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MAY 11 2011

BUREAU OF
AIR REGULATION

May 10, 2011

Ms. Barbara Friday
Bureau of Air Regulation
Division of Air Resource Management (DARM)
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Stop #5500
Tallahassee, FL 32399-2400

Re: **West County Energy Center**
Draft/Proposed Permit No. 0990646-004-AV, Initial Title V Air Operation Permit
Draft Permit No. 0990646-005-AC/PSD-FL-354B, Air Construction Permit Revision
Public Notice of Intent to Issue Air Permit, Proof of Publication

Dear Ms. Friday:

Florida Power & Light Company (FPL) is pleased to submit the Affidavit of Publication for the Notice of Intent to Issue Permit for the West County Energy Center located at 20505 State Road 80, Loxahatchee FL, 33470 (Facility ID No. 0990646).

Pursuant to the Intent Draft Notice issued on April 25, 2011, enclosed is the Affidavit of Publication. The Notice of Intent to Issue Permit was published in the Palm Beach Post, on Thursday, May 5, 2011.

A duplicate notification of the affidavit will be electronically submitted to Ms. Ana Oquendo at EPA Region 4.

If you should have any questions regarding this notification, please do not hesitate to call me at 561-904-4904 or David Fawcett, West County Environmental Leader, at 561-904-4907.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Carine Bullock'.

J. Carine Bullock
Plant General Manager
West County Energy Center

cc: Ms. Trina Vielhauer, FDEP
Mr. Scott Sheplak, FDEP
Mr. John Hampp, FPL
Ms. Sheila Wilkinson, FPL
Mr. David Fawcett, FPL

Florida Power & Light Company

West County Energy Center
20505 S.R. 80, Loxahatchee, FL 33470

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH
Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter **DEP Permit #s 0990646-004-AV & 0990646-005-AC/PSD-FL-354B** was published in said newspaper in the issues of **May 5, 2011**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.

Sworn to and subscribed before 5th day of May, A.D. 2011.
Who is personally known to me.

NOTARY PUBLIC-STATE OF FLORIDA
Karen M. McLinton
Commission # **DD832672**
Expires: **NOV. 15, 2012**
BONDED THRU ATLANTIC BONDING CO., INC.

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMITS

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation
Draft/Proposed Permit No. 0990646-004-AV, Initial Title V Air Operation Permit
Draft Permit No. 0990646-005-AC/PSD-FL-354B, Air Construction Permit Revision

Florida Power and Light Company
West County Energy Center
Palm Beach County, Florida

Applicant: The applicant for this project is Florida Power and Light Company (FPL). The applicant's responsible official and mailing address are: Ms. J. Carine Bullock, Plant General Manager, West County Energy Center, Florida Power and Light Company (FPL), 700 Universe Boulevard, Juno Beach, Florida 33408.

Facility Location: The applicant operates the existing West County Energy Center, which is located in Palm Beach County at 20505 State Road 80 in Loxahatchee, Florida.

Project: The applicant applied on November 12, 2009, to the Department for an Initial Title V air operation permit. This facility is a nominal 2,500 megawatt (MW) green field power plant. The initial phase of the facility was the construction of two nominal 1,250 MW gas-fired combined cycle units that use ultra low sulfur fuel oil as backup fuel. The two combined cycle units are designated as Unit 1 and Unit 2. The permitted second phase of the facility is to add another nominal 1,250 MW gas-fired combined cycle unit. Also included in this permit are miscellaneous insignificant emissions units and/or activities. The project also includes an air construction permit revision to change several excess emissions provisions in the underlying air construction permit No. 0990646-001-AC/PSD-FL-354.

Permitting Authority: Applications for Title V air operation permits for facilities that contain acid rain units are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-214 of the Florida Administrative Code (F.A.C.). Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2800 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft/proposed Initial Title V air operation permit, the Statement of Basis, the draft air construction permit revision, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed Initial Title V air operation permit or the draft air construction permit revision by visiting the following web site: <http://www.dep.state.fl.us/air/mission/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Air Permits: The Permitting Authority gives notice of its intent to issue a draft/proposed Initial Title V air operation permit and a concurrent draft air construction permit revision for the projects described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue final permits

in accordance with the conditions of the draft/proposed Initial Title V air operation permit and the draft air construction permit revision unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

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

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.603, F.S. must be filed within 14 days of publication of the Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.603, F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed

decision; (d) A statement of all disputed issues of material fact. If there are none, the petitioner must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the action taken by it in this Public Notice of Intent to Issue Air Permits. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available for this proceeding.

EPA Review: EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period, provided that the applicant also transmits an electronic copy of the required proof of publication directly to EPA at the following email address: ocjendo.ana@epamail.epa.gov. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that result in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following web site address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

8004985E

P.E. CERTIFICATION STATEMENT

APPLICANT

FPL
West County Energy Center

Draft Permit No. 0990646-005-AC/PSD-FL-354B

PROJECT TYPE: Air Construction Permit Revision (Revises Permit No. 0990646-001-AC/PSD-FL-354)

PROJECT DESCRIPTION

This project is for an air construction (AC)/Prevention of Significant Deterioration (PSD) permit revision.

This project is subject to the general preconstruction review requirements in Rule 62-212.300, Florida Administrative Code (F.A.C.) and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the PSD of Air Quality. The Department's full review of the project and rationale for issuing the draft air construction permit revision is provided in the Technical Evaluation and Preliminary Determination.

***I HEREBY CERTIFY** that the air pollution control engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes (F.S.), and F.A.C. Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify any other aspects of the proposal outside of my area of expertise (including, but not limited to, the electrical, civil, mechanical, structural, hydrological, geological, and meteorological features). My licensed area of practice as a professional engineer under Chapter 471, F.S. is environmental (air pollution) engineering.*


Signature: *Scott M. Sheplak* Date: *04/22/11*

Scott M. Sheplak
Professional Engineer (P.E.)
License Number 48866

Permitting Authority's Physical Location:

111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301

Telephone: 850/717-9074 Fax: 850/717-9097

E-mail: scott.sheplak@dep.state.fl.us

SMS/

Permitting Authority's Mailing Address:

Florida Department of Environmental Protection
Division of Air Resources Management • Bureau of Air Regulation • Title V Section
2600 Blair Stone Road, Mail Station #5505 • Tallahassee, Florida 32399-2400



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

Sent by Electronic Mail - Received Receipt Requested

Ms. J. Carine Bullock
Plant General Manager
West County Energy Center
Florida Power and Light Company (FPL)
700 Universe Boulevard
Juno Beach, Florida 33408

Re: West County Energy Center
Draft/Proposed Permit No. 0990646-004-AV, Initial Title V Air Operation Permit
Draft Permit No. 0990646-005-AC/PSD-FL-354B, Air Construction Permit Revision

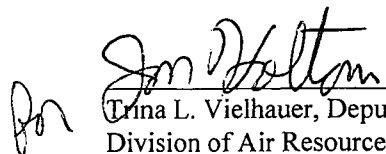
Dear Ms. Bullock:

Enclosed is the draft/proposed permit package for an initial Title V air operation permit and an air construction permit revision for the West County Energy Center. This facility is located in Palm Beach County at 20505 State Road 80 in Loxahatchee, Florida. The permit package includes the following documents:

- The Written Notice of Intent to Issue Air Permits provides important information regarding: the Permitting Authority's intent to issue air permits for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue air permits; the procedures for submitting comments on the draft/proposed initial Title V air operation permit and the draft air construction permit revision; the process for filing a petition for an administrative hearing; and, the availability of mediation.
- The Public Notice of Intent to Issue Air Permits is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The Public Notice of Intent to Issue Air Permits must be published as soon as possible and the proof of publication must be provided to the Department within seven days of the date of publication. Because this permit is being processed as a combined draft/proposed permit in order to reduce processing time, a duplicate copy of the proof of publication must also be transmitted by electronic mail within seven days of the date of publication to Ms. Ana Oquendo at EPA Region 4 at the following address:
oquendo.ana@epamail.epa.gov.
- The Statement of Basis, which summarizes the facility, the equipment, and the primary rule applicability.
- The draft/proposed initial Title V air operation permit, which includes the specific permit conditions that regulate the emissions units covered by the proposed project.
- The Technical Evaluation and Preliminary Determination, which explains the revisions to underlying construction permit conditions.
- The draft air construction permit revision.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Mr. Jonathan K. Holtom, P.E., Program Administrator, Title V Section, at the above letterhead address. If you have any questions, please contact Mr. Scott M. Sheplak, P.E., by telephone at 850/717-9074 or by email at scott.sheplak@dep.state.fl.us.

Sincerely,


Trina L. Vielhauer, Deputy Director
Division of Air Resource Management

4/25/11
Date

Enclosures
TLV/jkh/sms

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMITS

*In the Matter of an
Application for Permits by:*

Florida Power and Light Company (FPL)
700 Universe Boulevard
Juno Beach, Florida 33408

Draft/Proposed Permit No. 0990646-004-AV
Draft Permit No. 0990646-005-AC/PSD-FL-354B
Facility ID No. 0990646
West County Energy Center

Responsible Official:

Ms. J. Carine Bullock, Plant General Manager

Initial Title V Air Operation Permit
Air Construction Permit Revision
Palm Beach County, Florida

Facility Location: FPL operates the existing West County Energy Center, which is located in Palm Beach County at 20505 State Road 80 in Loxahatchee, Florida.

Project: The purpose of this project is for the initial Title V air operation permit No. 0990646-004-AV and to revise several excess emissions provisions in the underlying air construction permit No. 0990646-001-AC/PSD-FL-354. Details of the project are provided in the application, the enclosed Statement of Basis and the Technical Evaluation and Preliminary Determination.

Permitting Authority: Applications for Title V air operation permits for facilities that contain acid rain units are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-214 of the Florida Administrative Code (F.A.C.). Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft/proposed initial Title V air operation permit, the Statement of Basis, the draft air construction permit revision, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed initial Title V air operation permit or the draft air construction permit revision by visiting the following web site:

<http://www.dep.state.fl.us/air/emission/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Air Permits: The Permitting Authority gives notice of its intent to issue a draft/proposed initial Title V air operation permit and a concurrent draft air construction permit revision for the projects described above. The applicant has provided reasonable assurance that operation of the existing equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue final permits in accordance with the conditions of the draft/proposed initial Title V air operation permit and the draft air construction permit revision unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permits (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMITS

advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at the above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

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

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permits. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permits, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMITS

sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

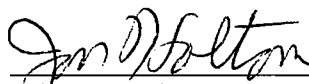
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permits. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

EPA Review: EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period, provided that the applicant also transmits an electronic copy of the required proof of publication directly to EPA at the following email address: oguendo.ana@epamail.epa.gov. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following web site address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

Executed in Tallahassee, Florida


for Trina L. Vielhauer, Deputy Director
Division of Air Resource Management

4/25/11
Date

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMITS

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Permits package (including the Public Notice, the Statement of Basis, the Draft/Proposed Initial Title V Air Operation Permit, the Technical Evaluation and Preliminary Determination, and the Draft Air Construction Permit Revision), or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on 4/26/11 to the persons listed below.

- Ms. J. Carine Bullock, FPL: carine.bullock@fpl.com
- Ms. Shelia M. Wilkinson, FPL: shelia.m.wilkinson@fpl.com
- Mr. John Hampp, FPL: john.hampp@fpl.com
- Mr. David Fawcett, FPL: david.fawcett@fpl.com
- Mr. Kennard F. Kosky, P.E., Golder Associates, Inc.: ken_kosky@golder.com
- Mr. James Stormer, PBCHD: james_stormer@doh.state.fl.us
- Ms. Cindy Mulkey, DEP Siting Office: cindy.mulkey@dep.state.fl.us
- Ms. Heather Abrams, U.S. EPA Region 4: abrams.heather@epa.gov
- Ms. Katy R. Forney, U.S. EPA Region 4: forney.kathleen@epa.epa.gov
- Ms. Ana Oquendo-Vazquez, U.S. EPA Region 4: oquendo.ana@epa.gov
- Ms. Barbara Friday, DEP BAR: barbara.friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)
- Ms. Victoria Gibson, DEP BAR: victoria.gibson@dep.state.fl.us (for reading file)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

Barbara Friday 4/26/11
(Clerk) (Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMITS

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation
Draft/Proposed Permit No. 0990646-004-AV, Initial Title V Air Operation Permit
Draft Permit No. 0990646-005-AC/PSD-FL-354B, Air Construction Permit Revision
Florida Power and Light Company
West County Energy Center
Palm Beach County, Florida

Applicant: The applicant for this project is Florida Power and Light Company (FPL). The applicant's responsible official and mailing address are: Ms. J. Carine Bullock, Plant General Manager, West County Energy Center, Florida Power and Light Company (FPL), 700 Universe Boulevard, Juno Beach, Florida 33408.

Facility Location: The applicant operates the existing West County Energy Center, which is located in Palm Beach County at 20505 State Road 80 in Loxahatchee, Florida.

Project: The applicant applied on November 12, 2009, to the Department for an initial Title V air operation permit. This facility is a nominal 2,500 megawatt (MW) green field power plant. The initial phase of the facility was the construction of two nominal 1,250 MW gas-fired combined cycle units that use ultra low sulfur fuel oil as backup fuel. The two combined cycle units are designated as Unit 1 and Unit 2. The permitted second phase of the facility is to add another nominal 1,250 MW gas-fired combined cycle unit. Also included in this permit are miscellaneous insignificant emissions units and/or activities. The project also includes an air construction permit revision to change several excess emissions provisions in the underlying air construction permit No. 0990646-001-AC/PSD-FL-354.

Permitting Authority: Applications for Title V air operation permits for facilities that contain acid rain units are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-214 of the Florida Administrative Code (F.A.C.). Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft/proposed initial Title V air operation permit, the Statement of Basis, the draft air construction permit revision, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed initial Title V air operation permit or the draft air construction permit revision by visiting the following web site: <http://www.dep.state.fl.us/air/emission/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Air Permits: The Permitting Authority gives notice of its intent to issue a draft/proposed initial Title V air operation permit and a concurrent draft air construction permit revision for the projects described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue final permits in accordance with the conditions of the draft/proposed initial Title V air operation permit and the draft air construction permit revision unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

(Public Notice to be Published in the Newspaper)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMITS

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

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of the Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permits. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

(Public Notice to be Published in the Newspaper)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMITS

Mediation: Mediation is not available for this proceeding.

EPA Review: EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period, provided that the applicant also transmits an electronic copy of the required proof of publication directly to EPA at the following email address: oguendo.ana@epamail.epa.gov. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following web site address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

**TECHNICAL EVALUATION
AND
PRELIMINARY DETERMINATION**

APPLICANT

Florida Power and Light Company (FPL)

20505 State Road 80
Loxahatchee, Florida 33470

West County Energy Center
Facility ID No. 0990646

PROJECT

Draft Permit No. 0990646-005-AC/PSD-FL-354B
Application for Minor Source Air Construction Permit
Revisions to Excess Emissions Provisions

COUNTY

Palm Beach County, Florida

PERMITTING AUTHORITY

Florida Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
2600 Blair Stone Road, MS#5505
Tallahassee, Florida 32399-2400



April 22, 2011

1. GENERAL PROJECT INFORMATION

Air Pollution Regulations

Projects at stationary sources with the potential to emit air pollution are subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The statutes authorize the Department of Environmental Protection (Department) to establish regulations regarding air quality as part of the Florida Administrative Code (F.A.C.), which includes the following applicable chapters: 62-4 (Permits); 62-204 (Air Pollution Control – General Provisions); 62-210 (Stationary Sources – General Requirements); 62-212 (Stationary Sources – Preconstruction Review); 62-213 (Operation Permits for Major Sources of Air Pollution); 62-296 (Stationary Sources - Emission Standards); and 62-297 (Stationary Sources – Emissions Monitoring). Specifically, air construction permits are required pursuant to Rules 62-4, 62-210 and 62-212, F.A.C.

In addition, the U. S. Environmental Protection Agency (EPA) establishes air quality regulations in Title 40 of the Code of Federal Regulations (CFR). Part 60 specifies New Source Performance Standards (NSPS) for numerous industrial categories. Part 61 specifies National Emission Standards for Hazardous Air Pollutants (NESHAP) based on specific pollutants. Part 63 specifies NESHAP based on the Maximum Achievable Control Technology (MACT) for numerous industrial categories. The Department adopts these federal regulations on a quarterly basis in Rule 62-204.800, F.A.C.

Facility Description and Location

This facility is an existing power plant, which is categorized under Standard Industrial Classification Code No. 4911. This existing plant is located in Palm Beach County at 20505 State Road 80 in Loxahatchee, Florida. The UTM Coordinates are: Zone 17, 562.19 km East and 2953.04 km North; Latitude: 26° 41' 54.98" North and Longitude: 80° 22' 29.54" West.

This site is in an area that is in attainment (or designated as unclassifiable) for all air pollutants subject to state and federal Ambient Air Quality Standards (AAQS).

Facility Regulatory Categories

- The facility is a major source of hazardous air pollutants (HAP).
- This facility operates units subject to the acid rain provisions of the Clean Air Act.
- The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is major stationary source in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Project Description

As part of the project for the initial Title V air operation permit (Project No. 0990646-004-AV), the applicant requested a concurrent air construction permit revision to change several underlying construction permit conditions related to excess emissions provisions.

Application Processing Schedule

Application for an Initial Title V Air Operation Permit received on November 12, 2009.
Application for Concurrent Air Construction/PSD Permit Revision by letter dated December 21, 2010.
Air Construction/PSD Permit Revision Processing Fee received on January 12, 2011.

Relevant Documents

- Permit No. 0990646-001-AC/PSD-FL-354, as amended.

2. PSD APPLICABILITY

General PSD Applicability

For areas currently in attainment with the state and federal AAQS or areas otherwise designated as unclassifiable, the Department regulates major stationary sources of air pollution in accordance with Florida's PSD preconstruction review program as defined in Rule 62-212.400, F.A.C. Under preconstruction review, the Department first must determine if a project is subject to the PSD requirements ("PSD applicability review") and, if so, must conduct a PSD preconstruction review. A PSD applicability review is required for projects at new and existing major stationary sources. In addition, proposed projects at existing minor sources are subject to a PSD applicability review to determine whether potential emissions *from the proposed project itself* will exceed the PSD major stationary source thresholds. A facility is considered a major stationary source with respect to PSD if it emits or has the potential to emit:

- 5 tons per year or more of lead;
- 250 tons per year or more of any regulated air pollutant; or
- 100 tons per year or more of any regulated air pollutant and the facility belongs to one of the following 28 PSD-major facility categories: fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), Kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants and charcoal production plants.

Once it is determined that a project is subject to PSD preconstruction review, the project emissions are compared to the "significant emission rates" defined in Rule 62-210.200, F.A.C. for the following pollutants: carbon monoxide (CO); nitrogen oxides (NO_x); sulfur dioxide (SO₂); particulate matter (PM); particulate matter with a mean particle diameter of 10 microns or less (PM₁₀); volatile organic compounds (VOC); lead (Pb); fluorides (F); sulfuric acid mist (SAM); hydrogen sulfide (H₂S); total reduced sulfur (TRS), including H₂S; reduced sulfur compounds, including H₂S; municipal waste combustor organics measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans; municipal waste combustor metals measured as PM; municipal waste combustor acid gases measured as SO₂ and hydrogen chloride (HCl); municipal solid waste landfills emissions measured as non-methane organic compounds (NMOC); and mercury (Hg). In addition, significant emissions rate also means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1 µg/m³, 24-hour average.

If the potential emission exceeds the defined significant emissions rate of a PSD pollutant, the project is considered "significant" for the pollutant and the applicant must employ the Best Available Control Technology (BACT) to minimize the emissions and evaluate the air quality impacts. Although a facility or project may be *major* with respect to PSD for only one regulated pollutant, it may be required to install BACT controls for several "significant" regulated pollutants.

PSD Applicability for Project

The project will revise permit conditions related to excess emissions provisions. There will be no emissions increases and the project is not subject to PSD preconstruction review. Because the revisions are being made to a PSD air construction permit a 30-day comment period will be specified concurrent with the 30-day comment period for the draft/proposed Title V air operation permit.

3. DEPARTMENT REVIEW

Response to Requested Revisions

As part of the project for the initial Title V air operation permit (Project No. 0990646-004-AV), the applicant requested several changes to Title V air operation permit conditions. Some of these changes required revisions to the underlying construction permit conditions, which are explained below in this Technical Evaluation and Preliminary Determination.

The applicant requested changes to the AC/PSD permit by submitting a permit modification request by letter on December 21, 2010. The "Specific Condition No." cited below refers to the specific condition in Permit No. 0990646-001-AC/PSD-FL-354, as amended. Specific Condition Nos. III.A.18., 20. and 32., contain excess emissions provisions which needed clarifications. The applicant requested changes to clarify these provisions.

1. Specific Condition No. III.A.18., describes when excess emissions are allowed and what CEMS data may be excluded from the averaging period.

Applicant's Requested Changes:

- a. The original AC/PSD Permit No. 0990646-001-AC/PSD-FL-354 did not include all modes of normal operation of the combustion turbine/HRSG system. The applicant requested that this specific condition reflect normal startup, shutdown and documented malfunctions of the "3-on-1" combustion turbine/HRSG system.
- b. The applicant requested clarifications of which emissions data is omitted from reporting of excess emissions.

Department's Responses:

- a. The emissions unit description and Specific Condition Nos. III.A.9. & III.A.18.d. in Permit No. 0990646-001-AC/PSD-FL-354 allow different methods of operation, e.g., fuel switches. The request to fuel switch is already authorized, therefore, the requested clarification to delete "oil-to-gas" in the first sentence of Specific Condition No. III.A.18. is made.

The original permit does not include defined periods of normal operation of the 3-on-1 combustion turbine/HRSG system for warm startup, shutdown and malfunction. Defined periods for "Gas Turbine/HRSG System Warm Startup," "Shutdown Gas Turbine/HRSG System," and "Documented Malfunction" for the 3-on-1 combustion turbine/HRSG system are added.

- b. The second sentence of Specific Condition No. III.A.18. is clarified.

The word "excess" is changed to "excluded" to clearly mean which data is excluded from the averaging period.

Excess emissions of NOx and CO resulting from startup, shutdown, or malfunction shall be excluded from CEMS data. The requested clarifications are made as shown in the Draft permit.

2. Specific Condition No. III.A.20., pertains to when the compliance authority shall be notified prior to any major tuning session.

Applicant's Requested Changes:

- a. The advanced notice is proposed to be changed from 14 days to one working day.

Department's Responses:

- a. The advanced notice is changed from 14 days to one working (business) day.

3. Specific Condition No. III.A.32., contains excess emissions reporting requirements. Specific Condition No. III.A.32.b., specifies the format to be used when reporting quarterly SIP excess emissions.

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Applicant's Requested Changes:

- a. The request is to clarify SIP excess emissions reporting.
- b. A modified NSPS Figure 1, entitled "Figure XSE" was proposed for use.

Department's Responses:

- a. The requested clarifications are made consistent with the previously cited responses as shown in the Draft permit.
- b. The proposed figure is more appropriate for SIP use than using the NSPS Figure 1. A new "Figure XSE" is attached to the permit for use.

Revisions

The approved revisions are shown in ~~striketrough~~ (for deletions) and double-underlines (for additions) format within the permit revision itself. All changes are emphasized with yellow highlight.

4. PRELIMINARY DETERMINATION

The Department makes a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations as conditioned by the draft permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, and the conditions specified in the draft permit. No air quality modeling analysis is required because the project does not result in a significant increase in emissions.

Mr. Scott M. Sheplak, P.E. is the project engineer responsible for reviewing the application and drafting the permit. Additional details of this analysis may be obtained by contacting him by telephone at 850/717-9074 or by e-mail at scott.sheplak@dep.state.fl.us in the Department's Bureau of Air Regulation at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Draft Permit Revision

PERMITTEE

Florida Power and Light Company (FPL)
West County Energy Center

Draft Permit No. 0990646-005-AC/PSD-FL-354B
Air Construction Permit Revision -
Revisions to Excess Emissions Provisions

Authorized Representative:
Ms. J. Carine Bullock, Plant General Manager

West County Energy Center
Palm Beach County, Florida

PROJECT

This is the final air construction permit, which revises Permit No. 0990646-001-AC /PSD-FL-354 for the combined cycle combustion turbines, Unit 1 and Unit 2. The revised permit conditions are related to excess emissions provisions. The existing plant is a power plant categorized under Standard Industrial Classification No. 4911. This existing plant is located in Palm Beach County at 20505 State Road 80 in Loxahatchee, Florida. The UTM Coordinates are: Zone 17, 562.19 km East and 2953.04 km North; Latitude: 26° 41' 54.98" North and Longitude: 80° 22' 29.54" West.

This final permit is organized into the following sections: Section 1 (General Information) and Section 2 (Permit Revisions). [(if applicable) As noted in the Final Determination provided with this final permit, only minor changes and clarifications were made to the draft permit.]

STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality. A copy of this permit modification shall be filed with the referenced permit and shall become part of the permit.

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

Executed in Tallahassee, Florida

(Draft)

Michael P. Halpin, P.E., Director
Division of Air Resource Management

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Determination and Final Permit Revision) was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on _____ (*Draft*) _____ to the persons listed below.

- Ms. J. Carine Bullock, FPL: carine.bullock@fpl.com
- Mr. John Hampp, FPL: john.hampp@fpl.com
- Mr. David Fawcett, FPL: david.fawcett@fpl.com
- Mr. Kennard F. Kosky, P.E., Golder Associates, Inc.: ken_kosky@golder.com
- Mr. James Stormer, PBCHD: james_stormer@doh.state.fl.us
- Ms. Cindy Mulkey, DEP Siting Office: cindy.mulkey@dep.state.fl.us
- Ms. Heather Abrams, U.S. EPA Region 4: abrams.heather@epa.gov
- Ms. Katy R. Forney, U.S. EPA Region 4: forney.kathleen@epa.epa.gov
- Ms. Ana Oquendo-Vazquez, U.S. EPA Region 4: oquendo.ana@epa.gov
- Ms. Barbara Friday, DEP BAR: barbara.friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)
- Ms. Victoria Gibson, DEP BAR: victoria.gibson@dep.state.fl.us (for reading file)

Clerk Stamp

FILED AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

(*Draft*)

Clerk Date

SECTION 1. GENERAL INFORMATION

FACILITY DESCRIPTION

This existing facility is a nominal 2,500 megawatt (MW) green field power plant. The initial phase of the facility was the construction of two nominal 1,250 MW gas-fired combined cycle units that use ultra low sulfur (ULS) fuel oil as backup fuel. The two combined cycle units are designated as Unit 1 and Unit 2. Also at the facility are miscellaneous unregulated/insignificant emissions units and/or activities.

FACILITY REGULATORY CLASSIFICATION

- This facility is a major source of hazardous air pollutants (HAP).
- This facility operates units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400 (PSD), F.A.C.

PROPOSED PROJECT

As part of the project for the initial Title V air operation permit (Project No. 0990646-004-AV), the applicant requested a concurrent air construction permit revision to change several underlying construction permit conditions related to excess emissions provisions.

SECTION 2. PERMIT REVISIONS

The following permit conditions are revised as indicated. ~~Strikethrough~~ is used to denote the deletion of text. Double-underlines are used to denote the addition of text. All changes are emphasized with yellow highlight in the electronic document.

Permit Being Modified: Permit No. 0990646-001-AC/PSD-FL-354

Affected Emissions Units: Combined Cycle Combustion Turbines (CTs) and Heat Recovery Steam Generators (HRSGs) (E.U. ID Nos. 001 - 006)

The affected Specific Condition Nos. III.A.18., 20. and 32. from Permit No. 0990646-001-AC /PSD-FL-354 are hereby changed as follows (the remainder of the permit remains unchanged as a result of this permitting action):

18. Excess Emissions Allowed: As specified in this condition, excess emissions resulting from startup, shutdown, ~~oil to gas~~ fuel switches and documented malfunctions are allowed provided that operators employ the best operational practices to minimize the amount and duration of emissions during such incidents. ~~For each gas turbine/HRSG system, excess emissions resulting from startup, shutdown, or documented malfunctions shall not exceed two hours in any 24-hour period except for the specific cases listed below. For each gas turbine/HRSG System excess emissions of NOx and CO resulting from startup, shutdown, or malfunction shall be excluded from CEMS data in any 24-hour period ("any 24-hour period" means a calendar day, midnight to midnight) for the following conditions: A "documented malfunction" means a malfunction that is documented within one working day of detection by contacting the Compliance Authority by telephone, facsimile transmittal, or electronic mail.~~
- a. *Steam Turbine Cold Startup:* For cold startup of the steam turbine, ~~excess~~ excluded emissions from any gas turbine/HRSG system shall not exceed eight hours in any 24-hour period. A cold "startup of the steam turbine" is defined as startup of the 3-on-1 combined cycle system following a shutdown of the steam turbine lasting at least 48 hours.
{Permitting note: During a cold startup of the steam turbine, each gas turbine/HRSG system is sequentially brought on line at low load to gradually increase the temperature of the steam-electrical turbine and prevent thermal metal fatigue. Note that shutdowns and documented malfunctions are separately regulated in accordance with the requirements of this condition.}
 - b. *Gas Turbine/HRSG System Cold Startup:* For cold startup of a gas turbine/HRSG system, ~~excess~~ excluded emissions shall not exceed four hours in any 24-hour period. "Cold startup of a gas turbine/HRSG system" is defined as a startup after the pressure in the high-pressure (HP) steam drum falls below 450 psig for at least a one-hour period.
 - c. *Gas Turbine/HRSG System Warm Startup:* For warm startup of a gas turbine/HRSG system, excluded emissions shall not exceed two hours in any 24-hour period. "Warm startup of a gas turbine/HRSG system" is defined as a startup after the pressure in the high-pressure (HP) steam drum is above 450 psig.
 - d. *Shutdown Combined Cycle Operation:* For shutdown of the combined cycle operation, ~~excess~~ excluded emissions from any gas turbine/HRSG system shall not exceed three hours in any 24-hour period.
 - e. *Shutdown Gas Turbine/HRSG System:* For shutdown of the gas turbine/HRSG operation, excluded emissions from any gas turbine/HRSG system shall not exceed two hours in any 24-hour period.
 - f. *Fuel Switching:* For fuel switching, ~~excess~~ excluded emissions shall not exceed 2 hours in any 24-hour period for each fuel switch and no more than four hours in any 24-hour period for any gas turbine/HRSG system.
 - g. *Documented Malfunction:* For the gas turbine/HRSG system, excess emissions of NOx and CO resulting from documented malfunctions shall not exceed two hours in any 24-hour period. A "documented malfunction" means a malfunction that is documented within one working day of detection by contacting the Compliance Authority by telephone, facsimile transmittal, or electronic mail.

SECTION 2. PERMIT REVISIONS

20. DLN Tuning: CEMS data collected during initial or other major DLN tuning sessions shall be excluded from the CEMS compliance demonstration provided the tuning session is performed in accordance with the manufacturer's specifications. A "major tuning session" would occur after completion of initial construction, a combustor change-out, a major repair or maintenance to a combustor, or other similar circumstances. Prior to performing any major tuning session, the permittee shall provide the Compliance Authority with an advance notice of at least ~~14 days~~ one working (business) day that details the activity and proposed tuning schedule. The notice may be by telephone, facsimile transmittal, or electronic mail.
[Design; Rule 62-4.070(3), F.A.C.]

32. Excess Emissions Reporting:

- a. *Malfunction Notification*: If emissions in excess of a standard (subject to the specified averaging period) occur due to malfunction, the permittee shall notify the Compliance Authority within (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident.
- b. *SIP Quarterly Permit Limits Excess Emissions Report*: Within 30 days following the end of each calendar-quarter, the permittee shall submit a report to the Compliance Authority summarizing periods of CO and NOx emissions in excess of the BACT permit standards, and the amounts of authorized data excluded following the NSPS format in ~~40 CFR 60.7(e)~~, Subpart A ~~Figure XSE attached to this permit~~. Periods of startup, shutdown ~~and~~, malfunction, fuel switching and tuning shall be monitored, and recorded at all times ~~and reported as excess emissions when emission levels exceed the standards specified in this permit~~. In addition, the report shall summarize the CEMS systems monitor availability for the previous quarter.
- c. *NSPS Semi-Annual Excess Emissions Reports*: For purposes of reporting emissions in excess of NSPS Subpart KKKK, excess emissions from the gas turbine are defined as: a specified averaging period over which either the NOx emissions are higher than the applicable emission limit in 60.4320; or the total sulfur content of the fuel being combusted in the affected facility exceeds the limit specified in 60.4330. Within thirty (30) days following each calendar semi-annual period, the permittee shall submit a report on any periods of excess emissions that occurred during the previous semi-annual period to the Compliance Authority.

{Note: If there are no periods of excess emissions as defined in NSPS Subpart KKKK, a statement to that effect may be submitted with the SIP Quarterly Report to suffice for the NSPS Semi-Annual Report.}

[Rules 62-4.130, 62-204.800, 62-210.700(6), F.A.C., and 40 CFR 60.7, and 60.4420]

FIGURE XSE

QUARTERLY EXCESS EMISSIONS AND MONITORING REPORT FOR SIP-ONLY STANDARDS

Company: _____ Plant Name: _____

Address: _____

Emissions Unit ID No. _____ Description: _____

Pollutant (check one): ___ CO ___ NOx Emission Limitation: _____

Reporting period: ___ Q1 (Jan. - March) ___ Q2 (April - June) ___ Q3 (July - Sept.) ___ Q4 (Oct. - Dec.)
Year: _____

Monitor Manufacturer: _____

Model No.: _____

Date of Latest CEMS Certification or Audit: _____

Total emissions unit operating time in reporting period¹: _____ hours

Excluded Emission Data Summary¹	CEMS Performance Summary^{1,5}
1. Duration of excluded emissions due to: a. ST Cold Startup ² _____ b. GT/HRSG Cold Startup ² _____ c. GT/HRSG Warm Startup ² _____ d. Shutdown _____ e. Fuel Switching _____ f. Documented Malfunction _____ g. Tuning _____ h. Total Authorized Data Excluded _____ 2. Total duration of excluded emissions x (100%) / [Total source operating time] _____ % 3. Number of Compliance Averages > Limit ³ _____	1. CEMS downtime due to: a. Monitor equipment malfunctions _____ b. Non-Monitor equipment malfunctions _____ c. Quality assurance calibration _____ d. Other known causes _____ e. Unknown causes _____ 2. Total CEMS Downtime _____ 3. Total CEMS Downtime x (100%) / [Total source operating time] _____ % ⁴

¹ For the reporting period, record all times in hours.

² "ST" means steam turbine. "GT/HRSG" means gas turbine/heat recovery steam generator.

³ If an exceedance occurs after excluding data as authorized by permit, identify the number of non-compliant averages for the quarter. In addition, provide the hour-by-hour data for each non-compliant average and describe the circumstances causing the exceedance and the corrective actions taken.

⁴ If the total CEMS downtime is 5% or greater of the total operating time, the permittee shall also submit a report identifying the problems with maintaining a monitor availability of at least 95% and the corrective actions planned for the next quarter.

⁵ On a separate page, describe any changes in the CEMS, process equipment or control equipment since the last quarterly report.

I certify that the information contained in this report is true, accurate, and complete.

Name: _____

Title: _____

Signature: _____ Date: _____