

# Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406 • 407-964-9668

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary  
Scott Benyon, Deputy Assistant Secretary

## NOTICE OF PERMIT

JAN. 18 1990

Palm Beach County  
AP - City of Lake Worth Utilities  
5 Diesel Peaking Units

Mr. N. Keith Nicholson  
Power Plant Superintendent  
City of Lake Worth Utilities  
114 College Street  
Lake Worth, Florida 33460

Dear Mr. Nicholson:

Enclosed is Permit Number AO 50-172357 to operate an air pollution source issued pursuant to Section 403.087, Florida Statutes.

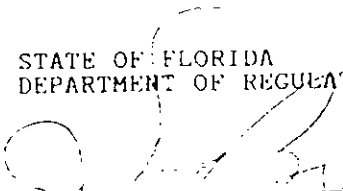
Persons whose substantial interests are affected by this permit have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative determination (hearing) on it. The petition must conform to the requirements of Chapters 17-103 and 28-5.201, FAC, and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, within fourteen (14) days of receipt of this notice. Failure to file a petition within the fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, Florida Statutes. This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with this paragraph or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, FAC. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the Final Order is filed with the Clerk of the Department.

In addition, please be advised that some processes generate hazardous wastes. Please consult 40 C.F.R. Parts 260-271 and Chapter 17-730, F.A.C. for specific rules and regulations applicable to hazardous waste handlers. Attached for your use is a document entitled "Highlights of Hazardous Waste Regulations" which outlines typical compliance items applicable to various hazardous waste generators/facilities.

Executed in West Palm Beach, Florida

STATE OF FLORIDA  
DEPARTMENT OF REGULATION

  
J. Scott Benyon  
Deputy Assistant Secretary  
1900 South Congress Ave., Suite A  
West Palm Beach, FL 33406  
407/964-9668

JSB:SBk53

cc: Palm Beach County Public Health Unit

CERTIFICATE OF SERVICE

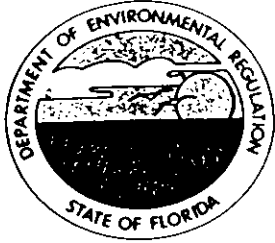
This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on JAN. 18 1990 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52(10), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Phyllis J. Kern  
Clerk

JAN. 18 1990  
Date



# Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406 • 407-964-9668

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary  
Scott Benyon, Deputy Assistant Secretary

**PERMITTEE:**

Mr. N. Keith Nicholson  
Power Plant Superintendent  
City of Lake Worth Utilities  
114 College Street  
Lake Worth, Florida 33460

I.D. NUMBER: 50/PMB/50/0045  
PERMIT/CERTIFICATION NUMBER: AO 50-172357 \*  
DATE OF ISSUE: JAN. 15 1990  
EXPIRATION DATE: July 17, 1994  
COUNTY: Palm Beach  
LATITUDE/LONGITUDE: 26°36'45"N/80°04'04"W  
UTM: Zone 17; 592.8 Km. E; 2943.7 Km. N  
PROJECT: City of Lake Worth Utilities  
5 diesel Peaking Units

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule 17-2, and in conformance with all existing regulations of the Florida Department of Environmental Regulation. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

**OPERATE:** An air pollution source consisting of 5 diesel generators (peaking units designated MV 1 to MV 5), 2000 KW each using #2 diesel fuel. Emissions are discharged 16.5 feet above ground level.

**IN ACCORDANCE WITH:** Application for Renewal of Permit to Operate Air Pollution Sources received November 7, 1989 and Application to Operate Air Pollution Sources dated June 22, 1979 (none are attached).

**LOCATED AT:** 114 College Street, Lake Worth, Palm Beach County, Florida.

**TO SERVE:** An electrical generating utility (SIC # 4931).

**SUBJECT TO:** General Conditions 1-14 and Specific Conditions 1-8.

\* This permit is a renewal of AO 50-089334 issued July 10, 1984.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under the conditions of the permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

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

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in the permit, the permittee shall immediately notify and provide the Department with the following information:

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

GENERAL CONDITIONS:

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department, may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rule 17-4.120 and 17-30.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. The permittee shall comply with the following :
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically, unless otherwise stipulated by the Department.
  - (b) The permittee shall hold at the facility or other location designated by this permit, records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
  - (c) Records of monitoring information shall include:
    - the date, exact place, and time of sampling or measurements;
    - the person responsible for performing the sampling or measurements;
    - the date(s) analyses were performed;
    - the person responsible for performing the analyses;
    - the analytical techniques or methods used; and
    - the results of such analyses.
14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

PERMITTEE:  
Mr. N. Keith Nicholson  
City of Lake Worth Utilities.  
Lake Worth, Florida

I.D. NUMBER: 50/PMB/50/0  
PERMIT/CERTIFICATION NUMBER: AO 50-172357  
DATE OF ISSUE: JAN. 18 1990  
EXPIRATION DATE: July 17, 1994

SPECIFIC CONDITIONS:

1. Compliance testing shall be conducted for the sources covered by this permit by June 1990 and annually thereafter in accordance with the methods specified below.

2. Emission limiting standard is as follows:

In accordance with Florida Administrative Code Rule 17-2.610(2)(a) - No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere any pollutants from new, or existing sources with an opacity greater than or equal to 20 percent.

3. The compliance test report shall include results of tests by the following methods:

<u>Source/Emission Point</u>	<u>Pollutant</u>	<u>Test Method</u>
Diesel Generator Exhaust Stacks	Visible Emissions	DER Method 9

The compliance test report shall be submitted to the Department in accordance with Florida Administrative Code (F.A.C.) Rule 17-2.700(7).

4. Testing of emissions should be conducted using the fuel and/or process input which are expected to result in the highest emissions and within ten percent (10%) of the rated capacity of the source. Otherwise the Department may require the test to be repeated or modify the permit to reflect tested rates and/or fuels.

5. The Department shall be notified of expected test dates at least fifteen (15) days prior to compliance testing.

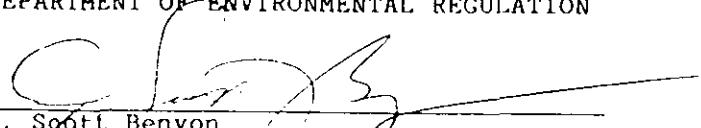
6. On or before March 1 of each calendar year, a completed DER Form 17-1.202(6), Annual Operations Report Form for Air Emissions Sources shall be submitted to the Department.

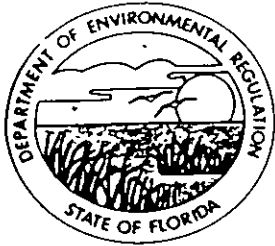
7. Copies of all reports, tests, notifications or other submittals required by this permit shall be submitted to both the Department of Environmental Regulation, Southeast District Office and Palm Beach County Public Health Unit.

8. The permittee shall be aware of and operate under the attached "General Permit Conditions #1 thru 14.". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

Issued this 18<sup>th</sup> day of January, 1990

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

  
J. Scott Benyon  
Deputy Assistant Secretary



# Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406 • 407-964-9668

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary  
Scott Benyon, Deputy Assistant Secretary

## NOTICE

RE: HAZARDOUS WASTE INSPECTION

A review of the Air Permit Application reveals that there is potential for hazardous waste generation at your facility.

The purpose of this letter is to inform you that the Department intends to inspect your facility in the near future to determine compliance with the Hazardous Waste Regulations contained in Florida Administrative Code (F.A.C.) 17-730. The Department will also check on your compliance with Title 40 CFR Part 268, regarding "Land Ban" wastes. In recognition that the cited rules and regulations are complicated and often difficult to understand, I have attached an outline entitled "Highlights of Hazardous Waste Regulations". This document spells out the different categories of hazardous waste facilities. It also highlights the compliance items the inspectors will be looking for during the upcoming visit to your facility.

I strongly recommend that you read the "Highlight" document as well as the appropriate regulations and correct any waste handling or record keeping deficiencies at your facility prior to our inspection. In many instances we are required to seek penalty assessments for non-compliance items, even on the first visit/inspection. In certain severe instances these penalty assessments can range up to \$50,000 per day, per violation.

Should you have any questions concerning the Hazardous Waste regulations or inspection procedures, please contact the Hazardous Waste Section in West Palm Beach, telephone (407) 964-9668.

Thank you for your cooperation.

Sincerely,

J. Scott Benyon  
Deputy Assistant Secretary

JSB:pwk/2

Attachment

cc: Hazardous Waste Section, West Palm Beach



# Florida Department of Environmental Regulation

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Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary  
Scott Benyon, Deputy Assistant Secretary

## HIGHLIGHTS OF HAZARDOUS WASTE REGULATIONS (October, 1989)

This write-up is provided to assist hazardous waste (HW) handlers in meeting the regulations. HWs are wastes which are either listed by the U.S. E.P.A., or are ignitable (i.e. flash point  $< 140^{\circ}$  F, or an oxidizer), corrosive (e.g. pH  $\leq 2$  or  $\geq 12.5$ ), reactive, or toxic, as defined in 40 CFR Part 261. A HW determination must be made of any waste generated (§262.11). If the waste is hazardous, then it must be recycled, treated, stored or disposed of at a proper HW facility. HW cannot be disposed of on or in the ground, nor at local landfills, septic tanks, or injection wells. Regardless of quantity, the generator of HW is ultimately responsible for the waste from "cradle to grave", and can be held liable for improper management of HW even though it may have been sent to a "proper" HW management facility using a licensed transporter. A copy of the hazardous waste regulations (40 CFR Parts 190-299 (specifically 260-270) can be obtained from a public, college or law library, or EPA Region IV (Atlanta, GA 30365), or the U. S. Government Printing Office (Washington, D.C. 20402) or the U.S. Government Printing Office, P.O. Box 35089, Jacksonville, Florida 32202, telephone 904/791-3801.

### SMALL QUANTITY GENERATORS (SQG)

#### I. Conditionally Exempt Small Quantity Generators. (40 CFR 261.5; F.A.C. 17-730)

1. Perform HW determination (§262.11).
2. \* Generate  $< 100$  kg/month ( $< 1$ kg month acute HW).
3. Accumulate  $< 1000$  kg at any time.
4. Ensure delivery of HW to a proper recycling or Treatment/Storage/Disposal (TSD) facility.
5. For SQGs generating  $> 100$  kg/month (approx. 25 gal.), use manifest for shipments.
6. Comply with land disposal restrictions (LDR) Part 268, unless exempt.

\* Many wastes which are recycled are included in the quantity determination, as well as influent wastewaters prior to treatment, neutralization, etc.

#### B. SQG 100-1000 kg/month (40 CFR 262.34; F.A.C. 17-730)

1. Obtain a DER/EPA ID number [§262.12].
2. Use manifest system (unless there is a reclamation agreement pursuant to §262.20(e), and ship only to a permitted facility (262, Subpart B).
3. Never exceed the 6000 kg accumulation/180 day storage time limit.

NOTE: DER is more stringent here (i.e., eliminate the 200 mile/270 day exception), and will require SQG to file an exception report for late or missing manifests from the designated facility.

#### 4. Emergency Planning

- a) Have at least one employee with authority as Emergency Coordinator (E.C.) that is on 24 hour call (§262.34(d)(5)).
- b) Next to the telephone, post (i) the E.C. name and phone number, (ii) fire department's number, (iii) location of fire extinguishers, spill control equipment/material, and fire alarm (if any) (§262.34(d)(5)).
- c) Follow emergency procedures in §262.34(d)(4), including taking necessary steps to address spills and fires, and notify National Response Center (24 hr. number: 800/424-8802).
- d) Upon request, the Department will provide a concise, easy-to-follow contingency plan guidance document which describes the contingency plan requirements for full generators, if the facility wishes to develop a more comprehensive emergency plan than required of 100-1000 kg/month generators.



5. Training of personnel regarding proper HW handling and emergency response (§262.34)(d)(5)(iii).
6. Keep records (§262.44), including manifests, test results, etc. a minimum of three years.
7. If tanks are used for management of HW, meet the tank requirements of (§265.201).
8. Meet the following requirements under II, below: items 7 through 21.
9. If a SQG fails to meet applicable requirements, the full generator standards (and possibly TSD standards) may apply.
10. Comply with Land Disposal Restrictions requirements set forth in 40 CFR §268.

NOTE: SQGs must be able to demonstrate proper management of HW, and records should be kept. Effective 9/22/86, the rules require 100-1000 kg/mo. generators to meet the following additional requirements (Federal Register, Vol. 51, No. 56, p. 10178, March 24, 1986).

## II. GENERATORS (40 CFR 262, 265, and 268; F.A.C. 17-630)

1. Perform HW Determination [262.11].
2. Obtain a DER/EPA ID number [262.12].
3. Generate > 1000 kg/mo. or > 1 kg/mo. acute HW, or otherwise do not qualify for (or fails to fulfill certain) SQG requirements.
4. Accumulate wastes < 90 days [§262.34(b)].
5. File annual report for all HW shipped off site [F.A.C. 17-730.16].
6. Meet personnel training requirements, including documentation [§265.16].
7. Use manifest system, and ship to a permitted facility [262 Subpart B].
8. File exception report for late or missing manifests from the designated facility [§262.42].
9. Label containers with the words "hazardous waste" and accumulation start dates, and label tanks "hazardous waste: [§262.34(a)].
10. Meet satellite accumulation rules [§262.34(c)].
11. Meet pre-transport requirements re: packaging, labeling, marking and placarding [262 Subpart C].
12. Keep all records for at least 3 years (e.g., manifests, test data, waste analyses, annual report, etc.) [262 Subpart D].
13. Special cautions (including "No Smoking" signs) are required for ignitable or reactive wastes (§265.17).
14. Security (e.g. a locked fence) and bermed containment areas (with roof and impermeable floor) for HW storage areas are strongly recommended.
15. Maintain and operate the facility in a clean, safe manner [§265.31]. It is the facility's responsibility to comply with OSHA worker safety and protective clothing rules, Fire Codes, Florida's Right to Know Law, local government codes, etc.].
16. Emergency equipment (§265.32).
  - a) telephone or hand-held two-way radio;
  - b) internal communication or alarm system;
  - c) fire and spill control equipment (e.g., fire extinguishers, hoses, sprinklers, etc.);
  - d) neutralizing agents, spill adsorbants, overpack drums, standby 55-gallon drums, etc.;
  - e) test and maintain the emergency equipment [§265.33];
17. Maintain adequate aisle space for evacuation, inspecting drums, etc. [§265.35] (e.g., No less than 3 feet).

18. Attempt to make arrangements with local fire and police departments, hospitals, and emergency response contractors/equipment suppliers with regards to HW-related emergencies [§265.37].
19. Containers (e.g., drums, cans, etc.) must be kept closed and in good condition, inspected at least weekly, be compatible with the HW stored, and separated from other incompatible wastes (e.g., keep cyanides away from acids and oxidizers). [265 Subpart I].
20. Tanks must meet the requirements of 265 Subpart J (structural integrity; containment and detection of releases; inspection; response to leaks or spills; operating requirements; closure and post-closure care; special requirements for ignitable, reactive and/or incompatible wastes; waste analysis and trial test).
21. Comply with LDR requirements set forth in §268. Certification (land disposal restricted waste does not exceed treatment standards) or Notification (land restricted waste or exemption) must accompany all manifests of restricted wastes (§268.7), unless exempt.
22. Have a written contingency plan [265 Subpart D]. Upon request, the DER/West Palm Beach HW Section will provide a concise, easy-to-follow contingency plan guidance document.
23. Ignitable or reactive HW must be stored at least 50 feet from the facility's boundary line. [265 Subpart I].

### III. TRANSPORTERS [40 CFR 265]

1. Obtain DER/EPA ID # [§263.11].
2. Use manifests [263 Subpart B].
3. Keep records (§263.22).
4. Ability to clean up discharges during transportation-related incidents (§263 Subpart C).
5. Documentation for financial liability [F.A.C. 17-730.170].
6. Transporter picking up HW from SQGs are exempt from manifest and recordkeeping requirements of §263.20.22, provided:
  - (a) the waste transported is pursuant to a reclamation agreement, and
  - (b) the transporter logs certain information and retains the record for 3 years after cessation of the agreement [§262.34(d)].
7. Transporters in Florida, storing HW > 24 hours, and < 10 days are considered a transfer facility and must notify the Department and comply with certain storage facility requirements such as personnel training, contingency plan, preparedness and prevention requirements, records maintenance, closure plan, security, container requirements, certain notification requirements, etc. HW stored in vehicles (or containers) at transfer facilities shall be on a manmade surface which is capable of preventing spills from reaching the ground [F.A.C. 17-730.171(2)].

### IV. TREATMENT, STORAGE AND DISPOSAL FACILITIES (TSDF) (40 CFR 264 OR 265 AND 265)

Must notify as a TSDF, obtain a HW permit unless exempt (e.g., wastewater treatment units, elementary neutralization, etc.). Must meet applicable generator standards (II above) plus security, additional recordkeeping, containment system, closure and financial liability standards, waste analysis plan, inspection logs, post-closure and groundwater monitoring for certain operations, ensure that LDR Part 268 Standards are met; meet additional requirements for impoundments, waste piles, incinerators, etc. Facilities receiving HW from off-site (incl. certain recycling facilities) may be subject to TSDF requirements. A TSDF which has been issued a HW operating permit must comply with the provisions of its HW permit and the applicable provisions of 40 CFR Part 264.

### LAND DISPOSAL RESTRICTIONS

On November 8, 1984, the President signed into law the Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA). The Amendments require the EPA to evaluate all listed and characteristic hazardous wastes according to a strict schedule to determine which wastes should be restricted from land disposal. These restrictions are called Land Disposal Restrictions (LDR's). The LDR rule has been gradually applied, with more wastes being added every year. As of May 8, 1990 no hazardous wastes may be disposed of into land disposal units without first being treated to meet federally mandated treatment standards.

The generator of treated hazardous waste must provide signed certification (for each shipment) that his waste meets the treatment standard or, if it does not, the generator must send a signed notification to the TSD facility that the wastes do not meet treatment standards. The generator must also determine:

- a) whether the waste is subject to the LDR rules;
- b) what constituent levels are in the waste;
- c) which treatment standards or prohibition levels apply; and
- d) whether the waste must be treated or already meets the applicable treatment standard or prohibition level upon generation.

For each shipment of waste the generator must also:

- a) provide EPA hazardous waste number(s);
- b) determine the applicable treatment standard(s) for his waste;
- c) provide the manifest number associated with the waste shipment, and
- d) provide waste analysis data (if applicable).

All notifications, certifications, and waste analysis data must be kept on-site for at least five (5) years.

The LDR rule prohibits the dilution of restricted wastes as a substitute for adequate treatment.

The LDR rule provides for a few limited opportunities for delaying the effective date of prohibition, for a treatability variance, or for gaining an exemption from the prohibitions. Contact the EPA for additional details.

This LDR explanation is a very brief synopsis of a complex set of rules and regulations and is not meant to be all inclusive. The generator is responsible for familiarizing himself with the details of the LDR regulations. Contact the EPA or the Florida Department of Environmental Regulation for detailed information.

### CAUTION

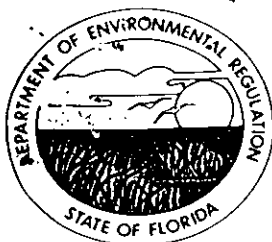
This hand out, written in plain English, is based on the staff's understanding of HW regulations. It should be read in conjunction with (and not as a substitute for) the Federal or State HW regulations. This write up includes only what the staff believes as the principal components of the HW regulations. The regulatory requirements indicated in this hand-out may change in time because of changes in regulations, new interpretations/guidance from EPA or DER, judicial ruling, and the like.

Ultimately, it is the facility's responsibility to stay current with applicable HW regulations and be in compliance of all applicable environmental regulations. Failure to meet the applicable rules may subject facilities to more stringent standards. For example, SQGs dumping HW illegally not only become subject to disposal facility standards but could also be subject to enforcement actions. Also, please note that the DER has an agreement with the U.S. EPA which mandates the assessment of penalties for violations of Resource Conservation Recovery Act (RCRA) requirements.

If you have questions on this write-up or HW compliance in general, please call the Waste Programs Section, telephone (407) 964-9668.

CO:s/d/245

August 1986  
Revised July 1987  
" October 1987  
" September 1988  
" October 1989



# Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406

Lawton Chiles, Governor

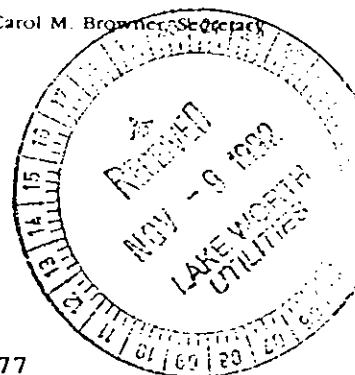
Telephone: 407/433-2650

Fax: 407/433-2666

Carol M. Browner, Secretary

NOV 6 1992

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION  
NOTICE OF PERMIT ISSUANCE



CERTIFIED MAIL

In the Matter of an Application  
for Permit by:

Mr. N. Keith Nicholson /  
Power Plant Superintendent /  
City of Lake Worth Utilities /  
1900 2nd Avenue North /  
Lake Worth, Florida 33461-4298 /

DER File No. AO 50-219177  
Palm Beach County

Enclosed is Permit Number AO 50-219177 to operate an air pollution source issued pursuant to Section 403.087, Florida Statutes.

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this Permit. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information;

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.


If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of 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 Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION


  
Mary E.S. Williams  
Director of District Management  
1900 South Congress Ave., Suite A  
West Palm Beach, FL 33406  
407/433-2650

CERTIFICATE OF SERVICE

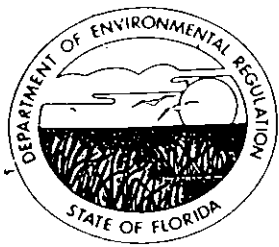
The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed by certified mail before the close of business on NOV 6 1992 to the listed persons.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
(Clerk)      NOV 6 1992  
(Date)

Copies furnished to: Palm Beach County Public Health Unit



# Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406

Lawton Chiles, Governor

Telephone: 407-433-2650

Carol M. Browner, Secretary

Fax: 407-433-2666

NOV 6 1992

PERMITTEE:  
Mr. N. Keith Nicholson  
Power Plant Superintendent  
City of Lake Worth Utilities  
1900 2nd Avenue North  
Lake Worth, Florida 33461-4298

I.D. NUMBER: 50/PMB/50/0045/06  
PERMIT/CERTIFICATION NUMBER: AO 50-219177\*  
DATE OF ISSUE: NOV 6 1992  
EXPIRATION DATE: October 30, 1997  
COUNTY: Palm Beach  
LATITUDE/LONGITUDE: 26°36'45"N/80°04'04"W  
UTM: Zone 17; 592.8 Km. E; 2943.6 Km. N  
PROJECT: City of Lake Worth Utilities  
30 MW Gas Turbine No. 1 (Peaking Unit)

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule 17-2, and in conformance with all existing regulations of the Florida Department of Environmental Regulation. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

OPERATE: An air pollution source consisting of a 30 MW Westinghouse Combustion Gas Turbine (No. 1) burning No. 2 fuel oil at a maximum rate of 435 MBTU/hr. (3,145 gal./hr.). Pollutants are emitted through a stack 50 feet above ground level.

IN ACCORDANCE WITH: Application for Renewal of Permit to Operate Air Pollution Sources received September 16, 1992; Application for Renewal of Permit to Operate an Air Pollution Source received December 21, 1987, as amended February 8, 1988, and Application to Operate an Air Pollution Source dated September 8, 1977 (none are attached).

LOCATED AT: 117 College Street, Lake Worth, Palm Beach County, Florida.

TO SERVE: A public service utility (SIC # 4911).

SUBJECT TO: General Conditions 1-14. and Specific Conditions 1-9.

\*This permit is a renewal of permit no. AO 50-143296 issued April 26, 1988.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under the conditions of the permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

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

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in the permit, the permittee shall immediately notify and provide the Department with the following information:

(a) A description of and cause of noncompliance; and

(b) The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

## GENERAL CONDITIONS:

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

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 17-4.120 and 17-30.300, F.A.C., as applicable. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. The permittee shall comply with the following :

(a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically, unless otherwise stipulated by the Department.

(b) The permittee shall hold at the facility or other location designated by this permit, records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit.

These materials shall be retained at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.

(c) Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.



NOV 6 1992

PERMITTEE:  
Mr. N. Keith Nicholson  
Power Plant Superintendent  
City of Lake Worth Utilities  
Lake Worth, Florida 33461-4298

I.D. NUMBER: 50/PMB/50/0045/06  
PERMIT/CERTIFICATION NUMBER: AO 50-219177  
DATE OF ISSUE: NOV 6 1992  
EXPIRATION DATE: October 30, 1997

SPECIFIC CONDITIONS:

1. Compliance testing shall be conducted for the sources covered by this permit by February 1993 and annually thereafter in accordance with the methods specified below.

2. Emission limiting standard is as follows:

In accordance with Florida Administrative Code (F.A.C.) Rule 17-2.610(2)(a), -no person shall cause, let, permit, suffer, or allow to be discharged into the atmosphere any air pollutants with opacity equal to or greater than 20 percent.

3. The compliance test report shall include results of tests by the following methods:

<u>Source/Emission Point</u>	<u>Pollutant</u>	<u>Test Method</u>
Stack	Visible Emissions	DER Method 9

The compliance test report shall be submitted to the Department in accordance with Florida Administrative Code (F.A.C.) Rule 17-2.700(1).

4. Testing of emissions should be conducted using the fuel and/or process input which are expected to result in the highest emissions and within ten percent (10%) of the rated capacity of the source, otherwise the Department may require the test to be repeated or require modification of the permit to reflect tested rates and/or fuels.

5. The Department shall be notified of expected test dates at least fifteen (15) days prior to compliance testing.

6. On or before March 1 of each calendar year, a completed DER Form 17-1.202(6), Annual Operations Report Form for Air Emissions Sources shall be submitted to the Department.

7. Fuel used shall be limited to #2 fuel oil.

8. Copies of all reports, tests, notifications or other submittals required by this permit shall be submitted to both the Department of Environmental Regulation, Southeast District Office and Palm Beach County Public Health Unit.

9. The permittee shall be aware of and operate under the attached "General Permit Conditions #1 thru #14." General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

Issued this 5th day of November, 1992

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

Mary E. S. Williams  
Mary E. S. Williams  
Director, of District Management

NOV 6 1992

PERMITTEE:  
Mr. N. Keith Nicholson  
Power Plant Superintendent  
City of Lake Worth Utilities  
Lake Worth, Florida 33461-4298

I.D. NUMBER: 50/PMB/50/0045/06  
PERMIT/CERTIFICATION NUMBER: AO 50-219177  
DATE OF ISSUE: NOV 6 1992  
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**SPECIFIC CONDITIONS:**

1. Compliance testing shall be conducted for the sources covered by this permit by February 1993 and annually thereafter in accordance with the methods specified below.
2. Emission limiting standard is as follows:  
In accordance with Florida Administrative Code (F.A.C.) Rule 17-2.610(2)(a), -no person shall cause, let, permit, suffer, or allow to be discharged into the atmosphere any air pollutants with opacity equal to or greater than 20 percent.

3. The compliance test report shall include results of tests by the following methods:


<u>Source/Emission Point</u>	<u>Pollutant</u>	<u>Test Method</u>
Stack	Visible Emissions	DER Method 9

The compliance test report shall be submitted to the Department in accordance with Florida Administrative Code (F.A.C.) Rule 17-2.700(1).

4. Testing of emissions should be conducted using the fuel and/or process input which are expected to result in the highest emissions and within ten percent (10%) of the rated capacity of the source, otherwise the Department may require the test to be repeated or require modification of the permit to reflect tested rates and/or fuels.
5. The Department shall be notified of expected test dates at least fifteen (15) days prior to compliance testing.
6. On or before March 1 of each calendar year, a completed DER Form 17-1.202(6), Annual Operations Report Form for Air Emissions Sources shall be submitted to the Department.
7. Fuel used shall be limited to #2 fuel oil.
8. Copies of all reports, tests, notifications or other submittals required by this permit shall be submitted to both the Department of Environmental Regulation, Southeast District Office and Palm Beach County Public Health Unit.
9. The permittee shall be aware of and operate under the attached "General Permit Conditions #1 thru #14." General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

Issued this 5th day of November, 1992

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

  
\_\_\_\_\_  
Mary E. S. Williams  
Director of District Management



# Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406 • 407-964-9668

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary  
Scott Benyon, Deputy Assistant Secretary

DEC. 13 1989

## NOTICE OF PERMIT

Palm Beach County  
AP - City of Lake Worth Utilities  
Fossil Fuel Steam Generating  
Units 1, 3 and 4

Mr. N. Keith Nicholson  
City of Lake Worth Utilities  
114 College Street  
Lake Worth, Florida 33460

Dear Mr. Nicholson:

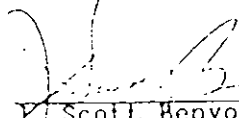
Enclosed is Permit Number AO 50-169444 to operate an air pollution source issued pursuant to Section 403.087, Florida Statutes.

Persons whose substantial interests are affected by this permit have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative determination (hearing) on it. The petition must conform to the requirements of Chapters 17-103 and 28-5.201, FAC, and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, within fourteen (14) days of receipt of this notice. Failure to file a petition within the fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, Florida Statutes. This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with this paragraph or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, FAC. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the Final Order is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida

STATE OF FLORIDA  
DEPARTMENT OF REGULATION

  
J. Scott Benyon  
Deputy Assistant Secretary  
1900 South Congress Ave., Suite A  
West Palm Beach, FL 33406  
407/964-9668

JSB:SBk27

cc: Palm Beach County Public Health Unit

CERTIFICATE OF SERVICE

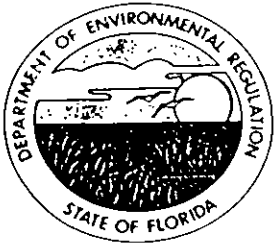
This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on DEC. 13 1989 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52(10), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Phyllis J. Kern  
Clerk

DEC. 13 1989  
Date



# Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406 • 407-964-9668

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary  
Scott Benyon, Deputy Assistant Secretary

PERMITTEE:  
Mr. N. Keith Nicholson  
City of Lake Worth Utilities  
112 College Street  
Lake Worth, Florida 33460

I.D. NUMBER: 50/PMB/50/0045  
PERMIT/CERTIFICATION NUMBER: AO 50-169444 \*  
DATE OF ISSUE: DEC. 13 1989  
EXPIRATION DATE: December 17, 1994  
COUNTY: Palm Beach  
LATITUDE/LONGITUDE: 26°36'45"N/80°04'04"W  
UTM: Zone 17; 592.8 Km. E; 2943.7 Km. N  
PROJECT: City of Lake Worth Utilities  
Fossil Fuel Steam Generating  
Units 1, 3 and 4

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule 17-2, and in conformance with all existing regulations of the Florida Department of Environmental Regulation. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

OPERATE: An air pollution source consisting of :

- a) Fossil Fuel Steam Generating Unit 1, rated at 7,500 KW (111 million BTU/hr.), capable of burning a mix of natural gas and #6 fuel oil operating as required to supplement the base load of Combined Cycle Unit CGT-2/S-5. Emissions are discharged 60 feet above ground level through a 5-foot diameter stack.
- b) Fossil Fuel Steam Generating Unit 3, nominally rated at 25,200 KW (325 million BTU/hr.) capable of burning a mix of natural gas and #6 fuel oil, operating as required to supplement the base load of Combined Cycle Unit CGT-2/S-5. Emissions are discharged 100 feet above ground level through a 7-foot diameter stack.
- c) Fossil Fuel Steam Generating Unit 4, nominally rated at 33,000 KW (419 million BTU/hr.), capable of burning a mix of natural gas and #6 fuel oil, operating as required to supplement the base load of Combined Cycle Unit CGT-2/S-5. Emissions are discharged 100 feet above ground level through a 7-foot diameter stack.

IN ACCORDANCE WITH: Application for Renewal of Permits to Operate Air Pollution Sources for Steam Units 1, 3 and 4 all received August 31, 1989 and Applications for Permits to Operate Air Pollution Sources for Units 1, 3 and 4 all dated July 3, 1979 (none are attached).

LOCATED AT: 114 College Street, Lake Worth, Palm Beach County, Florida.

TO SERVE: An electric service utility (SIC # 4911).

SUBJECT TO: General Conditions 1-14. and Specific Conditions 1-9.

\* This permit is a renewal of AO 50-091730 issued January 4, 1985.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under the conditions of the permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

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

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in the permit, the permittee shall immediately notify and provide the Department with the following information:

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

GENERAL CONDITIONS:

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

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 17-4.120 and 17-30.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. The permittee shall comply with the following :

- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically, unless otherwise stipulated by the Department.
- (b) The permittee shall hold at the facility or other location designated by this permit, records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.
- (c) Records of monitoring information shall include:
  - the date, exact place, and time of sampling or measurements;
  - the person responsible for performing the sampling or measurements;
  - the date(s) analyses were performed;
  - the person responsible for performing the analyses;
  - the analytical techniques or methods used; and
  - the results of such analyses.

14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

PERMITTEE:  
Mr. N. Keith Nicholson  
City of Lake Worth Utilities  
Lake Worth, Florida

I.D. NUMBER: 50/PMB/500045  
PERMIT/CERTIFICATION NUMBER: AO 50-169444  
DATE OF ISSUE: DEC. 13 1989  
EXPIRATION DATE: December 17, 1994

SPECIFIC CONDITIONS:

1. Compliance testing shall be conducted for the sources covered by this permit by August 1990 and annually thereafter in accordance with the methods specified below.

2. Emission limiting standards are as follows:

a. Unit 1

In accordance with Florida Administrative Code (F.A.C.) Rule 17-2.600(6)(A)  
- Fossil Fuel Steam Generators less than 250 Million BTU per Hour Heat Input  
Visible Emissions - 20 Percent opacity except for one two-minute period per hour the opacity shall not exceed 40 percent opacity.

b. Units 3 and 4

In accordance with F.A.C. Rules 17-2.600(5)(a) Fossil Fuel Steam Generators with more than 250 million BTU per Hour Heat Input and F.A.C. Rule 17-2.250(3)

- Visible emissions for steady state operations shall not exceed 20 percent opacity, except that 40 percent opacity shall be permissible for no more than 2 minutes in any one hour period.
- Particulate emissions for steady state operations shall not exceed 0.1 pounds per million BTU heat input, maximum 2-hour average.
- Visible emissions for soot blowing (if utilized) and load changes shall not exceed 60 percent opacity for more than 3 hours in any 24-hour period.
- Particulate emissions for soot blowing (if utilized) and load changes shall not exceed an average of 0.3 pounds per million BTU heat input during the three (3) hours period allowed for in excess

In accordance with Special Conditions I. 1. of Certification for Unit S-5, restricting sulfur content of fuel for units 3 and 4 to 2.25%, SO<sub>2</sub> emissions shall not exceed 2.475 pounds per million BTU heat input.

3. The compliance test report shall include results of tests by the following methods:

<u>Source/Emission Point</u>	<u>Pollutant</u>	<u>Test Method</u>
Unit 1	Visible Emissions	DER Method 9
Units 3 and 4	Visible Emissions (Steady State & Soot Blowing)	DER Method 9
	Particulate ** (Steady State & Soot Blowing)	EPA Method 17* or EPA Method 5
	SO <sub>2</sub>	***

The compliance test report shall be submitted to the Department in accordance with Florida Administrative Code (F.A.C.) Rule 17-2.700(7).

\* Method 17 may be used only if the stack temperature is less than 375°.

\*\* Testing of particulate emissions will be conducted if unit operation on oil, exclusive of start-up exceeds 400 hours per year (FAC 17-2.700(2)(a)5.)

\*\*\* Sulfur content shall be verified by monthly fuel analysis reports submitted quarterly. SO<sub>2</sub> emissions shall be calculated stoichiometrically.

4. Testing of emissions should be conducted using the fuel and/or process input which are expected to result in the highest emissions and within ten percent (10%) of the rated capacity of the source. Otherwise the Department may require the test to be repeated or modify the permit to reflect tested rates and/or fuels.



PERMITTEE:  
Mr. N. Keith Nicholson  
City of Lake Worth Utilities  
Lake Worth, Florida

I.D. NUMBER: 50/PMB/50/0045  
PERMIT/CERTIFICATION NUMBER: AO 50-169444  
DATE OF ISSUE: DEC. 15, 1989  
EXPIRATION DATE: December 17, 1994

**SPECIFIC CONDITIONS:**

5. The Department shall be notified of expected test dates at least fifteen (15) days prior to compliance testing.

6. On or before March 1 of each calendar year, a completed DER Form 17-1.202(6), Annual Operations Report Form for Air Emissions Sources shall be submitted to the Department.

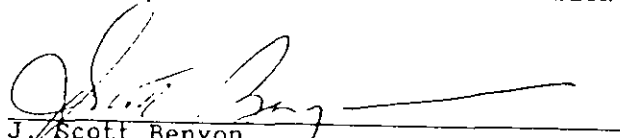
7. Copies of all reports, tests, notifications or other submittals required by this permit shall be submitted to both the Department of Environmental Regulation, Southeast District Office and Palm Beach County Public Health Unit.

8. As of the date of issue of this permit, Unit #1 is on cold standby and Unit #4 is down for repairs. Within 30 days after start-up of each unit, submit the required tests for that unit.

9. The permittee shall be aware of and operate under the attached "General Permit Conditions #1 thru 14.". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

Issued this 15<sup>th</sup> day of December, 1989

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

  
\_\_\_\_\_  
J. Scott Benyon  
Deputy Assistant Secretary

RECEIVED

OCT 02 1987

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

Hopping Boyd  
Green & Sams

In Re: ]  
          ] ]  
City of Lake Worth ]  
Unit S-5 ]  
Modification of Certification ]  
No. PA 74-05 ]  
Palm Beach County, Florida ]

FINAL ORDER MODIFYING CONDITIONS  
OF CERTIFICATION

On July 17, 1987, the City of Lake Worth submitted a proposed agreement to modify the Conditions of Certification for Unit S-5, to allow a change in the continuous air emissions monitoring procedures.

This proposed agreement was submitted pursuant to Section 403.516(1), F.S., and General Condition 12 of the Conditions of Certification, which delegated modifications of sampling, monitoring and reporting conditions to the Department.

On August 5, 1987, a Notice of Proposed Agency Action was served on all parties with a provision that a hearing would be held if requested on or before September 21, 1987. No hearing was requested. Therefore,

IT IS ORDERED:

The Department hereby grants relief to the City of Lake Worth by making the following modifications to the Conditions of Certification:

Special Conditions 1.4., 1.5. and 1.7. are modified to read as follows:

- 1.4.a. The permittee shall demonstrate compliance with the fuel sulfur content limits in Specific Condition 1.1. through sampling and analysis of

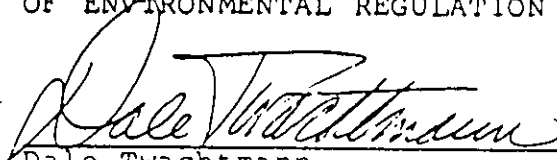
as-fired fuel oil. The sampling shall be conducted for each day of operation firing fuel oil, and analysis of the samples composited for each unit shall be conducted monthly. Fuel oil analysis reports shall be submitted quarterly.

- 1.4.b. A visible emissions (VE) test shall be conducted annually using EPA Reference Method 9, to determine compliance with the VE limits of 20% opacity.
- 1.5. On or before March 1st of each calendar year, a completed Annual Operation Report Form for Air Emissions Sources shall be submitted. Calculations shall be shown.
- 1.7. Copies of all reports, tests, notifications or other submittals required by Florida Administrative Code rules or conditions of this certification shall be submitted to both the Southeast Florida District Office and the Palm Beach County Health Department, Division of Environmental Science and Engineering.

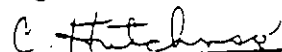
Any party to this Order has the right to seek judicial review of this Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this 28 day of September, 1987 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

  
Dale Twachtmann  
Secretary

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to S120.52  
Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

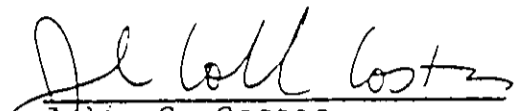
  
Clerk

9-25-87  
Date

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
Telephone: 904/488-4805

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION were furnished by United States Mail, to all counsel of record listed on the attached service list, on the 29th day of September 1987.

  
Julia C. Costas  
Assistant General Counsel

Copies furnished to:

Larry Keesey  
Department of Community Affairs  
2571 Executive Center Circle E.  
Tallahassee, Florida 32301

Michael Twomey  
Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

Peter C. Cunningham  
Suite 420  
First Florida Bank Building  
Post Office Box 6526  
Tallahassee, Florida 32314

Palm Beach County Health Department

P. O. BOX 29  
WEST PALM BEACH, FLORIDA 33402  
TELEPHONE 832-8587

TO Mr. Sloan Campbell, LWUA  
FROM Mr. Michael Martin, Air Pollution

SUBJECT S-5  
MESSAGE DATE April 28, 1982

Per your request, please find enclosed a copy of the Site Certification for the above subject source.

*Buck Owen*

SIGNED *Nike*

REPLY

SIGNED

DATE

BEFORE THE GOVERNOR AND CABINET  
OF THE STATE OF FLORIDA

RECEIVED  
MAY 13 1978

Division of Environmental Engineering  
PALM BEACH COUNTY,  
HEALTH DEPT.

In the Matter of: )  
LAKE WORTH UTILITIES AUTHORITY ) CASE NO. 75-1774  
Application for Power Plant )  
Site Certification, Lake Worth, )  
Palm Beach County, Florida; )  
Application No. PA-74-05. )

The following persons were present and participated  
in the disposition of this matter:

Honorable Reubin O'D. Askew  
Governor

Honorable Bruce A. Smathers  
Secretary of State

Honorable Robert L. Shevin  
Attorney General

Honorable Philip F. Ashler  
Treasurer and Insurance Commissioner

Honorable Gerald A. Lewis  
Comptroller

Honorable Doyle Conner  
Commissioner of Agriculture

Honorable Ralph D. Turlington  
Commissioner of Education

ORDER ADOPTING HEARING OFFICER'S ORDER  
RECOMMENDING CERTIFICATION SUBJECT TO CONDITIONS

BY THE GOVERNOR AND CABINET:

The Governor and Cabinet having heard statements by  
the parties, reviewed the recommended order dated March 17, 1976,  
(attached and incorporated by reference as Exhibit "A") and  
order dated March 26, 1976, (attached and incorporated by  
reference as Exhibit "B") as well as copies of the general and  
special conditions (attached and incorporated by reference as

Exhibit "C") and having been otherwise advised in the premises of said order by their respective staffs, it is,

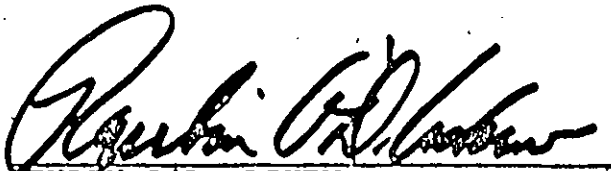
ORDERED:

1. The March 17, 1976 recommended order and March 26, 1976 order are adopted.

2. The general and special conditions submitted by the Department of Environmental Regulation are adopted.

ORDERED this 18th day of May, 1976 at Tallahassee, Florida at a duly constituted meeting of the Governor and Cabinet.

FOR THE GOVERNOR AND FLORIDA  
CABINET:



REUBIN O'D. ASKEW  
Governor

VOTE:

FOR

AGAINST

Honorable Reubin O'D. Askew  
Honorable Bruce A. Smathers  
Honorable Robert L. Shevin  
Honorable Philip F. Ashler  
Honorable Gerald A. Lewis  
Honorable Doyle Conner  
Honorable Ralph D. Turlington

Copies Furnished To:

All Parties of Record



STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

In re: Lake Worth Utilities  
Authority Application for  
Power Plant Site Certification,  
Lake Worth, Palm Beach County,  
Florida, Application No. PA-74-05.

Case No. 75-1774

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND RECOMMENDED ORDER

This proceeding is held pursuant to the Florida Electrical Power Plant Siting Law, Chapter 403, Florida Statutes, to consider the application for site certification of Unit S-5 of the Lake Worth Utilities Authority, City of Lake Worth, Florida, known as the "Tom G. Smith Municipal Power Plant, Unit S-5."

Pursuant to proper notice, the additional public hearing required in this matter by Section 403.508(3), Florida Statutes, was held in Lake Worth, Florida, on December 9, 1975, at 9:00 a.m. and ending at 10:45 a.m. The purpose of this hearing was to take testimony and evidence concerning whether the location and operation of the proposed facility will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.

The hearing included an examination of the following: the necessity for expanded electrical generation; the expected environmental impact of the facility; the operational safeguards of the facility; the availability of abundant, low-cost electrical energy; and other public interests and issues relevant to certification of the proposed site.

The following parties entered appearances at and participated in the hearing through counsel or representatives:

1. Department of Environmental Regulation.
2. Lake Worth Utilities Authority, City of Lake Worth, Florida.
3. Florida Public Service Commission.
4. State of Florida, Department of Administration, Division of State Planning.

After consideration of all pleadings, memoranda of law, and proposed findings, conclusions and recommendations, as well as all

testimony and evidence properly admitted herein, the following Findings of Fact, Conclusions of Law and Recommended Order are entered. All proposed findings, conclusions and recommendations not incorporated directly or inferentially herein are rejected as being unsupported in law or in fact or unnecessary to the rendering of this Recommended Order.

#### FINDINGS OF FACT

1. The site for the proposed combined cycle generating facility, hereinafter referred to as Unit S-5, is part of the existing 22-acre utility complex located near the western edge of the City of Lake Worth, Florida. This site, which has been used by the Lake Worth Utilities Authority for electrical power generation for over 25 years, is shared by the power plant, water treatment plant, public works department and various other municipal agencies. The site is bounded by public use areas, such as the Lake Worth Senior and Junior High School and athletic field on the north and east, the Seaboard Coast Line Railroad right-of-way and Interstate Highway 95 on the west and the Lake Worth Utilities Authority water treatment plant on the south. The most significant visual change to be caused by the addition of Unit S-5 to this site will be the addition of a 75 foot high exhaust stack and the mechanical draft cooling tower. Both of these structures will be, in large part, masked by the I-95 elevated roadway, which dominates the skyline in the area of the site.

2. Unit S-5, as proposed, will be of the combined cycle type, nominally rated at 29.5 megawatts. The unit will basically consist of a gas turbine-generator unit, unfired heat recovery steam generator, and steam turbine-generator unit and auxiliaries. The unit will utilize a cooling tower as is presently being done for the four existing steam units already on site.

3. Operating at designed capacity, Unit S-5 will use an estimated 346,000 gallons of water per day through 1982. It is similarly estimated that, operating at designed capacity, 28,000 gallons of water per day would be discharged as cooling tower blow-down, boiler blow-down and demineralizer backwash. The applicant estimates that the average

water use of Unit S-5 will be 201,000 gallons per day, which is approximately 3.8 percent of the 1978 projected average daily output of the Lake Worth Utilities Authority water plant, from which the water will be taken. The Lake Worth Utilities Authority water plant has a total design capacity of 25 million gallons per day.

4. The design of Unit S-5 will allow operation on both gaseous and/or liquid fuels. Natural gas and number two diesel oil will be the fuels fired in this unit. The presently existing fuel facilities and supply arrangements are sufficient to provide the fuel needs of Unit S-5.

5. Unit S-5, as designed, will be a highly efficient generator of electricity. It would allow the Lake Worth Utilities Authority to produce electricity at a lower cost by consuming less fuel per unit of electricity produced. According to the applicant's projections, the net savings in system operating costs would range from \$70,000 to \$500,000 per year depending upon fuel costs and fuel availability. The applicant presented unrebutted testimony showing that, because of the efficiency of the proposed unit, annual fuel savings could be as high as the equivalent of 860,000,000 cubic feet of natural gas or 5,370,000 gallons of oil. Further, operation of Unit S-5 would result in a substantial reduction in power plant water consumption.

6. The applicant, Lake Worth Utilities Authority, has shown, by unrebutted testimony, that Unit S-5 will be highly efficient in operation and result in a substantial savings in operating costs should it come on line in 1978.

7. As shown by the staff report of the Department of Environmental Regulation, Composite Exhibit 3, the construction of Unit S-5 will have minimal impact on the environment because of the previous impact of construction of the existing units already on site. Further, normal operation of the unit, as proposed, at worst, will cause a minimal increase in environmental impact over that caused by existing units. When displacement of older, less efficient units occur, Unit S-5 may reduce the overall environmental impact of the plant site. The unit is designed to operate in compliance with all applicable state and federal environmental standards and regulations.

8. The Florida Public Service Commission is required by Section 403.57, Florida Statutes, to prepare a report and recommendation as to the present and future needs for electrical generating capacity in the area to be served by the proposed site. Such a report and recommendation was prepared and submitted as required by statute in this proceeding.

9. The Public Service Commission found the area to be served by Unit S-5 to be an area containing approximately 11 square miles, which includes the City of Lake Worth and vicinity, as defined in the territorial agreement dated March 6, 1972, between Florida Power and Light Company and the Lake Worth Utilities Authority.

10. Due primarily to the severe depression of the state economy and the price increases in the cost of fuel oil, the Florida Public Service Commission report finds that the annual growth rates in demand for electricity have been reduced. Using what it termed a "realistic" growth rate of 7.5 percent annually and a minimal growth rate of 5.75 percent annually, the Florida Public Service Commission concluded that a need for the additional generating capacity to be provided by Unit S-5 would not exist until 1982 to 1984. Consequently, the Commission concluded that a need for the generating capacity for Unit S-5 will not exist in 1978, the year in which the applicant proposes to bring the unit on line. However, the Commission's report notes that they have considered summaries of an economic analysis submitted by the Lake Worth Utilities Authority which showed that, due to the greater efficiency of the proposed unit, the savings in operating the system with this new unit would more than offset the cost to build it. Noting that the Commission staff reviewed these summaries and performed an analysis of their own for a range of generating efficiencies and fuel costs, the report concludes that the assumptions for this analysis were reasonable and that, based on these assumptions, there is an economic advantage when operating with the proposed Unit S-5, even though a need to meet demand may not exist at the time the unit is to come on line.

11. A need for the generating capacity of Unit S-5 will not exist until 1982 to 1984.

12. The Division of State Planning of the Department of Administration has reviewed the 1975 ten-year site plan of the Lake Worth Utilities Authority with regard to proposed Unit S-5. The report of the Division of State Planning notes that the Division concurs with the Public Service Commission in its assessment that need for the generating capacity will not exist in 1978. However, the report notes that it has no basis for disagreement with the applicant's calculations that bringing Unit S-5 on line would provide power cheaper than can the present system. Therefore, the Division's report concludes that the ten-year site plan of the Lake Worth Utilities Authority, as amended by the final version of its site certification request, is suitable, and recommends that the proposed plan be certified.

13. There will be no new associated transmission facilities involved in the construction and operation of Unit S-5. Existing transmission facilities will be utilized.

14. The staff report of the Department of Environmental Regulation concludes that if Unit S-5 can produce electricity at a significantly lower cost and thereby justify that the unit is necessary environmentally, Unit S-5 appears acceptable. It further concludes that if Unit S-5 is needed, and considering the slight environmental impacts of Unit S-5, the site is suitable at present and certification could be granted subject to proper conditions.

15. Composite Exhibit 3 includes a statement of General Conditions of Certification and Special Conditions of Certification, which the Department of Environmental Regulation have proposed be made applicable to this facility if certified. The applicant, Lake Worth Utilities Authority, has stipulated and agreed that the General and Special Conditions of Certification, as proposed, should be imposed if certification is granted.

16. As shown by Florida Pollution Control Board Order No. 75-2, dated February 10, 1975, Exhibit 7, the Florida Pollution Control Board, pursuant to Chapter 403, Florida Statutes, found that the proposed site for Unit S-5 is consistent and in compliance with existing land use plans and zoning ordinances.

17. At the conclusion of the presentation by the parties to this proceeding, opportunity was given to the general public to comment

upon the application for site certification. No one appeared to make comment.

#### CONCLUSIONS OF LAW

18. This proceeding was held pursuant to the Florida Electrical Power Plant Siting Law, Chapter 403, Florida Statutes, and Chapter 17-17, Florida Administrative Code, to consider the Lake Worth Utilities Authority application for power plant site certification of Unit S-5, located in Lake Worth, Palm Beach County, Florida.

19. Notice, in accordance with Chapter 403 and 120, Florida Statutes, and Chapter 17-17, Florida Administrative Code, has been given to all persons and parties entitled thereto, as well as to the general public.

20. The purpose of this proceeding was to take testimony and evidence concerning whether the location and operation of the proposed facility will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life and to fully balance the increasing demands for electrical power plant location and operation with the broad interests of the public, as provided in Chapter 403, Florida Statutes.

21. The record of this hearing consists of all pleadings and papers filed herein, the transcript of the Final Hearing, all Orders entered by the Hearing Officer, and all evidence and exhibits admitted to the record.

22. After this proceeding was initiated, the Florida State Legislature enacted the Florida Environmental Reorganization Act of 1975, Chapter 75-22, Laws of Florida, 1975, which took effect on July 1, 1975. This Act affected the nature and authority of the following parties to this proceeding as follows:

(1) The Department of Pollution Control was transferred to the Department of Environmental Regulation, except for certain powers, duties and functions vested in the Governor and Cabinet.

The Act provides that the Governor and Cabinet shall perform the duties previously vested in the Pollution Control Board of the Department of Pollution Control, pursuant to the Florida Electrical

Power Plant Siting Act, Sections 403.59, 403.511, 403.512 and 403.513, Florida Statutes. For those purposes, the Governor shall perform the duties of the Chairman of the Pollution Control Board, as defined in Section 403.511, Florida Statutes. Therefore, these findings of Fact, Conclusions of Law, and the Recommended Order are directed to the Governor and the Cabinet for final decision.

Section 24 of Chapter 75-22, Laws of Florida, 1975, provides that:

"No legal or administrative proceeding pending as of the effective date of this act shall be abated or delayed because of any transfer made in this act, and any department to which are transferred the powers, duties, and functions of an agency relating to a pending proceeding shall be substituted as a party in interest in such proceeding."

This administrative proceeding was pending as of the effective date of Chapter 75-22, and substitution of parties was made, as provided in Section 24 of the Act.

23. Section 403.55, Florida Statutes, provides that the Division of State Planning of the Department of Administration shall make a study of each ten-year site plan required to be submitted by each electric utility and that the Division shall classify each such plan as "suitable" or "unsuitable." The Division of State Planning has made such a study and has found that the ten-year site plan of the Lake Worth Utilities Authority, as amended by the final version of its site certification request, is suitable.

24. Section 403.507, Florida Statutes, requires that, upon application for site certification, the Florida Public Service Commission shall prepare a report and recommendation as to the present and future needs for electrical generating capacity in the area to be served by the proposed site and shall submit its findings to the Department of Environmental Regulation. Such a report and recommendation has been submitted and introduced into evidence in this proceeding.

25. The Lake Worth Utilities Authority has made a valid application for site certification pursuant to the Florida Electrical Power Plant Siting Law, Chapter 403, Florida Statutes.

26. The location and operation of Unit S-5, as proposed, will produce minimal adverse effects on human health, the environment,

the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.

27. The operational safeguards for the proposed unit are technically sufficient for the welfare and protection of the citizens of Florida.

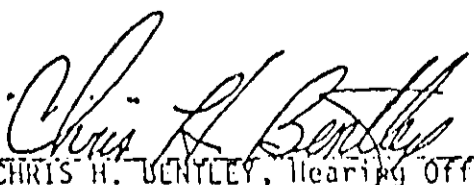
28. The unit, as proposed, is consonant with the premise of abundant, low-cost electrical energy.

29. The testimony and evidence shows that a need will exist for the generating capacity of Unit S-5 by 1982 to 1984. The construction, as proposed, of Unit S-5 for operation in 1978 will result in substantial operational cost savings during the four or more years the unit would operate prior to the existence of a definite need for its generating capacity. Therefore, it is concluded that, considering the sufficiency of the operational safeguards, the provision by Unit S-5 of abundant, low-cost electrical energy, and the minimal environmental impact to result from the construction and operation of Unit S-5, a reasonable balance is effected between the environmental impact of construction of Unit S-5 for operation in 1978, and the need for the facility which will not exist until 1982 to 1984.

#### RECOMMENDED ORDER

Having reviewed the record of this proceeding, and based upon the Findings of Fact and Conclusions of Law set forth herein, it is hereby RECOMMENDED that certification, pursuant to Chapter 403, Florida Statutes, be granted the Lake Worth Utilities Authority, for the construction and operation of Unit S-5 in Lake Worth, Palm Beach County, Florida. It is further recommended that this certification be made subject to the General and Special Conditions of Certification as set forth in Composite Exhibit 3.

Entered this 17 day of March, 1976, in Tallahassee, Florida.

  
CHRIS H. BENTLEY, Hearing Officer  
Division of Administrative Hearings  
Room 530, Carlton Building  
Tallahassee, Florida 32304  
(904) 488-9675



Copies furnished:

Joe McGlothin, Esquire  
Florida Public Service Commission  
700 South Adams Street  
Tallahassee, Florida 32340

Louis F. Hubener, Esquire  
Attorney, Division of State Planning  
600 Apalachee Parkway  
Tallahassee, Florida 32304

Ross A. McVoy, Esquire  
Attorney, Department of  
Environmental Regulation  
2562 Executive Center Circle, East  
Tallahassee, Florida 32301

James Vance, Esquire  
Attorney, Lake Worth Utilities Authority  
1201-A Belvedere Road  
West Palm Beach, Florida

RECEIVED

MAR 30 1976

Case No. 75-1774

DEPT. ENVIRONMENTAL REG.  
Environmental Law Section

In re: Lake Worth Utilities  
Authority Application for  
Power Plant Site Certification,  
Lake Worth, Palm Beach County,  
Florida, Application No. PA-74-05.

ORDER

Having considered the Motion for Correction dated March 23, 1976,  
by the Division of State Planning, it is hereby Ordered:

1. The Findings of Fact, Conclusions of Law and Recommended  
Order is corrected as follows: the final sentence of paragraph 12 shall  
read: "Therefore, the Division's report concludes that the ten-year site  
plan of the Lake Worth Utilities Authority, as amended by the final  
version of its site certification request, is suitable, and recommends  
that the proposed plant be certified."

DONE and ORDERED this 26 day of March, 1976, in Tallahassee,  
Florida.

*Chris H. Bentley*  
CHRIS H. BENTLEY, Hearing Officer  
Division of Administrative Hearings  
Room 530, Carlton Building  
Tallahassee, Florida 32304  
(904) 488-9675

Copies furnished:

Louis F. Hubener, Attorney  
Division of State Planning  
660 Apalachee Parkway  
Tallahassee, Florida 32304

Joe McGlothlin, Esquire  
Florida Public Service Commission  
700 South Adams Street  
Tallahassee, Florida 32304

Ross A. McVoy, Esquire  
Attorney, Department of  
Environmental Regulation  
2562 Executive Center Circle, East  
Tallahassee, Florida 32301

James Vance, Esquire  
Attorney, Lake Worth  
Utilities Authority  
1201-A Belvedere Road  
West Palm Beach, Florida

State of Florida Department of Environmental Regulation  
Lake Worth Utilities Authority  
Unit S-5  
Case No. PA-74-05  
CONDITIONS OF CERTIFICATION (Proposed 11-19-75)

GENERAL

RECEIVED  
MAY 1 1976

Division of Environment & Engineering  
PALM BEACH COUNTY  
HEALTH DEPT.

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State of Florida Department of Environmental Regulation  
Lake Worth Utilities Authority  
Unit S-5  
Case No. PA-74-05  
CONDITIONS OF CERTIFICATION (Proposed 11-19-75)

GENERAL

1. Change in Discharge

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased discharges of pollutants or expansion in steam generating capacity must be reported by submission of a new application.

2. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any limitation specified in this certification, the permittee shall notify the Central and Southern District Manager of the Department by telephone during the working day that said noncompliance occurs and shall confirm this in writing within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

- a. A description of the discharge and cause of non-compliance; and
- b. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this certification.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Right of Entry

The permittee shall allow the Secretary of the Florida Department of Environmental Regulation and/or authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit; and
- b. To have access to and copy any records required to be kept under the conditions of this certification; and
- c. To inspect any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants.

6. Revocation or Suspension

This certification may be suspended or revoked pursuant to Section 403.512, Chapter 403, Florida Statutes, or for violations of any General or Special Conditions.

7. Civil and Criminal Liability

This certification does not relieve the permittee from civil or criminal penalties for noncompliance with any condition of this certification, applicable rules or regulations of the Department or Chapter 403, Florida Statutes, or regulations there under.

Subject to 403.511 this certification shall not preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other applicable State Statutes, or regulations.

8. Property Rights

The issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. The applicant will obtain title, lease or right of use from the State of Florida, to any sovereign submerged lands occupied by intake or discharge structures.

9. Severability

The provisions of this certification are severable, and if any provision of this certification or the application of any provision of this certification to any circumstances, is held invalid, the application of such provision to other circumstances and the remainder of the certification shall not be affected thereby.

10. Pollutants

If any applicable state effluent or emission standard or prohibition (including any schedule of compliance specified in such effluent or emission standard or prohibition) is established for a pollutant which is in this certification and such standard or prohibition is more stringent than any limitation for such pollutant in this certification, this certification shall be revised in accordance with the new effluent or emission standard or prohibition and the permittee so notified, unless a variance is or has been obtained pursuant to Chapter 403, Florida Statutes. In the application of such later adopted standards this paragraph shall not be considered in determining whether or not the Unit S-5 is classified as a new source or as an existing source if such distinction is made within the later adopted standard.

11. Review of Site Certification

The certification shall be final unless revoked or suspended pursuant to law. Five years from the date of issuance of any National Pollutant Discharge Elimination System Permit issued pursuant to the Federal Water Pollution Control Act Amendments of 1972, for the plant units, the Department shall review all monitoring data that has been submitted to it during the preceding five year period for the purpose of determining the extent of the permittee's compliance with the conditions of this certification and the environmental impact of this facility. The Department shall submit the results of its review and recommendations to the Permittee and all parties of record in this certification proceeding. This review will be repeated every five years thereafter.

12. Modifications of Special Conditions

The Department may modify the provisions of the special conditions dealing with sampling, monitoring, reporting, and specifications for control equipment or related time schedules as necessary to attain the objectives of Chapter 403, F.S., upon mutual agreement with the applicant. Such modifications and agreement shall be in writing. Such modifications will not take effect until after notice to all parties of record and until after a public notice giving a period of thirty days for public review and comment. The Secretary shall provide opportunity for a public hearing on the proposed modifications prior to taking final agency action.

EXHIBIT "C"  
5 of 9

State of Florida Department of Environmental Regulation  
Lake Worth Utilities Authority  
Unit S-5  
Case No. PA 74-05  
CONDITIONS OF CERTIFICATION (Proposed 11-18-75)

SPECIAL

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State of Florida Department of Environmental Regulation  
Lake Worth Utilities Authority  
Unit S-5  
Case No. PA 74-05  
CONDITIONS OF CERTIFICATION (Proposed 11-18-75)

SPECIAL

I. Air

The construction and operation of the Unit S-5 shall be in compliance with all applicable provisions of Chapters 17-2, 17-5 and 17-7, Florida Administrative Code, and the permittee shall comply with the following conditions of certification:

1. Fuel consumed should contain not more than 2.25% sulfur in Units S-3, and S-4 nor more than 0.35% sulfur in Unit S-5.
2. The boiler exhaust stack shall be not less than 75 feet above grade.
3. The permittee shall provide sampling ports into the stack and will provide access to the sampling ports by a ladder and platform or by temporary means as well as such temporary facilities as may be requested by the Department of Environmental Regulation in order that stack sampling may be accomplished.
4. The permittee shall install and operate continuous monitoring devices on the stack for sulfur dioxide, opacity and nitrogen oxides. Records of such monitoring shall be available for inspection. Calculation of SO<sub>2</sub> emissions in accordance with the procedures outlined in Section 60.45, of 40 CFR, Part 60, may be utilized instead of the continuous SO<sub>2</sub> monitor.
5. The permittee shall install and operate two ambient air monitoring devices for sulfur dioxide and two particulate samplers. The location of these ambient air samplers shall be as determined by the Palm Beach County Health Department, Division of Environmental Sciences and Engineering. The data collected will be reported to the County Health Department quarterly by the 20th of each subsequent month. The permittee shall institute the monitoring program one year prior to operation of Unit S-5.
6. The permittee shall maintain an hourly log of fuels used and copies of fuel analyses containing information of sulfur content and heating value to enable calculations of emissions.

*apply for modification  
for pgs. 5 of 9  
correct any reference to unit size  
ask to be relieved  
for S-5  
since non-fossil  
if use argument  
that not fossil  
fuel fired SG.*

## II. Water

### A. Pretreatment Standards

Wastewater discharged from Unit S-5 to the Lake Worth municipal sewerage system shall comply with Annex III of the Sewer Service Agreement between the Lake Worth Utilities Authority and the City of West Palm Beach and the pretreatment standards for new sources as contained in 40 CFR, Part 423.16 and amendments. The latter is set forth as follows:

#### EPA Pretreatment Standards and Standards of Performance for New Sources

<u>Parameter</u>	<u>Avg. 30-Day, Daily Value</u>
a) <u>Low Volume Waste</u> (40 CFR, Part 423.15(c))	
(ion exchange water treatment systems, floor drainage, sample drains, cooling tower basin cleaning wastes, and similar wastes)	
TSS	30 mg/l
Oil and Grease	15 mg/l
b) <u>Metal Cleaning Wastes</u> (40 CFR, Part 423.15(f))	
TSS	30 mg/l
Oil and Grease	15 mg/l
Copper, Total	1.0 mg/l
Iron, Total	1.0 mg/l
c) <u>Boiler Blowdown</u> (40 CFR, Part 423.15(g))	
Same limits as for b) Metal Cleaning Wastes.	
d) <u>Cooling Tower Blowdown</u> (40 CFR, Part 423.15(i))	
Zinc	no detectable amount
Chromium	no detectable amount
Materials for corrosion inhibition	no detectable amount
e) The pH of all discharges shall be within the range of 6.0 - 9.0.	
f) There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid, or other toxic substances.	

B. In-Plant Water Monitoring Program

A monitoring program shall be undertaken by the Lake Worth Utilities Authority on the effluent streams within the facility to determine compliance by Unit S-5 with the applicable pretreatment standards.

III. Stormwater Runoff

During construction and operation, necessary measures shall be employed to settle, filter or absorb silt so that the runoff shall not exceed 50 mg/l of suspended solids. Such measures may include sediment traps, barriers and the use of berms or vegetation. Exposed or disturbed soil shall be sodded as soon as possible to minimize silt and sediment runoff into waters of the State.

IV. Solid Wastes

Solid wastes generated by the construction or operation of the facility shall be handled and disposed of in conformance with Chapter 17-7, FAC. Open burning will not be allowed.

V. Special Study

The Lake Worth Utilities Authority shall conduct a special study and furnish to the Department by January 31, 1977; a contingency plan to increase the intertie capability with Florida Power and Light Company in order to produce a source of electricity in the event that gaseous or liquid fuels become uneconomical or unavailable for continued operation of Unit S-5 in compliance with the conditions of certification.

State of Florida Department of Environmental Regulation  
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State of Florida Department of Environmental Regulation  
Lake Worth Utilities Authority  
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Case No. PA-74-05  
CONDITIONS OF CERTIFICATION (Proposed 11-19-75)

GENERAL

1. Change in Discharge

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased discharges of pollutants or expansion in steam generating capacity must be reported by submission of a new application.

2. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any limitation specified in this certification, the permittee shall notify the Central and Southern District Manager of the Department by telephone during the working day that said noncompliance occurs and shall confirm this in writing within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

- a. A description of the discharge and cause of non-compliance; and
- b. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this certification.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Right of Entry

The permittee shall allow the Secretary of the Florida Department of Environmental Regulation and/or authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit; and
- b. To have access to and copy any records required to be kept under the conditions of this certification; and
- c. To inspect any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants.

6. Revocation or Suspension

This certification may be suspended or revoked pursuant to Section 403.512, Chapter 403, Florida Statutes, or for violations of any General or Special Conditions.

7. Civil and Criminal Liability

This certification does not relieve the permittee from civil or criminal penalties for noncompliance with any condition of this certification, applicable rules or regulations of the Department or Chapter 403, Florida Statutes, or regulations there under.

Subject to 403.511 this certification shall not preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other applicable State Statutes, or regulations.

12. Modifications of Special Conditions

The Department may modify the provisions of the special conditions dealing with sampling, monitoring, reporting, and specifications for control equipment or related time schedules as necessary to attain the objectives of Chapter 403, F.S., upon mutual agreement with the applicant. Such modifications and agreement shall be in writing. Such modifications will not take effect until after notice to all parties of record and until after a public notice giving a period of thirty days for public review and comment. The Secretary shall provide opportunity for a public hearing on the proposed modifications prior to taking final agency action.

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SPECIAL

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