour emission rate		0.67
3 - hour mission rate		0.85

b. NO _x -lb/million Btu heat input		
30 day rolling average		0.17

c. PM/PM ₁₀ -lb/million Btu heat input		
	lb/MBtu	lb/hr
PM	0.02	85.7
PM ₁₀	0.02	85.7

d. CO - 0.15 lb/million Btu heat input, 643 lb/hour.

e. VOC - 0.015 lb/million Btu heat input, 64 lb/hour.

f. H₂SO₄ - 0.033 lb/million Btu heat input 140 lb/hour.

g. Be - 5.2 x 10⁻⁶ lb/million Btu heat input, 0.022 lb/hour.

h. Hg -1.1 x 10⁻⁵ lb/million Btu heat input, 0.046 lb/hour.

- I. Pb -1.5×10^{-4} lbs/million Btu heat input, 0.64 lb/hour.
 - j. Fluorides -4.2×10^{-4} lb/million Btu heat input, 1.8 lb/hour.
2. The height of the boiler exhaust stack for CHSEC Unit 2 shall not be less than 550 ft. above grade.
3. Particulate emissions from the coal, lime and limestone handling facilities:
 - a. All conveyors and conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the coal stacker/reclaimer or emergency stockout, and the limestone stockout for which enclosure is operationally infeasible).
 - b. Inactive coal storage piles will be shaped, compacted and oriented to minimize wind erosion.
 - c. Water sprays or chemical wetting agents and sterilizers will be applied to storage piles, handling equipment, etc. during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent, except when adding, moving or removing coal from the coal pile, which would be allowed no more than 20%.
 - d. Limestone day silos and associated transfer points will be maintained at negative pressures during filling operations with the exhaust vented to a control system. Lime will be handled with a totally enclosed pneumatic system. Exhaust from the lime silos during filling will be vented to a collector system.
 - e. The fly ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters; and
 - f. Any additional coal, lime, and limestone handling facilities for Stanton Unit 2 will be equipped with particulate control systems equivalent to those for Stanton Unit 1
4. Particulate emissions from bag filter exhausts from the following facilities shall be limited to 0.02 gr/acf: coal, lime, limestone and flyash handling systems excluding those facilities covered by II/I.A.3.c above. A visible emission reading of 5% opacity or less may be used to establish compliance with this emission limit. A visible emission

reading greater than 5% opacity will not create a presumption that the 0.02 cr/acf emission limit is being violated. However, a visible emission reading greater than 5% opacity will require the permittee to perform a stack test for particulate emissions, as set forth in Condition II/I.C.

5. Compliance with opacity limits of the facilities listed in Condition II/I.A. will be determined by EPA referenced method 9 (Appendix A, 40 CFR 60).
6. Construction shall reasonably conform to the plans and schedule given in the supplemental application.
7. The permittee shall report any delays in construction and completion of the project which would delay commercial operation by more than 90 days to the DER Central District office in Orlando.
8. Reasonable precautions to prevent fugitive particulate emissions during construction shall be to coat the roads and construction sites used by contractors, regrass or water areas of disturbed soils.
9. Coal shall not be burned in the unit unless the electrostatic precipitator and limestone scrubber and other air pollution control devices are operating as designed except as provided under 40 CFR Part 60, Subpart Da.
10. The fuel oil to be fired in Stanton Unit 2 and the auxiliary boiler shall be "new oil" which means an oil which has been refined from crude oil and has not been used. On-site generated lubricating oil and used fuel oil which meets the requirements of 40 CFR 266.40 may also be burned.

A. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP42.

Allowable Emission Limits

<u>Pollutant</u>	<u>lb/MMBtu</u>
PM	0.015
SO ₂	0.51
NO _x	0.16
Visible emissions	Maximum 20% Opacity

B. Landfill gas from the Orange County Landfill may be burned in Unit No. 2 to the extent that quantities are available provided that all emission limits contained in Condition A-1 are met.

- C. Natural gas as supplied by commercial pipeline may be burned in Unit No. 1 to the extent that quantities are available provided that all emission limits contained in Condition A-1 are met.
11. The flue gas scrubber shall be put into service during normal operational startup, and shut down when No. 6 fuel oil is being burned. The No. 6 fuel oil shall not contain more than 1.5% sulfur by weight.
 12. No fraction of flue gas shall be allowed to bypass the FGD system to reheat the gases exiting from the FGD system, except that bypass shall be allowed during startup and shutdown.
 13. All fuel oil and coal shipments received shall have an analysis for sulfur content, ash content, and heating value either documented by the supplier or determined by analysis. Coal sulfur content shall be determined and recorded on a daily basis. Records of all the analysis shall be kept for public inspection for a minimum of two years after the data is recorded.
 14. Within 90 days of commencement of operations, the applicant will determine and submit to FDER the pH level range in the scrubber reaction tank that correlates with the specified limits for SO₂ in the flue gas. Moreover, the applicant is required to operate a continuous pH meter equipped with an upset alarm to ensure that the operator becomes aware when the pH level of the scrubber reaction tank falls out of this range. The pH monitor can also act as a backup in the event of malfunction of the continuous SO₂ monitor. The value of the scrubber pH may be revised at a later date provided notification to FDER is made demonstrating the emission limit is met. Further, if compliance data show that higher FGD performance is necessary to maintain the emission limit, a different pH value will be determined and maintained.
 15. The applicant will Ply with all requirements and provisions of the New Source Performance standard for electric utility steam generating units (40 CFR 60 Part Da).
 16. The Licensee shall submit to the Department at least 120 days prior to start of construction of the NO_x control system, copies of technical data pertaining to the selected NO_x control system. These data, if applicable to the technology chosen by the Licensee, should include but not be limited to design efficiency, guaranteed efficiency, emission rates, flow rates, reagent injection rates, or types of catalysts. The Department may, upon review of these data, disapprove the use of any such device or system if the Department determines the selected control device or system to be inadequate to meet the emission limits specified in l.b. above. Such disapproval shall be issued within 90 days of receipt of the technical data.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for Stanton Unit 2 to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. The flue gas manufacturing oxygen monitor shall be calibrated and operated according to established procedures as approved by DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.
2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen oxides, oxygen, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC., and 40 CFR 60.47a. The opacity monitor may be placed in the duct work between the electrostatic precipitator and the FGD scrubber.
3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and one ambient monitoring device for PM₁₀, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.
4. The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is recorded. Fuel analysis data including sulfur content, ash content, and heating values shall be determined on an as received basis and kept for two years.
5. The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) F.A.C.
6. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permitter shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.

C. Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which Unit 2 will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates, SO₂, NO_x, and visible emission during normal operations near ($\pm 10\%$) 4286 MMBtu/hr heat Input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.
2. Compliance with emission limitation standards mentioned in specific Condition No. II/I.A. shall be demonstrated during the initial performance test using appropriate EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any method as proposed by the Applicant and approved by the Department, in accordance with F.A.C. Rule 17-2.700.

<u>EPA Method</u>	<u>For Determination of</u>
1	Selection of sample site and velocity traverses.
2	Stack gas flow rate when converting concentrations to or from mass emission limits.
3	Gas analysis when needed for calculation of molecular weight or percent O ₂ .
4	Moisture content when converting stack velocity to dry volumetric flow rate for use in converting concentrations in dry gases to or from mass emission limits.
5	Particulate matter concentration and mass emissions.
201 or 201A	PM ₁₀ emissions.
6, 6C, or 19	Sulfur dioxide emissions from stationary sources.
7, 7C, or 19	Nitrogen oxide emissions from stationary source.
9	Visible emission determination of opacity.
-	At least three one hour runs to be conducted simultaneously with particulate testing for the emissions from dry scrubber/baghouse, and ash handling building baghouse.

- At least one lime truck unloading into the lime silo (from start to finish)

- 10 Carbon monoxide emissions from stationary sources.
- 12 or 101A Lead concentration from stationary sources.
- 13-A or 13B Fluoride emissions from stationary sources.
- 18, 25, or Volatile organic compounds concentration.
- 101A or 108 Mercury emissions.
- 104 Beryllium emission rate and associated moisture content:

- 3. The permittee shall provide 30 days written notice of the performance tests for continuous emission monitors or 10 working days written notice for stack tests in order to afford the Department the opportunity to have an observer present.
- 4. Stack tests for particulates, NO_x and SO₂ and visible emissions shall be performed annually.

D. Reporting

- 1. For Stanton Unit 2, a summary in the EPA format of stack continuous monitoring data, fuel usage and fuel analysis data shall be reported to the Department's Central District Office and to the Orange County Environmental Protection Department on a quarterly basis commencing with the start of commercial operation in accordance with 40 CFR, Part 60, Section 60.7, and 60.49a and in accordance with Section 17-2.710(2), F.A.C.
- 2. Utilizing the SAROAD or other format approved in writing by the Department, ambient air monitoring data shall be reported to the Bureau of Air Quality Management of the Department quarterly. Such reports shall be due within 45 days following the quarterly reporting period. Reporting and monitoring shall be in conformance with 40 CFR Parts 53 and 58.
- 3. Beginning one month after certification, the permittee shall submit to the Department a quarterly status report briefly outlining progress made on engineering design and purchase of major pieces of air pollution control equipment. All reports and information required to be submitted under this condition shall be submitted to the Siting Coordination Office, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee Florida, 32301.

E. Malfunction or Shutdown

In the event of a prolonged (thirty days or more) equipment malfunction or shutdown of air pollution control equipment, operation may be allowed to resume to continue to take place under appropriate Department order, provided that the Licensee demonstrates such operation will be in compliance with all applicable ambient air quality standards and PSD increments. During such malfunction or shutdown, the operation of Stanton Unit 2 shall comply with all other requirements of this certification and all applicable state and federal emission standards not affected by the malfunction or shutdown which is the subject of the Department's order. Exceedances produced by operational conditions for more than two hours due to upsets in air pollution control systems as a result of start-up, shutdown, or malfunctions as defined by 40 CFR 60 need not be reported as specified in Condition I/XII. Identified operational malfunctions which do not stop operation but prevent compliance with emission limitations shall be reported to DER as specified in Condition I/XII.

F. Open Burning

Open burning in connection with initial land clearing shall be in accordance with Chapter 17-256, F.A.C., Chapter 51-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable County regulation.

Any burning of construction generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 17-256, F.A.C., shall be approved by the DER Central District Office in conjunction with the Division of Forestry and any other County regulations that may apply. Burning shall not occur unless approved by the jurisdictional agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

G. Federal Annual Operating Permits and Fees

1. DER Responsibilities

The Department of Environmental Regulation shall implement the provisions of Title V of the 1990 Clean Air Act for Stanton 2 developing Conditions of Certification requiring submission of annual operating permit information and annual pollutant emission fees in accordance with Federal Law and Federal regulations.

2. DER Responsibilities

OUC shall submit the appropriate annual operating permit application information as well as the appropriate annual pollutant emission fees as required by Federal Law to the Department as specified in Condition 3 below.

3. Annual Operating "Permit" Application and Fee (Reserved)

II/II. WETLANDS RESOURCE MANAGEMENT

1. The proposed transmission line from the Stanton Energy Center to the Mud Lake transmission line and the proposed alternate access road to the Stanton Energy Center from the south shall be routed as shown in the supplemental application. Prior to construction, the permittee shall submit drawings on 8.5" by 11" paper, showing the final design, including plan views and cross-sections for each area of filling or clearing in wetlands. The drawings shall show the existing and proposed ground elevations and all existing and proposed structure locations, sizes and invert elevations.
2. All clearing and construction activities shall be confined to the limits of the clear zone necessary for the transmission line as shown on Figures 6.1-5 and 6.1-6 of the application drawings. Within 30 days of the completion of construction, the permittee shall arrange a site visit by DER District personnel from the Central District office in Orlando to verify that no wetland damage has occurred outside the transmission line clear zone. If wetland damage occurs outside the transmission line clear zone during construction, the permittee shall submit to the Bureau of Wetland Resource Management for review a plan to restore the wetland area which was damaged and to provide mitigation for the damage. The plan shall be implemented within 30 days of the Department approving the restoration and mitigation plan. This condition does not preclude the Department from taking enforcement action if unauthorized activities occur.
3. Prior to initiating construction, the permittee shall submit a map and aerial photographs showing the location of all staging areas for the transmission line and alternate access road to the Bureau of Wetland Resource Management for review and written approval. These areas shall be upland areas which are not currently providing redcockaded woodpecker nesting or foraging habitat. The staging areas shall not be used prior to receiving DER approval.
4. Drainage structures shall be placed in the transmission line row and under the alternate access road at the same locations where drainage structures currently exist under the CSX Railroad berm. The drainage structures shall provide at least the same efficiency as the corresponding drainage structure currently existing in the CSX Railroad berm.
5. The forested areas to be cleared shall be cleared using low-impact equipment so as to minimize soil disturbance. The root

CONDITIONS OF CERTIFICATION

I. Air

The construction and operation of Unit 1 at Orlando Utilities Commission. Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions or Chapters 17-2, 17-4, and 27-5, Florida Administrative Code. In addition to the foregoing, the permittee shall comply with the following conditions of certification:

A. Emission Limitations

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including the ~~proposed 460~~ 474 gross megawatt generating capacity and the ~~4136~~ 4286 MMBtu/hr heat input rate for each steam generator. For the purpose of calculating mass stack emissions, Based on a maximum heat input of 4136 million BTU per hour, stack emissions from CHSEC Unit 1 shall not exceed the following when burning coal:

- a. SO₂ -1.2 lb. per million BTU heat input, maximum two hour average, and 1.14 lb/MMBtu maximum three hour average.
- b. NO_x -0.60 lb. per million Btu heat input, 30 day rolling average.
- c. Particulates -0.03 lb. per million BTU heat input, 124.1 lb. per hour
- d. Edible emissions -20% (6-minute average, except one 6-minute period per hour of not more than 27% opacity

2. The height of the boiler exhaust stack for CHSEC Unit 1 shall not be less than 550 ft. above grade.

3. Particulate emissions from the coal, lime and limes to the handling facilities.

a. All conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the emergency stockout and the limestone stockout for which enclosure is operationally infeasible). All coal and limestone conveyors not underground or within buildings will be enclosed (roof and sides) with steel grating or concrete floors (except the stacker/reclaimer which will have windscreen protection).

b. Inactive coal storage piles will be shaped, compacted and oriented to minimize wind erosion.

c. Water sprays or chemical wetting agents and stabilizers will be applied to storage piles, handling equipment, etc., during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent, except when adding, moving or removing coal from the coal pile, which would be allowed no more than 20%.

d. The limestone handling receiving hopper will be equipped with water spray dust control facilities. Limestone conveyors not underground or within buildings will be enclosed with open grating floors (except where concrete floors are provided over roads or other facilities). Limestone day silos and associated transfer points will be maintained at negative pressures during filling operations with the exhaust vented to a control system. Lime will be handled with a totally enclosed pneumatic system. Exhaust from the lime silos during filling will be vented to a collector system.

e. The fly ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters; and

f. The permittee must submit to the Department within thirty (30) days after it becomes available, copies of technical data pertaining to the selected particulate emission control for the coal, lime and limestone handling facilities. These data should include, but not be limited to, guaranteed efficiency and emission rates, and major design parameters such as air/cloth ratio and flow rate. The department may, upon review of these data, disapprove the use of any such device if the Department determines the selected control device to be inadequate to meet the emission limits specified in 4 below. Such disapproval shall be issued within 30 days of receipt of the technical data.

4. Particulate emissions from bag filter exhausts from the following facilities shall be limited to 0.02 gr/acf, coal, lime, limestone and fly ash handling systems excluding those facilities covered by 3.c above. I, visible omission reading of 5% opacity or less may be used to establish compliance with this emission limit. A visible emission reading greater than 5% opacity will not create a presumption that the 0.02 gr/acf emission limit is being violated. However, a visible emission reading greater than 5% opacity will require the permittee to perform a stacktest, as set forth in Condition 1.C.

5. Compliance with opacity limits of the facilities listed in Condition I.A. will be determined by EPA reference method 9 (Appendix A, 40 CFR 60).

6. Construction shall reasonably conform to the plans and schedule given in the application.

7. The permittee shall report any delays in construction and completion of the project which would delay commercial operation by more than 30 days to the Department's St. Johns River District Office in Orlando.

8. Reasonable Precautions to prevent fugitive particulate emissions during construction, such as coating of roads and construction sites cased by contractors, regrassing or watering areas of disturbed soils, will be take by the permittee.

9. Coal shall not be burned in the unit unless both electrostatic precipitator and limestone Scrubber are operational properly except as provided under 40 CFR 60 Part 60 Subpart Da.

10. The Fuel oil to be fired in Unit No. 1 and the auxiliary boiler shall be "new oil", which means an oil which has been refined from crude oil and has not been used. On-site generated lubricating oil and used fuel oil which meets the requirements of 40 CFR 266.40 may also be burned. ~~The quality of the No. 2 fuel oil used by the auxiliary boiler shall not cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP42.~~

A. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP42.

Allowable Emission Limits

<u>Pollutant</u>	<u>lb/MMBtu</u>
PM	0.015
SO ₂	0.51
NO _x	0.16
Visible emissions	Maximum 20% Opacity

B. Landfill gas from the Orange County Landfill may be burned in Unit No. 1 to the extent that quantities are available provided that all emission limits contained in Condition A-1 are met.

C. Natural gas as supplied by commercial pipeline may be burned in Unit No. 1 to the extent that quantities are available provided that all emission limits contained in Condition A-1 are met.

11. The flue gas scrubber shall be put into service during normal operation startup, and shutdown when No. 6 fuel oil is being burned. The emission limits when burning No. 6 Fuel oil shall be 0.80 lb/MMBtu for SO and 0.03 lb/MMBtu for particular matter, except during normal startup and shut down and malfunctions as provided in 40 CFR 60.46a.

12. No fraction of flue gas shall be allowed to bypass the FGD system to reheat the gases exiting from the FGD system, if the bypass will cause overall SO removal efficiency less than 90 percent

(or 70% for mass SO₂ emission rates less than or equal to 0.6 lb/MMBtu 30 day rolling average). The percentage and amount of flue gas bypassing the FGD system shall be documented and records kept for a minimum of two years available for FDER's inspection.

13. Samples of all fuel oil and coal fired in the boilers shall be taken and analyzed for sulfur content, ash content, and heating value. Accordingly, samples shall be taken on each fuel oil shipment received. Coal sulfur content shall be determined and recorded on a daily basis. When determining coal sulfur content for the purpose of establishing the percentage reduction in potential sulfur emissions, such determination shall be in accordance with EPA Reference Method 19. Records of all the analyses shall be kept for public inspection for a minimum of two years after the data is recorded.

14. Within 90 days of commencement of operations, the applicant will determine and submit to EPA and FDER the pH level in the scrubber effluent that correlates with 90% removal or the SO₂ in the flue gas (or 70% for mass SO₂ emission rates less than or equal to 0.6 lb/MMBtu). Moreover, the applicant is required to operate a continuous pH meter equipped with an upset alarm to ensure that the operator becomes aware when the pH level of the scrubber effluent falls below this level. The pH monitor can also act as a backup in the event of malfunction of the continuous SO₂ monitor. The value of the scrubber pH may be revised at a later date provided notification to EPA and FDER is made demonstrating the minimum percent removal will be achieved on a continuous basis. Further, if compliance data show that higher FGD performance is necessary to maintain the minimum removal efficiency limit, a different pH value will be determined and maintained.

15. The applicant will comply with all requirements and provisions of the New Source Performance Standard for electric utility steam generating units (40 CFR 60 Part Da).

16. As a requirement of this specific condition, the applicant will comply with all emissions limits and enforceable restrictions required by the State of Florida Department of Environmental Regulation which may be adopted by regulation and which are more restrictive, that is lower emissions limits or more strict operating requirements and equipment specifications than the requirements of specific conditions 1.A. 1-16 of these conditions.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for each unit to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. Performance tests shall be conducted and operating procedures established. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide. The permittee shall install and operate continuously monitoring devices for each main boiler exhaust for sulfur dioxide, nitrogen dioxide, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC, and 40 CFR 60.47a. The opacity monitor may be replaced in the duct work between the electrostatic precipitator and the FGD scrubber.

2. The permittee shall operate two continuous ambient monitoring devices for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and two ambient monitoring devices for suspended particulates, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitors shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.

3. The permittee shall maintain a daily log of the amounts and types of fuel used and copies of fuel analyses containing information on sulfur content, ash content and heating values. These logs shall be kept for at least two years.

4. The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) FAC.

5. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 1 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.

6. Prior to operation of the source, the permittee shall submit to the Department a plan or procedure that will allow the permittee to monitor emission control equipment efficiency and enable the permittee to return malfunctioning equipment to proper operation as expeditiously as possible.

C. Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which each unit will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates SO₂, NO_x, and visible emissions during normal operations near (+10%) 4136 MMBtu/hr heat input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.

2. Performance tests shall be conducted and data reduced in accordance with methods and procedures outlined in Section 17-2.700 SAC.

3. Performance tests shall be conducted under such conditions as the Department shall specify based on representative performance of the facility. The permittee shall make available to the Department such records as may be necessary to determine the conditions of the performance tests.

4. The permittee shall provide 30 days notice of the performance tests or 10 working days for stack tests in order to afford the Department the opportunity to have an observer present.

5. Stack tests for particulates NO_x and SO₂ and visible emissions shall be performed annually in accordance with Conditions C.2, 3, and 4 above.

D. Reporting

1. For CSEC, stack monitoring, fuel usage and fuel analysis data shall be reported to the Department's St. Johns River District Office and to the Orange County Pollution Control Department on a quarterly basis commencing with the start of commercial operation in accordance with 40 CFR, Part 60, Section 60.7, and 60.49a and in accordance with Section 17-2.08, FAC.

2. Utilizing the SAROAD or other format approved in writing by the Department, ambient air monitoring data shall be reported to the Bureau of Air Quality Management of the Department quarterly. Commencing on the date of certification, such reports shall be due within 45 days following the quarterly reporting period. Reporting and monitoring shall be in conformance with 40 CFR Parts 53 and 58.

3. Beginning one month after certification, the permittee shall submit to the Department a monthly status report briefly outlining progress made on engineering design and purchase of major pieces of air pollution control equipment. All reports and information required to be submitted under this condition shall be submitted to the Administrator of Power Plant Siting, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida, 32301.

II. Cooling Tower

A. Makeup Water Constituency

The CHSEC Shall utilize only treated sewage effluent, or stormwater runoff to the makeup water supply storage pond, as cooling tower makeup water. The effluent shall have received prior to use in the tower sufficient treatment from the source of cooling water, "a sewage treatment plant", but as a minimum, secondary treatment, as well as treatment described in Condition II.B. below. Use of waters other than treated sewage effluent or site storm water, i.e., higher quality potable waters, or lower quality less-than-secondarily-treated sewage effluent, will require notification of conditions agreed to by the St. Johns River Water Management District, Orange County and the Department, and must be approved by the Governor and Cabinet.

Part II

Conditions Recommended by
the
Department of Environmental Regulation

II/I. AIR

The construction and operation of Unit 2 at Orlando Utilities Commission, Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions of Chapters 17-2, 17-4, and 17-5, Florida Administrative Code except for NO_x, and SO₂ which shall be governed by 40 CFR Part 60 regarding startup, shutdown, and malfunction. In addition to the foregoing, the permittee shall comply with the following conditions of certification:

A. Emissions Limitations

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including the proposed 465 (gross) megawatt generating capacity and the 4286 MMBtu/hr heat input rate for each steam generator. Based on a maximum heat input of 4286 million Btu per hour, stack emissions from CHSEC Unit 2 shall not exceed the following when burning coal:

a. SO ₂ -lb/million Btu heat input		
30 - day rolling average		0.25
24 - hour emission rate		0.67
3 - hour mission rate		0.85

b. NO _x -lb/million Btu heat input		
30 day rolling average		0.17

c. PM/PM ₁₀ -lb/million Btu heat input		
	lb/MBtu	lb/hr
PM	0.02	85.7
PM ₁₀	0.02	85.7

d. CO - 0.15 lb/million Btu heat input, 643 lb/hour.

e. VOC - 0.015 lb/million Btu heat input, 64 lb/hour.

f. H₂SO₄ - 0.033 lb/million Btu heat input 140 lb/hour.

g. Be - 5.2 x 10⁻⁵ lb/million Btu heat input, 0.022 lb/hour.

h. Hg -1.1 x 10⁻⁵ lb/million Btu heat input, 0.046 lb/hour.

- I. Pb -1.5×10^{-4} lbs/million Btu heat input, 0.64 lb/hour.
 - j. Fluorides -4.2×10^{-4} lb/million Btu heat input, 1.8 lb/hour.
2. The height of the boiler exhaust stack for CHSEC Unit 2 shall not be less than 550 ft. above grade.
3. Particulate emissions from the coal, lime and limestone handling facilities:
 - a. All conveyors and conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the coal stacker/reclaimer or emergency stockout, and the limestone stockout for which enclosure is operationally infeasible).
 - b. Inactive coal storage piles will be shaped, compacted and oriented to minimize wind erosion.
 - c. Water sprays or chemical wetting agents and sterilizers will be applied to storage piles, handling equipment, etc. during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent, except when adding, moving or removing coal from the coal pile, which would be allowed no more than 20%.
 - d. Limestone day silos and associated transfer points will be maintained at negative pressures during filling operations with the exhaust vented to a control system. Lime will be handled with a totally enclosed pneumatic system. Exhaust from the lime silos during filling will be vented to a collector system.
 - e. The fly ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters; and
 - f. Any additional coal, lime, and limestone handling facilities for Stanton Unit 2 will be equipped with particulate control systems equivalent to those for Stanton Unit 1
4. Particulate emissions from bag filter exhausts from the following facilities shall be limited to 0.02 gr/acf: coal, lime, limestone and flyash handling systems excluding those facilities covered by II/I.A.3.c above. A visible emission reading of 5% opacity or less may be used to establish compliance with this emission limit. A visible emission

reading greater than 5% opacity will not create a presumption that the 0.02 cr/acf emission limit is being violated. However, a visible emission reading greater than 5% opacity will require the permittee to perform a stack test for particulate emissions, as set forth in Condition II/I.C.

5. Compliance with opacity limits of the facilities listed in Condition II/I.A. will be determined by EPA referenced method 9 (Appendix A, 40 CFR 60).
6. Construction shall reasonably conform to the plans and schedule given in the supplemental application.
7. The permittee shall report any delays in construction and completion of the project which would delay commercial operation by more than 90 days to the DER Central District office in Orlando.
8. Reasonable precautions to prevent fugitive particulate emissions during construction shall be to coat the roads and construction sites used by contractors, regrass or water areas of disturbed soils.
9. Coal shall not be burned in the unit unless the electrostatic precipitator and limestone scrubber and other air pollution control devices are operating as designed except as provided under 40 CFR Part 60, Subpart Da.
10. The fuel oil to be fired in Stanton Unit 2 and the auxiliary boiler shall be "new oil" which means an oil which has been refined from crude oil and has not been used. On-site generated lubricating oil and used fuel oil which meets the requirements of 40 CFR 266.40 may also be burned. ~~The quality of the No. 2 fuel oil used by the auxiliary boiler shall not contain more than 0.5% sulfur by weight and cause the allowable emission limits listed in the following table to be exacted. Such emissions may be calculated in accordance with AP-42.~~

A. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP42.

Allowable Emission Limits

<u>Pollutant</u>	<u>lb/MMBtu</u>
PM	0.015
SO ₂	0.51
NO _x	0.16
Visible emissions	Maximum 20% Opacity

B. Landfill gas from the Orange County Landfill may be burned in Unit No. 2 to the extent that quantities are available provided that all emission limits contained in Condition A-1 are met.

C. Natural gas as supplied by commercial pipeline may be burned in Unit No. 1 to the extent that quantities are available provided that all emission limits contained in Condition A-1 are met.

11. The flue gas scrubber shall be put into service during normal operational startup, and shut down when No. 6 fuel oil is being burned. The No. 6 fuel oil shall not contain more than 1.5% sulfur by weight.
12. No fraction of flue gas shall be allowed to bypass the FGD system to reheat the gases exiting from the FGD system, except that bypass shall be allowed during startup and shutdown.
13. All fuel oil and coal shipments received shall have an analysis for sulfur content, ash content, and heating value either documented by the supplier or determined by analysis. Coal sulfur content shall be determined and recorded on a daily basis. Records of all the analysis shall be kept for public inspection for a minimum of two years after the data is recorded.
14. Within 90 days of commencement of operations, the applicant will determine and submit to FDER the pH level range in the scrubber reaction tank that correlates with the specified limits for SO₂ in the flue gas. Moreover, the applicant is required to operate a continuous pH meter equipped with an upset alarm to ensure that the operator becomes aware when the pH level of the scrubber reaction tank falls out of this range. The pH monitor can also act as a backup in the event of malfunction of the continuous SO₂ monitor. The value of the scrubber pH may be revised at a later date provided notification to FDER is made demonstrating the emission limit is met. Further, if compliance data show that higher FGD performance is necessary to maintain the emission limit, a different pH value will be determined and maintained.
15. The applicant will comply with all requirements and provisions of the New Source Performance standard for electric utility steam generating units (40 CFR 60 Part Da).
16. The Licensee shall submit to the Department at least 120 days prior to start of construction of the NO_x control system, copies of technical data pertaining to the selected NO_x control system. These data, if applicable to the technology chosen by the Licensee, should include but not be limited to design efficiency, guaranteed efficiency, emission rates, flow rates, reagent injection rates, or types of catalysts. The Department may, upon review of these data, disapprove the use of any such device or system if the Department determines the selected control device or system to be inadequate to meet the emission limits specified in 1.b. above. Such disapproval shall be issued within 90 days of receipt of the technical data.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for Stanton Unit 2 to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. The flue gas manufacturing oxygen monitor shall be calibrated and operated according to established procedures as approved by DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.
2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen oxides, oxygen, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC., and 40 CFR 60.47a. The opacity monitor may be placed in the duct work between the electrostatic precipitator and the FGD scrubber.
3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and one ambient monitoring device for PM₁₀, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.
4. The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is recorded. Fuel analysis data including sulfur content, ash content, and heating values shall be determined on an as received basis and kept for two years.
5. The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) F.A.C.
6. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permitter shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.

C. Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which Unit 2 will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates, SO₂, NO_x, and visible emission during normal operations near ($\pm 10\%$) 4286 MMBtu/hr heat Input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.
2. Compliance with emission limitation standards mentioned in specific Condition No. II/I.A. shall be demonstrated during the initial performance test using appropriate EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any method as proposed by the Applicant and approved by the Department, in accordance with F.A.C. Rule 17-2.700.

<u>EPA Method</u>	<u>For Determination of</u>
1	Selection of sample site and velocity traverses.
2	Stack gas flow rate when converting concentrations to or from mass emission limits.
3	Gas analysis when needed for calculation of molecular weight or percent O ₂ .
4	Moisture content when converting stack velocity to dry volumetric flow rate for use in converting concentrations in dry gases to or from mass emission limits.
5	Particulate matter concentration and mass emissions.
201 or 201A	PM ₁₀ emissions.
6, 6C, or 19	Sulfur dioxide emissions from stationary sources.
7, 7C, or 19	Nitrogen oxide emissions from stationary source.
9	Visible emission determination of opacity.
-	At least three one hour runs to be conducted simultaneously with particulate testing for the emissions from dry scrubber/baghouse, and ash handling building baghouse.

- At least one lime truck unloading into the lime silo (from start to finish)

- 10 Carbon monoxide emissions from stationary sources.
- 12 or 101A Lead concentration from stationary sources.
- 13-A or 13B Fluoride emissions from stationary sources.
- 18, 25, or Volatile organic compounds concentration.
- 101A or 108 Mercury emissions.
- 104 Beryllium emission rate and associated moisture content:

- 3. The permittee shall provide 30 days written notice of the performance tests for continuous emission monitors or 10 working days written notice for stack tests in order to afford the Department the opportunity to have an observer present.
- 4. Stack tests for particulates, NO_x and SO₂ and visible emissions shall be performed annually. ~~in accordance with Conditions C.2 and .3 above.~~

D. Reporting

- 1. For Stanton Unit 2, a summary in the EPA format of stack continuous monitoring data, fuel usage and fuel analysis data shall be reported to the Department's Central District Office and to the Orange County Environmental Protection Department on a quarterly basis commencing with the start of commercial operation in accordance with 40 CFR, Part 60, Section 60.7, and 60.49a and in accordance with Section 17-2.710(2), F.A.C.
- 2. Utilizing the SAROAD or other format approved in writing by the Department, ambient air monitoring data shall be reported to the Bureau of Air Quality Management of the Department quarterly. Such reports shall be due within 45 days following the quarterly reporting period. Reporting and monitoring shall be in conformance with 40 CFR Parts 53 and 58.
- 3. Beginning one month after certification, the permittee shall submit to the Department a quarterly status report briefly outlining progress made on engineering design and purchase of major pieces of air pollution control equipment. All reports and information required to be submitted under this condition shall be submitted to the Siting Coordination Office, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee Florida, 32301.

E. Malfunction or Shutdown

In the event of a prolonged (thirty days or more) equipment malfunction or shutdown of air pollution control equipment, operation may be allowed to resume to continue to take place under appropriate Department order, provided that the Licensee demonstrates such operation will be in compliance with all applicable ambient air quality standards and PSD increments. During such malfunction or shutdown, the operation of Stanton Unit 2 shall comply with all other requirements of this certification and all applicable state and federal emission standards not affected by the malfunction or shutdown which is the subject of the Department's order. Exceedances produced by operational conditions for more than two hours due to upsets in air pollution control systems as a result of start-up, shutdown, or malfunctions as defined by 40 CFR 60 need not be reported as specified in Condition I/XII. Identified operational malfunctions which do not stop operation but prevent compliance with emission limitations shall be reported to DER as specified in Condition I/XII.

F. Open Burning

Open burning in connection with initial land clearing shall be in accordance with Chapter 17-256, F.A.C., Chapter 51-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable County regulation.

Any burning of construction generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 17-256, F.A.C., shall be approved by the DER Central District Office in conjunction with the Division of Forestry and any other County regulations that may apply. Burning shall not occur unless approved by the jurisdictional agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

G. Federal Annual Operating Permits and Fees

1. DER Responsibilities

The Department of Environmental Regulation shall implement the provisions of Title V of the 1990 Clean Air Act for Stanton 2 developing Conditions of Certification requiring submission of annual operating permit information and annual pollutant emission fees in accordance with Federal Law and Federal regulations.

2. DER Responsibilities

OUC shall submit the appropriate annual operating permit application information as well as the appropriate annual pollutant emission fees as required by Federal Law to the Department as specified in Condition 3 below.

3. Annual Operating "Permit" Application a.nd Fee (Reserved)

II/II. WETLEND RESOURCE MANAGMENT

1. The proposed transmission line from the Stanton Energy Center to the Mud Lake transmission line and the proposed alternate access road to the Stanton Energy Center from the south shall be routed as shown in the supplemental application. Prior lo construction, the permittee shall submit drawings on 8.5" by 11" paper, showing the final design, including plan views and cross-sections for each area of filling or clearing in wetlands. The drawings shall show the existing and proposed ground elevations and all existing and proposed structure locations, sizes and invert elevations.
2. All clearing and construction activities shall be confined to the limits of the clear zone necessary for the transmission line as shown on Figures 6.1-5 and 6.1-6 of the application drawings. Within 30 days of the completion of construction, the permittee shall arrange a site visit by DER District personnel from the Central District office in Orlando to verify that no wetland damage has occurred outside the transmission line clear zone. If wetland damage occurs outside the transmission line clear zone during construction, the permittee shall submit to the Bureau of Wetland Resource Management for review a plan to restore the wetland area which was damaged and to provide mitigation for the damage. The plan shall be implemented with 30 days of the Department approving the restoration and mitigation plan. This condition does not preclude the Department from taking enforcement action if unauthorized activities occur.
3. Prior to initiating construction, the permittee shall submit a map and aerial photographs showing the location of all staging areas for the transmission line and alternate access read construction to the Bureau of Wetland Resource Management for review and written approval. These areas shall be upland areas which are not currently providing redcockaded woodpecker nesting or foraging habitat. The staging areas shall not be used prior to receiving DER approval.
4. Drainage structures shall be placed in the transmission line raw and under the alternate access road at the same locations where drainage structures currently exist under the CSX Railroad berm. The drainage structures shall provide at least the same efficiency as the corresponding drainage structure currently existing in the CSX Railroad berm.
5. The forested areas to be cleared shall be cleared using low-impact equipment so as to minimize soil disturbance. The root

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE:

APPLICATION FOR MODIFICATION OF
SUPPLEMENTAL POWER PLANT SITE
CERTIFICATION OF ORLANDO
UTILITIES COMMISSION FOR CURTIS
H. STANTON ENERGY CENTER
PA 81-14C

CASE NO. 92-6153EPP

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION'S
RESPONSE IN OPPOSITION TO MOTION TO INTERVENE

State of Florida Department of Environmental Regulation (Department), pursuant to Rule 60Q-2.016, Florida Administrative Code, responds in opposition to the Motion to Intervene served in the above-captioned proceeding on May 10, 1993 by the University of Central Florida (UCF). The Hearing Officer is shown as follows:

1. It is axiomatic that, before one can be considered to have a substantial interest in the outcome of administrative proceedings and thus be entitled to appear as a party, a person or other legal entity must show (1) that he will suffer injury in fact which is of sufficient immediacy to entitle him to a section 120.57 hearing, and (2) that his substantial injury is of the type or nature which the proceeding is designed to protect. Agrico Chemical Co. v. Dept. of Environmental Regulation, 406 So. 2d 478 (Fla. 2d DCA 1981), review denied, 415 So. 2d 1359 (Fla. 1982) Accord, United Health v. Dept. of Health and Rehabilitative Services, 579 So. 2d 342 (Fla. 1st DCA 1991); Metsch v. University of Fla., 550 So. 2d 1149 (Fla. 3d DCA 1989).

2. No such showing is made by UCF's Motion. UCF does not identify any legally protected interest of its own which is placed at risk of injury in the instant proceeding. Nor does UCF identify any injury, substantial or otherwise, to an interest of the university in its corporate capacity which would be fended off by its participation in the hearing. UCF thus fails to satisfy either prong of the Agrico test for standing in a 120.57 proceeding.

3. The UCF's proposal to intervene rests on a claim that UCF students who live in Brevard County can get to school faster if another road route to school is provided by extension of the Alafaya Trail. Speedy student transportation, however desirable, simply is not an interest protected by the Power Plant Siting Act. While UCF asserts that its "substantial interests will be significantly harmed" if Alafaya Trail is not extended, this is no more than a conclusional assertion.


4. UCF, like the rejected law school applicant in Metsch, *supra*, has no more than an expectancy of contingent benefits which might flow to it as the result of agency action. The fact that a potential outcome of this proceeding might be deemed favorable by UCF does not give it standing under the Agrico test. UCF has not shown that it will suffer any injury as a result of proposed agency action in this proceeding, and hence has shown no right to participate as a party herein.

5. On May 7, 1993, the Hearing Officer entered an order denying

the remarkably similar motion to intervene served by the Florida Department of Corrections in this case, which motion also claimed an interest in the matter based upon transportation access issues. For the reasons stated in that order, the Hearing Officer should also deny the motion of UCF.

WHEREFORE, the Department urges the Hearing Officer to enter an order denying the Motion.

Respectfully submitted,



Richard T. Donelan, Jr.
Assistant General Counsel
State of Florida Department
of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(904) 488-9730
Fla. Bar No. 198714

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been hand delivered to the Hearing Officer and Clerk at the Division of Administrative Hearing and mailed to the following on this 18th day of May, 1993.

Thomas B. Tart, Esquire
General Counsel
Orlando Utilities Commission
500 South Orange Avenue
2nd Floor
Orlando, FL 32801

Kenza Van Assenderp, Esquire
C. Laurence Keesey, Esquire
Young, Van Assenderp, Varnadoe
& Benton, P.A.
P.O. Box 1833
Tallahassee, FL 32302

Fred Bryant, Esquire
306 East College Avenue
Tallahassee, FL 32302

Hamilton S. Oven, Jr.
Office of Siting Coordination
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-0859

Michael Palecki, Bureau Chief
Florida Public Service Commission
Division of Legal Services
101 East Gaines Street
Fletcher Building, Room 212
Tallahassee, FL 32399-0859

James Antista, Esquire
General Counsel
Florida Game and Fresh Water
Fish Commission
Farris Bryant Building, Room 108
620 Meridian Street
Tallahassee, FL 32399-1600

Ashmun Brown, Esq.
University of Central Florida
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Orlando, Fl 32816

Ken Plante, Esquire
General Counsel
Department of Natural Resources
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Tallahassee, FL 32399

G. Stephen Pfieffer, Esquire
General Counsel
Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100

William H. Roberts, Esquire
Assistant General Counsel
Department of Transportation
605 Suwannee Street, MS-58
Tallahassee, FL 32399-0458

Wayne Flowers, Esquire
Eric Olsen, Esquire
General Counsel
St. Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429

Toni Leidy, Esquire
General Counsel
South Florida Water Management District
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P.O. Box 24680
West Palm Beach, FL 33416-4680

Cliff Guillet
East Central Florida Regional
Planning Counsel
1101 Wymore Road, Suite 105
Winter Park, FL 32789

Paul M. Chipok, Esquire
Assistant County Attorney
Orange County
P.O. Box 1393
Orlando, FL 32802-1393

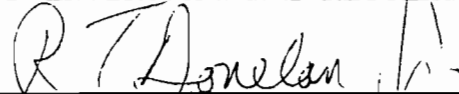
Charles Lee
Senior Vice President
Florida Audubon Society
460 Highway 436 Ste 200
Casselberry, FL 32707

Steven S. Ferst, Esquire
Department of Corrections
2601 Blair Stone Road
Tallahassee, FL 32399-2500

Irby G. Pugh, Esquire
Florida Chapter of the Sierra
Club
218 Annie Street
Orlando, Florida 32806

Robert K. Hendry, Esquire
Hendry & Stoner, P.A.
215 East Central Boulevard
Orlando, FL 32801

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



RICHARD T. DONELAN, JR.
Assistant General Counsel

Twin Towers Office Bldg
2600 Blair Stone Rd
Tallahassee FL 32399-2400
Telephone: 904/488-9730

Date: 5/18/98 12:12:24 PM
From: Caroline Shine ORL
Subject: Re: OUC

Comments:

The Air Monitoring data was sent directly to the Tallahassee, Air Monitoring. I think we should check with the Dick Arbes's staff to get his opinion on the results of the data to determine whether further monitoring is necessary.

Chris, I think the deletion of the paragraphs will directly impact our Consent Order. By omitting the paragraphs, it would nullify the violations and OUC's past obligation to perform the tasks. This seem like an approach to get from under the enforcement of the violation.

The language is already built into the paragraph of how to eliminate continued operation of the site. Based on the OUC request, the Department should respond whether to cease the operation of the site. But eliminating the requirement altogether would seem inappropriate.

Buck,

Attached you will find the language Pat Comer and I came up with for the OUC Order which would replace Paragraph I. Please review it to determine how you feel about the new language, and then if you find it acceptable we should begin the process of issuing the new Order.

In addition, there is a part of the Order which may be in error, as was brought to my attention by enforcement attorney Chris Thornton. On page 5 of the Order in what appears to be section I.A.11.b., the language refers to "all emission limits contained in condition I.A.1. . ." I believe this section applies to both Unit 1 and Unit 2, and as such, the language may need to be revised to state "all emission limits contained in condition I.A. 1. for Unit 1 and I.A.2. for Unit 2 are met." The reason I bring this up is that it appears that condition I.A. 1. is applicable to Unit 1 and condition I.A.2. is applicable to Unit 2. If this is not correct please let me know.

This language is also found in condition I.A.11.c. and as such, that section may need to be amended as well to conform to the above.

Thank you,
Scott

500 South Orange Avenue
P.O. Box 3193
Orlando Florida 32802
Phone: 407.423.9100
Administrative Fax: 407.236.9616
Purchasing Fax: 407.423.9199
Website: <http://www.ouc.com>

Best Available Copy



The Reliable One

May 11, 1998

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

MAY 12 1998

SITING COORDINATION

Hamilton S. Oven, P.E., Administrator
Siting Coordination Office
Division of Air Resources Management
Florida Department of Environmental Protection
2600 Blair Stone Road, MS48
Tallahassee, FL 32399-2400

Re: Orlando Utilities Commission Request for Modification of Conditions of Certification for Stanton Energy Center - Ambient Air Monitoring Station

Dear Mr. Oven:

The Orlando Utilities Commission ("OUC") hereby requests that the Department modify the Supplemental Conditions of Certification attached to the Siting Board's certification of the Stanton Energy Center Unit 2, as described in the attached documents. This request is being submitted by OUC pursuant to Section 403.516.(1)(b), Florida Statutes, and the Department's Rule 62-17.211, Florida Administrative Code, which authorize an Agreement for Modification of Conditions of Certification to be submitted to, and approved by the Department if no party to the certification hearing objects to the modification in writing within 45 days of their receipt of notice by mail of this request.

OUC's requested change is to delete paragraphs 3 and 6 from Section II/I B. (Air Monitoring Program) at page 13 of the Supplemental Conditions of Certification for Stanton Unit 2. Pursuant to those paragraphs, OUC installed, operates and maintains an ambient air monitoring station, which was to "continue for at least one year of commercial operation." Stanton Unit 2 has been in operation for two years since start up in May, 1996. The air monitoring station has served its purpose by providing data during the construction of Unit 2 and through two years of operation. Elimination of the station represents a significant cost reduction for OUC, while not affecting any of the air emission limitations, and the other operational and environmental safeguards that apply to Units 1 and 2 pursuant to the Conditions of Certification which remain in full force and effect.

In support of its request, Orlando Utilities Commission is submitting the following documents under cover of this letter:

1. A "Proposed Agreement for Modification of Conditions of Certification" (Attachment 1), which includes two (2) exhibits.

Hamilton S. Oven, P.E., Administrator
May 11, 1998
Page 2

2. Exhibit 1 to the Proposed Agreement for Modification of Conditions of Certification consists of pages containing the new, amended Supplemental Conditions of Certification, as proposed.

3. Exhibit 2 to the Agreement, attached for your convenience, is a second version of changed pages containing both the existing and revised supplemental conditions of certification (showing additions underlined, and deletions with strike-throughs).

Simultaneously with the submission of this request to the Department, OUC is sending copies of this letter and the proposed Agreement to all parties who participated in the final hearing and proceedings leading to the Siting Board's supplemental certification of Stanton Unit 2 on December 17, 1991. By copy of this letter and enclosures, OUC is notifying all parties that if there is an objection to the proposed Agreement for Modification of Conditions of Certification, the objecting party must file its written objection, and request for a formal hearing, with the Department of Environmental Protection within 45 days of the party's receipt of this notice. If no party objects to OUC's proposed change, we request that the Department issue a final order approving the requested modification.

I have enclosed fourteen copies of this request for the Department's use. As noted above, I have provided copies by U.S. mail to all of the other parties who participated in the proceedings leading to the supplemental site certification of Stanton Energy Center Unit 2, as named in the Certificate of Service attached to the Proposed Agreement.

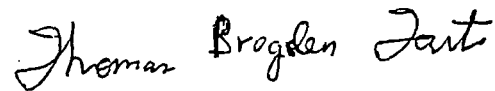
We believe the requested minor modification to the supplemental site certification conditions should not be controversial, and will result in more economical operation of the Stanton Energy Center with no reduction of the substantive operational and environmental controls and continuous emissions monitoring that is provided in the Supplemental Conditions of Certification, as modified. However, if any party to the supplemental site certification proceedings wishes to object to the proposed modification, I have advised them to file their objections directly with the Department within 45 days of their receipt of the OUC's request for modification. If the Department receives a written objection requesting a formal hearing from any party, I request that you promptly send me a copy.

A check in the amount of \$10,000 was submitted to the Department with OUC's previous modification request, which was approved in the Final Order issued on December 22, 1997. The Department has not yet refunded any of this fee to OUC, and it is my understanding that this minor modification will be processed by the Department under the fee submitted for the 1997 modification.

Hamilton S. Oven, P.E., Administrator
May 11, 1998
Page 3

On behalf of Orlando Utilities Commission, I thank you for your consideration of this request and the Agreement enclosed. If you have any questions concerning this request, please contact me or Greg DeMuth at (407) 423-9141.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Brogden Tart".

Thomas B. Tart
Vice President and General Counsel

TBT/reb

Enclosures

cc: Vivian Garfein
Robert C. Haven
C. Laurence Keesey
Greg DeMuth

oven.ltr

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

1991 12 18

SITING COORDINATION

IN RE: ORLANDO UTILITIES)
COMMISSION, CURTIS H. STANTON)
ENERGY CENTER UNITS NO. 1 AND)
NO. 2, SITE CERTIFICATION)
_____)

DOAH Case No. 91-1813 EPP

PROPOSED AGREEMENT FOR MODIFICATION
OF CONDITIONS OF CERTIFICATION

The Orlando Utilities Commission ("OUC") hereby requests all parties who participated in the supplemental site certification hearing for the Curtis H. Stanton Energy Center Unit No. 2, to concur and agree to OUC's proposed Agreement for Modification of Conditions of Certification for Stanton Unit No. 2, pursuant to Section 403.516(1)(b), Florida Statutes, and Rule 62-17.211, Florida Administrative Code. The parties to the supplemental certification for Unit No. 2 (DOAH Case No. 91-1813 EPP) approved by the Siting Board's Final Order entered December 17, 1991, are requested to consent to, or to not object to, the modification of the Conditions of Certification described in this Agreement.

Following notice to the parties, and an opportunity for review by the public, the Department of Environmental Protection is requested to issue an order modifying the Conditions of Certification for Unit 2 at the Stanton Energy Center, pursuant to the statute and rule provisions cited above.

This Proposed Agreement for Modification of Conditions of Certification authorizes OUC to eliminate an air monitoring station

located at the Stanton Energy Center site which was established by OUC pursuant to paragraphs numbered 3 and 6 of Section II/I. B. (Air Monitoring Program) of the Supplemental Conditions of Certification (COC) for Unit No. 2. Pursuant to COC paragraph II/I. B. 6., this air monitoring station was to be in operation beginning at least one year prior to initial start up of Unit 2 and to "continue for at least one year of commercial operation."

Unit 2 at the Stanton Energy Center has been in commercial operation since May, 1996. Ambient air quality has been monitored and maintained by OUC during construction of Unit 2 and during two years of its commercial operation. There is no longer a need for the data generated by the station. There are significant costs to OUC to operate and maintain the air monitoring station.

The deletion of the air monitoring station will not change or affect in any way the specific air emissions limitations, continuous emission monitors and other environmental and performance standards and safeguards applicable to Stanton Unit 2 under the Supplemental Conditions of Certification which will remain in full force and effect. Therefore, as contemplated by COC II/I. B. 6., OUC requests concurrence in the elimination of this air monitoring station. In support of this Request for Modification, Orlando Utilities Commission states the following:

History of the Stanton Energy Center Site Certification

1. The Siting Board, in its Certification Order issued December 14, 1982, adopted and approved the recommended order of the Administrative Law Judge dated November 12, 1982, in DOAH Case

No. 81-1431, certifying, pursuant to Chapter 403, Part II, Florida Statutes, the location, construction and operation of the Curtis H. Stanton Energy Center, Unit 1 and its associated facilities and directly associated transmission lines, subject to the Conditions of Certification attached thereto. The Certification Order further certified the Curtis H. Stanton Energy Center for an ultimate electrical generating capacity on site of approximately 2,000 megawatts.

2. On December 17, 1991, the Siting Board issued its Final Order Approving Supplemental Certification (DOAH Case No. 91-1813 EPP) authorizing the construction and operation of Stanton Energy Center Unit 2 and its directly associated facilities, subject to the Supplemental Conditions of Certification attached as Exhibit A to the adopted Recommended Order of the Administrative Law Judge dated November 15, 1991.

3. On July 24, 1995, the Siting Board issued its Final Order Approving Modification of Certification which authorized, subject to the Stipulation of the Parties and the modified Conditions of Certification referenced in the Order, the construction of the Alafaya Trail Extension through portions of the Stanton Energy Center site.

4. On December 22, 1997, the Department of Environmental Protection issued its Final Order Modifying Conditions of Certification which approved, subject to the Stipulation of the Parties, the following modifications of the COC for Stanton Units 1 and 2: (a) Use of landfill gas as fuel; (b) the use of off-site

fly ash containing residual lime to displace fly ash from SEC Units 1 and 2 in the flue gas desulfurization process; (c) approval of a consistent igniter fuel oil for Units 1 and 2; (d) a modification process for federally delegated permits; (e) relocation of the fleet maintenance facility; (f) and two clarifications of existing conditions.

Description of Requested Modification

5. This Proposed Agreement for Modification of Conditions of Certification deletes paragraphs 3 and 6 of Section II/I Air B. (Air Monitoring Program) which are stated below:

3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 52, and one ambient monitoring device for PM₁₀, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.

The ambient air monitoring station implemented pursuant to paragraph 3, above, was intended to be temporary and subject to termination by the Department after a suitable monitoring period, as described in COC Paragraph II/I B. 6. Paragraph II/I B. 6., which will also be deleted from the Conditions of Certification, states the following:

6. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.

6. Stanton Unit 2 has been in operation for two calendar years since it went into operation in May, 1996. The air monitoring station has fulfilled its purpose. Both the Department and Orlando Utilities Commission have reviewed the data provided by the station and confirmed that ambient air quality has been maintained during the construction and operation of Stanton Unit 2. The monitoring station costs OUC a significant amount to operate and maintain. There is no further practical benefit from or need for its continued operation pursuant to the conditions of certification.

7. The elimination of the air monitoring station authorized by this agreement does not in any way affect, change or reduce the air emission limitations established in the Conditions of Certification Section II/I A., nor does it change any other performance monitoring or testing requirements in the Supplemental COCs, such as the stack testing requirements contained in Section II/I. C.

Agreement of the Parties

8. All parties to the Supplemental Site Certification proceeding for Stanton Unit 2 (DOAH Case No. 91-1813 EPP) listed in the attached certificate of service agree to, or otherwise do not object to, this Proposed Agreement For Modification of Conditions of Certification including the revised wording of Section II/I B. of the Supplemental Conditions of Certification contained in Exhibits 1 and 2, attached hereto. All parties further consent to the Department of Environmental Protection's issuance of a Final

Order Modifying Conditions of Certification pursuant to Section 403.516(1)(b), Florida Statutes, to approve the changes to Section II/I B., as shown in Exhibit 1.

Notice of Right to Respond

9. The parties to the Supplemental Site Certification proceeding for Stanton Unit 2 are hereby notified that they have the right to respond, or to object in writing within forty-five (45) days, to OUC's proposed modification of the Supplemental Conditions of Certification described in this Agreement. Pursuant to Rule 62-17.211(4)(a), Florida Administrative Code, failure to file a timely response shall be deemed acceptance of the proposed Agreement. A failure to object to the Proposed Agreement For Modification, as described herein, may result in the Department of Environmental Protection issuing an order approving the modification requested by Orlando Utilities Commission. Parties to the Supplemental Site Certification proceeding for Stanton Unit 2 who wish to object or respond to the proposed modification and to request the appointment of an Administrative Law Judge to conduct a formal hearing on the modification proposed by Orlando Utilities Commission must file, within 45 days of their receipt by mail of this proposed Agreement, a written statement of the reasons for their objection with the Department of Environmental Protection at the following address:

Ms. Cathy Carter, Agency Clerk
Office of the General Counsel
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Orlando Utilities Commission requests that any responding or objecting party send a copy of its written response to the undersigned attorney for OUC.

REQUEST FOR RELIEF

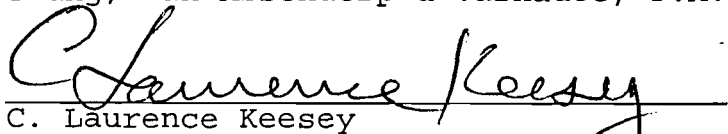
10. Orlando Utilities Commission requests that the Department of Environmental Protection give notice of this request for modification to the public, as provided by law.

11. Upon no objection being received by the Department from a party or a member of the public following the publication of public notice of the filing of this request for modification, the Department of Environmental Protection is requested to issue its Final Order Modifying Conditions of Certification for the Stanton Energy Center Unit 2, as requested by OUC in the Proposed Agreement For Modification of Conditions of Certification, pursuant to Section 403.516(1)(b), Florida Statutes.

12. The Department of Environmental Protection is requested to grant such other relief as may be appropriate and necessary with regard to Conditions of Certification for the Orlando Utilities Commission's Stanton Energy Center, Unit 2.

Respectfully submitted this 11th day of May, 1998.

Young, van Assenderp & Varnadoe, P.A.



C. Laurence Keesey
Florida Bar No. 0174225
Young, van Assenderp & Varnadoe, P.A.
SunTrust Building.
801 Laurel Oak Drive, Suite 300
Naples, Florida 34108
(941) 597-2814
Attorneys for Orlando Utilities Commission

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Proposed Agreement For Modification of Conditions of Certification has been furnished to **Hamilton S. Oven**, P.E., Siting Coordination Office, Division of Air Resources Management, Department of Environmental Protection, 2600 Blair Stone Road, MS-48, Tallahassee, Florida 32399-2400 by Federal Express; and to **Fred Bryant**, Esquire, 306 E. College Avenue, Tallahassee, Florida 32302; **Kathryn Menella**, Esquire, Sr. Asst. General Counsel, St. Johns River Water Mgmt. Dist., P.O. Box 1429, Palatka, Florida 32178-1429; **G. Stephen Pfeiffer**, Esquire, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399-2100; **Aaron Dowling**, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789; **Tom Wilks**, Esquire, Orange County, 201 S. Rosalind Avenue, 5th Floor, Orlando, Florida 32801; **John Fumero**, Esquire, South Florida Water Management District, 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, Florida 33416-4680; **Bob Elias**, Bureau Chief, Electric & Gas Division of Legal Services, Florida Public Service Commission, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; **Charles Lee**, Senior Vice President, Florida Audubon Society, 13331 Palmetto Avenue, Suite 110, Winter Park, Florida 32789; **Clay McGonalgill and Marrienne Trussell**, Assistants General Counsel, Department of Transportation, 605 Suwannee Street, MS-58, Tallahassee, Florida 32399-0458; **Perry Odom**, Esquire, General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399; and **Jim Antista**, General Counsel, Florida Game and Fresh Water Fish Commission, Farris Bryant Building, Room 108, 620 S. Meridian Street, Tallahassee, Florida 32399-1600; by U.S. Mail, Postage Prepaid, this 11th day of May, 1998.


C. Laurence Keesey

1*ouc\agree.mod

Exhibit 1

Proposed Modification is to change the wording of Subsection B. (Air Monitoring Program) of Part II, Section II/I, beginning at page 13 of Supplemental Conditions of Certification attached as Appendix A to Administrative Law Judge Diane Kiesling's Recommended Order dated November 15, 1991, approved by Final Order of the Siting Board, dated December 17, 1991, to read as follows:

16. The Licensee shall submit to the Department at least 120 days prior to start of construction of the NO_x control system, copies of technical data pertaining to the selected NO_x control system. These data, if applicable to the technology chosen by the Licensee, should include but not be limited to design efficiency, guaranteed efficiency, emission rates, flow rates, reagent injection rates, or types of catalysts. The Department may, upon review of these data, disapprove the use of any such device or system if the Department determines the selected control device or system to be inadequate to meet the emission limits specified in 1.b. above. Such disapproval shall be issued within 90 days of receipt of the technical data.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for Stanton Unit 2 to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. The flue gas manufacturing oxygen monitor shall be calibrated and operated according to established procedures as approved by DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.
2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen oxides, oxygen, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC., and 40 CFR 60.47a. The opacity monitor may be placed in the duct work between the electrostatic precipitator and the FGD scrubber.

3. The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is recorded. Fuel analysis data including sulfur content, ash content, and heating values shall be determined on an as received basis and kept for two years.
 4. The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) F.A.C.
- C. Stack Testing
1. Within 60 calendar days after achieving the maximum capacity at which Unit 2 will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates, SO₂, NO_x, and visible emissions during normal operations near (\pm 10%) 4286 MMBtu/hr heat input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.
 2. Compliance with emission limitation standards mentioned in specific Conditions No. II/I.A. shall be demonstrated during the initial performance test using appropriate EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any method as proposed by the Applicant and approved by the Department, in accordance with F.A.C. Rule 17-2.700.

EPA Method For Determination of

- 1 Selection of sample site and velocity traverses.
- 2 Stack gas flow rate when converting concentrations to or from mass emission limits.

Exhibit 2

Proposed Modification is to change the wording of Subsection B. (Air Monitoring Program) of Part II, Section II/I, beginning at page 13 of Supplemental Conditions of Certification attached as Appendix A to Administrative Law Judge Diane Kiesling's Recommended Order dated November 15, 1991, approved by Final Order of the Siting Board, dated December 17, 1991, to read as follows:

16. The Licensee shall submit to the Department at least 120 days prior to start of construction of the NO_x control system, copies of technical data pertaining to the selected NO_x control system. These data, if applicable to the technology chosen by the Licensee, should include but not be limited to design efficiency, guaranteed efficiency, emission rates, flow rates, reagent injection rates, or types of catalysts. The Department may, upon review of these data, disapprove the use of any such device or system if the Department determines the selected control device or system to be inadequate to meet the emission limits specified in 1.b. above. Such disapproval shall be issued within 90 days of receipt of the technical data.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for Stanton Unit 2 to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. The flue gas manufacturing oxygen monitor shall be calibrated and operated according to established procedures as approved by DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.
2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen oxides, oxygen, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC., and 40 CFR 60.47a. The opacity monitor may be placed in the duct work between the electrostatic precipitator and the FGD scrubber.
- ~~3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and one~~

~~ambient monitoring device for PM₁₀, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.~~

~~4-3.~~ The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is recorded. Fuel analysis data including sulfur content, ash content, and heating values shall be determined on an as received basis and kept for two years.

~~5-4.~~ The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) F.A.C.

~~6.~~ ~~The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.~~

C. Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which Unit 2 will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates, SO₂, NO_x, and visible emissions during normal operations near ($\pm 10\%$) 4286 MMBtu/hr heat input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.

2. Compliance with emission limitation standards mentioned in specific Conditions No. II/I.A. shall be demonstrated during the initial performance test using appropriate EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any method as proposed by the Applicant and approved by the Department, in accordance with F.A.C. Rule 17-2.700.

EPA Method For Determination of

- 1 Selection of sample site and velocity traverses.
- 2 Stack gas flow rate when converting concentrations to or from mass emission limits.



Best Available Copy

Department of Environmental Protection

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

CERTIFIED
Z 184 890 887

OCD-AP-98-074

Frederick F. Haddad, Jr., Vice President
Orlando Utilities Commission
Post Office Box 3193
Orlando, Florida 32802

DEPARTMENT OF ENVIRONMENTAL PROTECTION
MAY 28 1998
SITING COORDINATION

Orange County - AP
Consent Order OGC Case No. 98-1253

Dear Mr. Haddad:

Attached is Consent Order No. 98-1253 prepared by the Department. Please review this document and if satisfactory, sign and date the appropriate spaces and forward to this office within the next twenty (20) days. A copy of the completed document will be forwarded to you upon entry by the Director of District Management.

If you have any questions about the terms of this Consent Order, please contact Caroline Shine at 407-893-3333 at the above address.

Sincerely,

L. T. Kozloy, P. E.
Acting Air Administrator
Air Resources Management

Date 5-26-98

LTK/cs
Attachment

2. Respondent is a person within the meaning of Section 403.031(5), Florida Statutes.

3. The Respondent owns and operates the Curtis H. Stanton Energy Center electrical power plant located, 28°28'50" Latitude and 81° 09' 40" Longitude in Orange County, Florida ("Plant"). The Plant contains two electrical utility steam generating units ("Unit 1" and "Unit 2").

4. The construction and operation of Unit 1 is authorized by Site Certification PA 81-14 issued pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501, et. seq., F.S. and the federal Prevention of Significant Deterioration Permit PSD-FL-84.

5. The construction and operation of Unit 2 is authorized by Site Certification PA 81-14B issued pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501, et. seq., F.S. and the federal Prevention of Significant Deterioration Permit PSD-FL-84.

6. The Respondent failed to submit quarterly ambient air monitoring data for Unit 2 to the Department for sulfur dioxide, nitrogen dioxide, and particulate matter ¹⁰, as required by Unit 2's Site Certification PA 81-14B, Condition II/I, Air D. The quarterly submission should have begun 45 days after the 2nd quarter of 1996. The Department received the late data on or about December 18, 1997.

7. On December 13, 1996, the opacity monitor for Unit 1 recorded opacity in excess of the allowable twenty (20) percent during a period of 12 hours, from 1:00 a.m. to 1:00 p.m. According to the Respondent, the opacity exceedance resulted from a

malfunction of the electrostatic precipitator (ESP). The ESP is a pollution control device used to control particulate matter emissions. The Respondent has informed the Department that the repair to ESP was delayed because the opacity monitor was suspected to be operating improperly. After the Respondent's checks verified that the opacity monitor was operating properly, the ESP was checked and repaired. The Plant records indicated the Respondent increased heat inputs with variations greater than 10 percent per hour for five hours during the event. The opacity exceedance constitutes a violation of Section 403.161(1)(b), Florida Statutes, Site Certification PA 81-14, Conditions XVII, I.A.1.d., I.A.15, 40 Code of Federal Regulation, Part 60, Sections 60.42a(b), 60.47a, and 60.11(d) and Florida Administrative Code Rule 62-210.700.

8. The Department informed Respondent of the Respondent's violations of Chapter 403, Florida Statutes, and applicable Department Rules in Warning Letter OWL AP-97-369, dated December 3, 1997. Informal meetings were held at the Department's Orlando office on January 15, 1998 and April 2, 1998 between Respondent and the Department.

9. Having reached a resolution of the matter, the Department and the Respondent mutually agree and it is,

ORDERED:

10. The Respondent shall hereinafter submit quarterly ambient air monitoring data for Unit 2 to the Department for sulfur dioxide, nitrogen dioxide, and particulate matter₁₀, in a timely manner in accordance with Site Certification PA 81-14B, Condition III, Air D.

11. Within 30 days from the effective date of this Consent Order, the Respondent shall pay the Department five thousand four hundred dollars (\$5,400.00) in settlement of the matters addressed in this Consent Order. This amount includes five thousand two hundred dollars (\$5,200.00) in civil penalties for alleged violations of Section 403.161, Florida Statutes, and of the Department's rules, and two hundred dollars (\$200.00) for costs and expenses incurred by the Department during the investigation of this matter and preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Protection and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." The payment shall be sent to the Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.

12. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day the Respondent fails to timely comply with any of the requirements of paragraph 10 and 11 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 20 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental

Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 11 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

13. Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or

activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (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 Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order 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 21 days of receipt 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 Sections 120.569 and 120.57, Florida Statutes, 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 28-106.205, Florida Administrative Code.

A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Florida

Statutes, or may choose to pursue mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the Respondent, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement; and

(g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.

(h) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 remain available for disposition of the

dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

14. Entry of this Consent Order does not relieve Respondent of the need to comply with the applicable federal, state or local laws, regulations or ordinances.

15. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

16. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per offense and criminal penalties.

17. Respondent shall allow all authorized representatives of the Department access to the property and Plant at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules of the Department.

18. All plans, applications, penalties, stipulated penalties, costs and expenses, and information required by this Consent Order to be submitted to the Department should be sent to Florida Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.

19. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

20. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondent acknowledges but waives their right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, but waive that right upon signing this Consent Order.

21. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, their directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

22. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both of the Respondent and the Department.

23. If all of the requirements of this Consent Order have not been fully satisfied, Respondent shall, at least 14 days prior to a sale or conveyance of the property or plant, (1) notify the Department of such sale or conveyance, and (2) provide a copy of this Consent Order with all attachments to the new owner.

24. This Consent Order is a settlement of the Department's civil and administrative authority arising from Chapters 403 and 376, Florida Statutes, to pursue the allegations addressed herein. This Consent Order does not address settlement of any criminal liabilities which may arise from Sections 403.161(3) through

(5),403.413(5), 403.727(3)(b), 376.302(3) and (4), or 376.3071(10), Florida Statutes, nor does it address settlement of any violation which may be prosecuted criminally or civilly under federal law.

25. This Consent Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

Fredrick F. Haddad, Vice President
Orlando Utilities Commission
Post Office Box 3193
Orlando, Florida 32802

Date

Done and ordered this _____ day of _____, 1998 in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Vivian F. Garfein
Director of District Management
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

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

cc: Larry Morgan

Florida Department of
Environmental Protection

Memorandum

TO: Dotty Diltz
Clair Fancy
Len Kozlov

FROM: Buck Oven *BHO*

DATE: May 12, 1998

SUBJECT: Orlando Utilities Commission, Stanton Energy Center PA 81-14
Request to Modify Conditions

Please review the attached request for modification and return comments and your recommendations to me. This would be an appropriate time to suggestions to correct any portions of the existing Conditions of Certification to resolve inconsistencies with the State Implementation Plan and enforcement policies.

Attch:

cc: Scott Goorland

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

MAY 1 2 1992

SITING COORDINATION

IN RE: ORLANDO UTILITIES)	
COMMISSION, CURTIS H. STANTON)	
ENERGY CENTER UNITS NO. 1 AND)	DOAH Case No. 91-1813 EPP
NO. 2, SITE CERTIFICATION)	
<hr/>		

PROPOSED AGREEMENT FOR MODIFICATION
OF CONDITIONS OF CERTIFICATION

The Orlando Utilities Commission ("OUC") hereby requests all parties who participated in the supplemental site certification hearing for the Curtis H. Stanton Energy Center Unit No. 2, to concur and agree to OUC's proposed Agreement for Modification of Conditions of Certification for Stanton Unit No. 2, pursuant to Section 403.516(1)(b), Florida Statutes, and Rule 62-17.211, Florida Administrative Code. The parties to the supplemental certification for Unit No. 2 (DOAH Case No. 91-1813 EPP) approved by the Siting Board's Final Order entered December 17, 1991, are requested to consent to, or to not object to, the modification of the Conditions of Certification described in this Agreement.

Following notice to the parties, and an opportunity for review by the public, the Department of Environmental Protection is requested to issue an order modifying the Conditions of Certification for Unit 2 at the Stanton Energy Center, pursuant to the statute and rule provisions cited above.

This Proposed Agreement for Modification of Conditions of Certification authorizes OUC to eliminate an air monitoring station

located at the Stanton Energy Center site which was established by OUC pursuant to paragraphs numbered 3 and 6 of Section II/I. B. (Air Monitoring Program) of the Supplemental Conditions of Certification (COC) for Unit No. 2. Pursuant to COC paragraph II/I. B. 6., this air monitoring station was to be in operation beginning at least one year prior to initial start up of Unit 2 and to "continue for at least one year of commercial operation."

Unit 2 at the Stanton Energy Center has been in commercial operation since May, 1996. Ambient air quality has been monitored and maintained by OUC during construction of Unit 2 and during two years of its commercial operation. There is no longer a need for the data generated by the station. There are significant costs to OUC to operate and maintain the air monitoring station.

The deletion of the air monitoring station will not change or affect in any way the specific air emissions limitations, continuous emission monitors and other environmental and performance standards and safeguards applicable to Stanton Unit 2 under the Supplemental Conditions of Certification which will remain in full force and effect. Therefore, as contemplated by COC II/I. B. 6., OUC requests concurrence in the elimination of this air monitoring station. In support of this Request for Modification, Orlando Utilities Commission states the following:

History of the Stanton Energy Center Site Certification

1. The Siting Board, in its Certification Order issued December 14, 1982, adopted and approved the recommended order of the Administrative Law Judge dated November 12, 1982, in DOAH Case

No. 81-1431, certifying, pursuant to Chapter 403, Part II, Florida Statutes, the location, construction and operation of the Curtis H. Stanton Energy Center, Unit 1 and its associated facilities and directly associated transmission lines, subject to the Conditions of Certification attached thereto. The Certification Order further certified the Curtis H. Stanton Energy Center for an ultimate electrical generating capacity on site of approximately 2,000 megawatts.

2. On December 17, 1991, the Siting Board issued its Final Order Approving Supplemental Certification (DOAH Case No. 91-1813 EPP) authorizing the construction and operation of Stanton Energy Center Unit 2 and its directly associated facilities, subject to the Supplemental Conditions of Certification attached as Exhibit A to the adopted Recommended Order of the Administrative Law Judge dated November 15, 1991.

3. On July 24, 1995, the Siting Board issued its Final Order Approving Modification of Certification which authorized, subject to the Stipulation of the Parties and the modified Conditions of Certification referenced in the Order, the construction of the Alafaya Trail Extension through portions of the Stanton Energy Center site.

4. On December 22, 1997, the Department of Environmental Protection issued its Final Order Modifying Conditions of Certification which approved, subject to the Stipulation of the Parties, the following modifications of the COC for Stanton Units 1 and 2: (a) Use of landfill gas as fuel; (b) the use of off-site

fly ash containing residual lime to displace fly ash from SEC Units 1 and 2 in the flue gas desulfurization process; (c) approval of a consistent igniter fuel oil for Units 1 and 2; (d) a modification process for federally delegated permits; (e) relocation of the fleet maintenance facility; (f) and two clarifications of existing conditions.

Description of Requested Modification

5. This Proposed Agreement for Modification of Conditions of Certification deletes paragraphs 3 and 6 of Section II/I Air B. (Air Monitoring Program) which are stated below:

3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 52, and one ambient monitoring device for PM₁₀, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.

The ambient air monitoring station implemented pursuant to paragraph 3, above, was intended to be temporary and subject to termination by the Department after a suitable monitoring period, as described in COC Paragraph II/I B. 6. Paragraph II/I B. 6., which will also be deleted from the Conditions of Certification, states the following:

6. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.

6. Stanton Unit 2 has been in operation for two calendar years since it went into operation in May, 1996. The air monitoring station has fulfilled its purpose. Both the Department and Orlando Utilities Commission have reviewed the data provided by the station and confirmed that ambient air quality has been maintained during the construction and operation of Stanton Unit 2. The monitoring station costs OUC a significant amount to operate and maintain. There is no further practical benefit from or need for its continued operation pursuant to the conditions of certification.

7. The elimination of the air monitoring station authorized by this agreement does not in any way affect, change or reduce the air emission limitations established in the Conditions of Certification Section II/I A., nor does it change any other performance monitoring or testing requirements in the Supplemental COCs, such as the stack testing requirements contained in Section II/I. C.

Agreement of the Parties

8. All parties to the Supplemental Site Certification proceeding for Stanton Unit 2 (DOAH Case No. 91-1813 EPP) listed in the attached certificate of service agree to, or otherwise do not object to, this Proposed Agreement For Modification of Conditions of Certification including the revised wording of Section II/I B. of the Supplemental Conditions of Certification contained in Exhibits 1 and 2, attached hereto. All parties further consent to the Department of Environmental Protection's issuance of a Final

Order Modifying Conditions of Certification pursuant to Section 403.516(1)(b), Florida Statutes, to approve the changes to Section II/I B., as shown in Exhibit 1.

Notice of Right to Respond

9. The parties to the Supplemental Site Certification proceeding for Stanton Unit 2 are hereby notified that they have the right to respond, or to object in writing within forty-five (45) days, to OUC's proposed modification of the Supplemental Conditions of Certification described in this Agreement. Pursuant to Rule 62-17.211(4)(a), Florida Administrative Code, failure to file a timely response shall be deemed acceptance of the proposed Agreement. A failure to object to the Proposed Agreement For Modification, as described herein, may result in the Department of Environmental Protection issuing an order approving the modification requested by Orlando Utilities Commission. Parties to the Supplemental Site Certification proceeding for Stanton Unit 2 who wish to object or respond to the proposed modification and to request the appointment of an Administrative Law Judge to conduct a formal hearing on the modification proposed by Orlando Utilities Commission must file, within 45 days of their receipt by mail of this proposed Agreement, a written statement of the reasons for their objection with the Department of Environmental Protection at the following address:

Ms. Cathy Carter, Agency Clerk
Office of the General Counsel
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Orlando Utilities Commission requests that any responding or objecting party send a copy of its written response to the undersigned attorney for OUC.

REQUEST FOR RELIEF

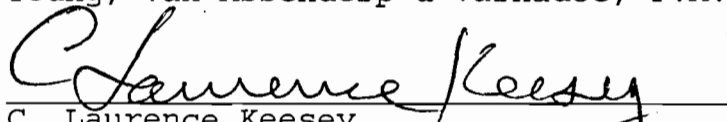
10. Orlando Utilities Commission requests that the Department of Environmental Protection give notice of this request for modification to the public, as provided by law.

11. Upon no objection being received by the Department from a party or a member of the public following the publication of public notice of the filing of this request for modification, the Department of Environmental Protection is requested to issue its Final Order Modifying Conditions of Certification for the Stanton Energy Center Unit 2, as requested by OUC in the Proposed Agreement For Modification of Conditions of Certification, pursuant to Section 403.516(1)(b), Florida Statutes.

12. The Department of Environmental Protection is requested to grant such other relief as may be appropriate and necessary with regard to Conditions of Certification for the Orlando Utilities Commission's Stanton Energy Center, Unit 2.

Respectfully submitted this 11th day of May, 1998.

Young, van Assenderp & Varnadoe, P.A.



C. Laurence Keesey
Florida Bar No. 0174225
Young, van Assenderp & Varnadoe, P.A.
SunTrust Building
801 Laurel Oak Drive, Suite 300
Naples, Florida 34108
(941) 597-2814

Attorneys for Orlando Utilities Commission

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Proposed Agreement For Modification of Conditions of Certification has been furnished to **Hamilton S. Oven**, P.E., Siting Coordination Office, Division of Air Resources Management, Department of Environmental Protection, 2600 Blair Stone Road, MS-48, Tallahassee, Florida 32399-2400 by Federal Express; and to **Fred Bryant**, Esquire, 306 E. College Avenue, Tallahassee, Florida 32302; **Kathryn Menella**, Esquire, Sr. Asst. General Counsel, St. Johns River Water Mgmt. Dist., P.O. Box 1429, Palatka, Florida 32178-1429; **G. Stephen Pfeiffer**, Esquire, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399-2100; **Aaron Dowling**, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789; **Tom Wilks**, Esquire, Orange County, 201 S. Rosalind Avenue, 5th Floor, Orlando, Florida 32801; **John Fumero**, Esquire, South Florida Water Management District, 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, Florida 33416-4680; **Bob Elias**, Bureau Chief, Electric & Gas Division of Legal Services, Florida Public Service Commission, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; **Charles Lee**, Senior Vice President, Florida Audubon Society, 13331 Palmetto Avenue, Suite 110, Winter Park, Florida 32789; **Clay McGonalgill and Marrienne Trussell**, Assistants General Counsel, Department of Transportation, 605 Suwannee Street, MS-58, Tallahassee, Florida 32399-0458; **Perry Odom**, Esquire, General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399; and **Jim Antista**, General Counsel, Florida Game and Fresh Water Fish Commission, Farris Bryant Building, Room 108, 620 S. Meridian Street, Tallahassee, Florida 32399-1600; by U.S. Mail, Postage Prepaid, this 11th day of May, 1998.


C. Laurence Keesey

1*ouc\agree.mod

Exhibit 1

Proposed Modification is to change the wording of Subsection B. (Air Monitoring Program) of Part II, Section II/I, beginning at page 13 of Supplemental Conditions of Certification attached as Appendix A to Administrative Law Judge Diane Kiesling's Recommended Order dated November 15, 1991, approved by Final Order of the Siting Board, dated December 17, 1991, to read as follows:

16. The Licensee shall submit to the Department at least 120 days prior to start of construction of the NO_x control system, copies of technical data pertaining to the selected NO_x control system. These data, if applicable to the technology chosen by the Licensee, should include but not be limited to design efficiency, guaranteed efficiency, emission rates, flow rates, reagent injection rates, or types of catalysts. The Department may, upon review of these data, disapprove the use of any such device or system if the Department determines the selected control device or system to be inadequate to meet the emission limits specified in 1.b. above. Such disapproval shall be issued within 90 days of receipt of the technical data.
- B. Air Monitoring Program
1. A flue gas oxygen meter shall be installed for Stanton Unit 2 to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. The flue gas manufacturing oxygen monitor shall be calibrated and operated according to established procedures as approved by DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.
 2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen oxides, oxygen, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC., and 40 CFR 60.47a. The opacity monitor may be placed in the duct work between the electrostatic precipitator and the FGD scrubber.

3. The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is recorded. Fuel analysis data including sulfur content, ash content, and heating values shall be determined on an as received basis and kept for two years.
4. The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) F.A.C.

C. Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which Unit 2 will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates, SO₂, NO_x, and visible emissions during normal operations near (\pm 10%) 4286 MMBtu/hr heat input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.
2. Compliance with emission limitation standards mentioned in specific Conditions No. II/I.A. shall be demonstrated during the initial performance test using appropriate EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any method as proposed by the Applicant and approved by the Department, in accordance with F.A.C. Rule 17-2.700.

EPA Method For Determination of

- 1 Selection of sample site and velocity traverses.
- 2 Stack gas flow rate when converting concentrations to or from mass emission limits.

Exhibit 2

Proposed Modification is to change the wording of Subsection B. (Air Monitoring Program) of Part II, Section II/I, beginning at page 13 of Supplemental Conditions of Certification attached as Appendix A to Administrative Law Judge Diane Kiesling's Recommended Order dated November 15, 1991, approved by Final Order of the Siting Board, dated December 17, 1991, to read as follows:

16. The Licensee shall submit to the Department at least 120 days prior to start of construction of the NO_x control system, copies of technical data pertaining to the selected NO_x control system. These data, if applicable to the technology chosen by the Licensee, should include but not be limited to design efficiency, guaranteed efficiency, emission rates, flow rates, reagent injection rates, or types of catalysts. The Department may, upon review of these data, disapprove the use of any such device or system if the Department determines the selected control device or system to be inadequate to meet the emission limits specified in 1.b. above. Such disapproval shall be issued within 90 days of receipt of the technical data.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for Stanton Unit 2 to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. The flue gas manufacturing oxygen monitor shall be calibrated and operated according to established procedures as approved by DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.
2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen oxides, oxygen, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC., and 40 CFR 60.47a. The opacity monitor may be placed in the duct work between the electrostatic precipitator and the FGD scrubber.
- ~~3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and one~~

~~ambient monitoring device for PM_{10} , and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.~~

~~4.3.~~ The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is recorded. Fuel analysis data including sulfur content, ash content, and heating values shall be determined on an as received basis and kept for two years.

~~5.4.~~ The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) F.A.C.

~~6.~~ The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.

C. Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which Unit 2 will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates, SO_2 , NO_x , and visible emissions during normal operations near ($\pm 10\%$) 4286 MMBtu/hr heat input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.

2. Compliance with emission limitation standards mentioned in specific Conditions No. II/I.A. shall be demonstrated during the initial performance test using appropriate EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any method as proposed by the Applicant and approved by the Department, in accordance with F.A.C. Rule 17-2.700.

EPA Method For Determination of

- 1 Selection of sample site and velocity traverses.
- 2 Stack gas flow rate when converting concentrations to or from mass emission limits.

Best Available Copy

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Purchasing Fax: 407.423.9199
Website: <http://www.ouc.com>

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

FEB 26 1998

SITING COORDINATION



The Reliable One

Certified Mail No. Z-363-251-257
Return Receipt Requested

February 24, 1998

Ms. Christine Ferraro
Florida Department of Environmental Protection
3319 Maguire Boulevard, Suite 232
Orlando, FL 32803

Dear Ms. Ferraro:

This letter is to confirm our telephone conversation of Friday, February 20, 1998 wherein we advised the Department that an overflow had occurred from the Stanton Energy Center (SEC) coal pile run-off pond. The overflow was halted upon discovery by utilizing sand bags; however, flow did enter a swale on the north side of the SEC property.

As discussed, our contract laboratory was on site Friday evening and took samples where the storm water swale crosses under the chain link fence. As we agreed, these samples will be analyzed for inclusion in the monthly surface water analysis requirements found in the Conditions of Certification, with the two following exceptions:

- 1) Nitrogen will be reported as total Nitrogen and
- 2) Analysis for total suspended solids.

Results of the analyses will be included in the monthly report.

The overflow occurrence was a direct result of the inordinately high recent rain fall events.

Thank you for your consideration.

Sincerely

A handwritten signature in black ink, appearing to read "Gregory A. DeMuth", is written over a horizontal line.

Gregory A. DeMuth, Director
Environmental Division

GAD:rc

xc: A. C. Frazier
F. F. Haddad
D. M. Scarlett
L. M. Brown
H. S. Oven - FDEP, Tallahassee

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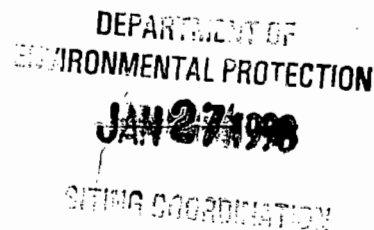
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Certified Mail No. Z-372-115-301
Return Receipt Requested

January 21, 1998

Mr. Alvaro Linero, P. E.
Administrator Resource Review Section
Division of Air Resources Management
Florida Department of Environmental Protection
2600 Blair Stone Road - MS 5505
Tallahassee, FL 32399-2400



RE: Stanton Energy Center, Unit No. 2 (PA 81-14/SA1)

Dear Mr. Linero:

On December 18, 1997 the Orlando Utilities Commission (OUC) requested approval from the Department to conduct a "Test Burn Program" using a blend of petroleum coke and our normal coal at the Stanton Energy Center, Unit No. 2 (SEC-2). This test burn was scheduled to begin February 1, 1998 and to continue for approximately 30 days.

The OUC hereby withdraws the request for test burn approval. We will again request approval from the Department when and if the testing of petroleum coke is rescheduled.

Thank you for your consideration and please call me at 407/423-9141 if any further information is required.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Gregory A. DeMuth'.

Gregory A. DeMuth, Director
Environmental Division

GAD:rc

xc: A. C. Frazier
F. F. Haddad
T. B. Tart
D. M. Scarlett
J. C. Aspuru
H. S. Owen, FDEP, Tallahassee
L. T. Kozlov, FDEP Central District Office
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