



December 5, 2008

Mr. Tom Cascio
Florida Department of Environmental Protection
Bureau of Air Regulation – MS 5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RECEIVED

DEC 08 2008

BUREAU OF AIR REGULATION

Re: Public Notice of Intent to Issue Title V Air Operating Permit Renewal

Dear Tom:

Pursuant to rule 62-110.106 (5), F.A.C., this letter is to inform you that the required "Public Notice of Intent to Issue Title V Air Operating Permit Renewal" has been published for Florida Power & Light's Riviera Power Plant on Tuesday, December 2, 2008. The proof of publication provided by the Palm Beach Post is attached.

If you have any questions or require additional information, please contact myself at phone number (561) 307-7188 or Gary Moncrief at (561) 845-3103.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Smith".

Jeff Smith
Responsible Official

Bcc:

John Hampp

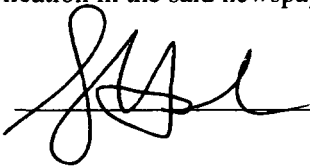
THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

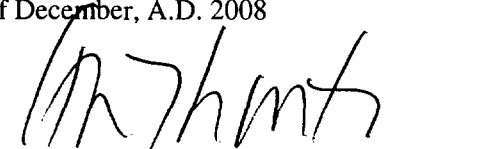
PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH


Before the undersigned authority personally appeared **Janet Taylor Fisher**, who on oath says that she is **Classified Call Center Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **DEP Draft Permit #0990042-004-AV** was published in said newspaper in the issues of **December 2, 2008**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.



Sworn to and subscribed before 2nd day of December, A.D. 2008



Personally known XX or Produced Identification _____
Type of Identification Produced _____

NOTARY PUBLIC-STATE OF FLORIDA

Karen M. McLinton
Commission #DD832672
Expires: NOV. 15, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

RECEIVED

DEC 08 2008

BUREAU OF AIR REGULATION

708343131
PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL
Florida Department of Environmental Protection, Division of Air Resource Management, Bureau of Air Regulation
Draft Permit No. 0990042-004-AV
Florida Power and Light Company, Riviera Plant, Palm Beach County, Florida
Applicant: The applicant for this project is Florida Power and Light Company. The applicant's responsible official and mailing address are: Mr. Jeff Smith, Plant General Manager, Florida Power and Light Company, Riviera Plant, 200-300 Broadway, Riviera Beach, Florida 33404.
Facility Location: The applicant operates the existing Riviera Plant, which is located in Palm Beach County at 200-300 Broadway, Riviera Beach, Florida.
Project: The applicant applied on June 26, 2008 to the Department for a Title V air operation permit renewal of Title V air operation permit No. 0990042-004-AV. The existing facility consists of two fossil fuel steam generators, Unit 3 and Unit 4, each rated at 300 megawatts (MW) (315 MW gross capacity) output. The steam generators each burn a variable combination of No. 6 fuel oil, No. 2 fuel oil, natural gas, propane, used oil from Florida Power and Light Company operations, and expired fuel oil samples from the company's central laboratory, discharging pollutants through a stack 99 feet above ground level. Each unit is a Foster-Wheeler outdoor-type boiler, equipped with low nitrogen oxides (NOx) burners and Research-Cottrell multiple cyclones with ash re-injection, with a General Electric steam turbine that drives an oil and hydrogen-cooled 300 MW class generator with a capability of 315 MW. The facility had at one time operated a 75 MW steam generating unit, Unit 2, which is no longer in service. This unit was last operated for power production in 1985. Its operating permit was surrendered by letter dated July 7, 1997. The unit is permanently retired under the federal Acid Rain Program.
Permitting Authority: Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-214, of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, S.S. #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.
Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the Draft Permit by visiting the following website: <http://www.dep.state.fl.us/air/eproducs/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.
Notice of Intent to Issue Air Permit: Permitted persons may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.
A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; (c) The name and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are material facts in dispute, the petitioner must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.
Mediation: Mediation is not available for this proceeding.
Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1) to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition does not constitute a request for a hearing.

Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of existing equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a proposed Title V air operation permit and subsequent final Title V air operation permit in accordance with the conditions of the draft permit, unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the draft Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.) on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority shall issue a Revised Draft Permit and require, if applicable, another Public Notice. Subsequent action on the Title V and Title IV parts of the renewal permit may be split if comments are received on the Title V portion of the draft permit. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mall Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of the Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

PUB: The Palm Beach Post
December 2, 2008

stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

PUB: The Palm Beach Post
December 2, 2008