

Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

February 25, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Bruce L. Franco, P.E.
Executive Director
Auburndale Power Partners L.P.
12500 Fair Lakes Circle Suite 200
Fairfax, Virginia 22033-3804

Re: Auburndale Cogeneration Facility
DRAFT Permit Modification, Permit No. AC53-208321 (PSD-FL-185)
Extension of NO_x Compliance Date on Westinghouse 501D Combustion Turbine


Dear Mr. Franco:

Enclosed is one copy of the Draft Air Construction Permit Modification for the extension of the NO_x compliance date for the Westinghouse 501D combustion turbine located at the APP facility in Polk County. The Department's Intent to Issue Air Construction Permit Modification and the "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" must be published within 30 (thirty) days of receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Mr. Marty Costello, P.E. or Mr. Linero at 904/488-1344.

Sincerely,


C. H. Fancy, P.E., Chief,
Bureau of Air Regulation

AAL/aal/l

Enclosures

DRAFT

March XX, 1997

Certified Mail - Return Receipt Requested

Bruce L. Franco, P.E.
Executive Director
Auburndale Power Partners, L.P.
12500 Fair Lakes Circle, Suite 200
Fairfax, Virginia 22030

Re: Permit Modification AC53-208321 (PSD-FL-185)
DEP File Number: 1050221-003
Extension of NO_x Compliance Date, Compliance by CEMS for NOX, and
Removal of ISO Correction

Dear Mr. Franco:

The Department has reviewed the amendment request concerning the above referenced items relating to the gas turbine located at the Auburndale facility. This request is acceptable to the Department and the permit is hereby modified as follows:

Specific Condition No. 8:

FROM:

- Method 20 Determination of the Nitrogen Oxides, Sulfur Dioxide, and Diluent Emissions from Stationary Gas Turbines.

TO:

- Method 20 Determination of the Nitrogen Oxides, Sulfur Dioxide, and Diluent Emissions from Stationary Gas Turbines **(for compliance with 40 CFR 60.335 only and only for the initial test, no annual test or test prior to renewal of operation permits is required)**

DRAFT

Specific Condition 13:

FROM:

During performance tests, to determine compliance with the proposed NOX standard, measured NOX emissions at 15 percent oxygen will be adjusted to ISO ambient atmospheric conditions by the following correction factor:

TO:

During performance tests, to determine compliance with the **NSPS Subpart GG** NOX standard, measured NOX emissions at 15 percent oxygen will be adjusted to ISO ambient atmospheric conditions by the following correction factor:

Specific Condition 17:

FROM:

A continuous monitoring system shall be installed to monitor and record the fuel consumption on each unit. While steam injection is being utilized for NOX control, the steam to fuel ratio at which compliance is achieved shall be incorporated into the permit and shall be continuously monitored. The system shall meet the requirements of 40 CFR Part 60, Subpart GG.

TO:

A continuous monitoring system shall be installed to monitor and record the fuel consumption on each unit. While **water** injection is being utilized for NOX control, the **water (all phases)** to fuel ratio shall be continuously monitored. The system shall meet the requirements of 40 CFR Part 60, Subpart GG. **The NOx CEMS will be used in lieu of the water/fuel monitoring system and fuel bound nitrogen (FBN) monitoring, which are required in 40 CFR 60.334. The NOx CEMS shall be used to report excess emissions during periods of startup, shutdown, and malfunction in lieu of FBN monitoring and the water/fuel monitoring system described in 40 CFR 60.334(c)(1).**

Specific Condition 18:

FROM:

Sulfur, nitrogen content and lower heating value of the fuel being fired in the combustion turbines shall be based on a weighted 12 month rolling average from fuel deliver receipts. The records of fuel oil usage shall be kept by the company for a two-year period or regulatory agency inspection purposes. For sulfur dioxide, periods of excess emissions shall be reported if the fuel being fired in the gas turbine exceeds 0.05 percent sulfur by weight.

DRAFT

TO:

Sulfur and lower heating value of the fuel being fired in the combustion turbines shall be based on a weighted 12 month rolling average from fuel deliver receipts. The records of fuel oil usage shall be kept by the company for a two-year period or regulatory agency inspection purposes. For sulfur dioxide, periods of excess emissions shall be reported if the fuel being fired in the gas turbine exceeds 0.05 percent sulfur by weight.

Specific Condition 27:

FROM:

Pursuant to F.A.C. Rule 17-210.300(2), Air Operating Permits, the permittee is required to submit annual reports on the actual operating rates and emissions from this facility. These reports shall include, but are not limited to the following: sulfur, nitrogen contents and the lower heating value of the fuel being fired, fuel usage, hours of operation, air emissions limits, etc. Annual reports shall be sent to the Department's Southwest District Office by March 1 of each calendar year.

TO:

Pursuant to F.A.C. Rule 62-210.370(3), **Annual Operating Report for Air Pollution Emitting Facility**, the permittee is required to submit annual reports on the actual operating rates and emissions from this facility. These reports shall include, but are not limited to the following: sulfur and the lower heating value of the fuel being fired, fuel usage, hours of operation, air emissions limits, etc. Annual reports shall be sent to the Department's Southwest District Office by March 1 of each calendar year.

Table 1: (referenced in Specific Condition 1, see attached tables)

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Sincerely,

Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/mc

Enclosures

DRAFT

FROM:

Auburndale Power Partners - AC53-208321 (PSD-FL-185)

TABLE 1 - ALLOWABLE EMISSION RATES

Pollutant	Fuel ^A	Allowable Emission Standard/Limitation	Basis
NO _x	Gas	15 ppmvd @ 15% O ₂ & ISO (78.6 lbs/hr; 344.3 TPY) ^B	BACT
	Gas	25 ppmvd @ 15% O ₂ & ISO (131.0 lbs/hr; 573.8 TPY)	BACT
	Oil	42 ppmvd @ 15% O ₂ & ISO (230.0 lbs/hr; 1,007.4 TPY)	BACT
CO	Gas	21 ppmvd (43.5 lbs/hr; 190.5 TPY) ^C	
	Gas	15 ppmvd (43.5 lbs/hr; 190.5 TPY)	BACT
	Oil	25 ppmvd (73.0 lbs/hr; 319.7 TPY)	BACT
VOC	Gas	6.0 lbs/hr; 26.3 TPY	BACT
	Oil	10.0 lbs/hr; 43.8 TPY	BACT
PM ₁₀	Gas	0.0134 lb/MMBtu (10.5 lbs/hr; 46.0 TPY)	BACT
	Oil	0.0472 lb/MMBtu (36.8 lbs/hr; 161.2 TPY)	BACT
SO ₂	Gas	40.0 lbs/hr; 175.2 TPY	BACT
	Oil	70.0 lbs/hr; 306.6 TPY	BACT
H ₂ SO ₄	Gas	7.5 lbs/hr; 32.9 TPY	BACT
	Oil	14 lbs/hr; 61.3 TPY	BACT
Opacity	Gas	10% opacity ^D	BACT
	Oil	10% opacity	BACT
Hg	Gas	1.10 x 10 ⁻⁵ lb/MMBtu (0.001 lb/hr; 0.06 TPY)	Appl.
	Oil	3.0 x 10 ⁻⁶ lb/MMBtu (0.004 lb/hr; 0.016 TPY)	Appl.
As	Oil	1.61 x 10 ⁻⁴ lb/MMBtu (0.20 lb/hr; 0.05 TPY)	BACT
F	Oil	3.30 x 10 ⁻⁵ lb/MMBtu (0.04 lb/hr; 0.17 TPY)	Appl.
Be	Oil	2.0 x 10 ⁻⁶ lb/MMBtu (0.003 lb/hr; 0.014 TPY)	BACT
Pb	Oil	1.04 x 10 ⁻⁴ lb/MMBtu (0.13 lb/hr; 0.510 TPY)	BACT

- A) Fuel: Natural Gas. Emissions are based on 8360 hours per year operating time burning natural gas and 400 hours per year operating time burning No. 2 fuel oil.
Fuel: No. 2 Distillate Fuel Oil (0.05% S). Emissions are based on 8760 hours per year burning fuel oil.
- B) The NO_x maximum limit will be lowered to 15 ppm by 9/30/97 (about 18 months after natural gas is first fired) using appropriate combustion technology improvements or SCR.
- C) 21 ppmvd at minimum load.
15 ppmvd at base load.
- D) 10% opacity at full load conditions.

DRAFT

TO:

Auburndale Power Partners - AC53-208321 (PSD-FL-185)

TABLE 1 - ALLOWABLE EMISSION RATES

Pollutant	Fuel ^A	Allowable Emission Standard/Limitation	Basis
NOx	Gas	15 ppmvd @ 15% O ₂ 24 hour Block Ave (78.6 lbs/hr; 344.3 TPY) ^B	BACT
	Gas	25 ppmvd @ 15% O ₂ 24 hour Block Ave (131.0 lbs/hr; 573.8 TPY)	BACT
	Oil	42 ppmvd @ 15% O ₂ 24 hour Block Ave (230.0 lbs/hr; 1,007.4 TPY)	BACT
CO	Gas	21 ppmvd (43.5 lbs/hr; 190.5 TPY) ^C	
	Gas	15 ppmvd (43.5 lbs/hr; 190.5 TPY)	BACT
	Oil	25 ppmvd (73.0 lbs/hr; 319.7 TPY)	BACT
VOC	Gas	6.0 lbs/hr; 26.3 TPY	BACT
	Oil	10.0 lbs/hr; 43.8 TPY	BACT
PM ₁₀	Gas	0.0134 lb/MMBtu (10.5 lbs/hr; 46.0 TPY)	BACT
	Oil	0.0472 lb/MMBtu (36.8 lbs/hr; 161.2 TPY)	BACT
SO ₂	Gas	40.0 lbs/hr; 175.2 TPY	BACT
	Oil	70.0 lbs/hr; 306.6 TPY	BACT
H ₂ SO ₄	Gas	7.5 lbs/hr; 32.9 TPY	BACT
	Oil	14 lbs/hr; 61.3 TPY	BACT
Opacity	Gas	10% opacity ^D	BACT
	Oil	10% opacity	BACT
Hg	Gas	1.10 x 10 ⁻⁵ lb/MMBtu (0.001 lb/hr; 0.06 TPY)	Appl.
	Oil	3.0 x 10 ⁻⁶ lb/MMBtu (0.004 lb/hr; 0.016 TPY)	Appl.
As	Oil	1.61 x 10 ⁻⁴ lb/MMBtu (0.20 lb/hr; 0.05 TPY)	BACT
F	Oil	3.30 x 10 ⁻⁵ lb/MMBtu (0.04 lb/hr; 0.17 TPY)	Appl.
Be	Oil	2.0 x 10 ⁻⁶ lb/MMBtu (0.003 lb/hr; 0.014 TPY)	BACT
Pb	Oil	1.04 x 10 ⁻⁴ lb/MMBtu (0.13 lb/hr; 0.510 TPY)	BACT

A) Fuel: Natural Gas. Emissions are based on 8360 hours per year operating time burning natural gas and 400 hours per year operating time burning No. 2 fuel oil.
Fuel: No. 2 Distillate Fuel Oil (0.05% S). Emissions are based on 8760 hours per year burning fuel oil.

B) The maximum emission limit for NO_x is lowered to 15 ppm on 12/31/98 using appropriate combustion technology improvements or SCR. Compliance with the mass emission rates (lbs/hr and TPY) shall be demonstrated by the initial compliance test only (no annual test or test before renewal of operation permits are required). Pursuant to 40 CFR 60 Appendix B Performance Specification 2 Section 7, relative accuracy (RA) test data from the first RA test following 12/31/98 shall be used to demonstrate compliance with these mass emission standards and shall constitute the initial compliance test for these lower standards.

C) 21 ppmvd at minimum load.
15 ppmvd at base load.

DRAFT

- D) 10% opacity at full load conditions.
- E) Compliance with the NO_x emission limits (ppmvd at 15% O₂ only) shall be demonstrated by the CEMS on or before 12/31/98 with prior written notice to the DEP Southwest District Office based on 24 hour block averages calculated as follows:

At the same time each day, a 24 hour block average shall be calculated for the monitored operating hours in the previous 24 hour period. The 24-hour block average shall be determined by summing the hourly average NO_x concentrations for all valid monitored operating hours and dividing by the number of hourly average NO_x concentrations in the previous 24 hour period. A monitored operating hour is each hour in which fuel is fired in the combustion turbine and at least two CEMS emission measurements are recorded at least 15 minutes apart. CEMS data taken during periods of: startup, shutdown, or malfunction as defined in 62-210.200 and 62-210.700 F.A.C., when fuel is not fired in the unit, or during CEMS quality assurance checks or when the CEMS is out of control shall be excluded from the 24-hour block average.

In the Matter of an
Application for Permit Modification by:
Auburndale Power Partners
12500 Fair Lakes Circle Suite 200
Fairfax, Virginia 22033-3804

DEP File No. 1050221-003 AC
AC53-208321, PSD-FL-185
Auburndale Cogeneration Facility
Polk County

INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification (copy of DRAFT Permit Modification attached) for the proposed project, as detailed in the application specified above, for the reasons stated below.

The applicant, Auburndale Power Partners, applied on January 31, 1997 to the Department for an air construction permit modification for its Auburndale Cogeneration Facility located in Auburndale, Polk County. The requested modification extends the compliance time to meet the 15 parts per million nitrogen oxides emission limit by 15 months for Specific Conditions 1 (Table 1) and revises Specific Conditions 1, 8, 13, 17, 18, and 27 applicable to the Westinghouse 501D combustion turbine. The new compliance date will be December 31, 1998.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit modification is required to extend the compliance date for the described unit at the described facility and to make the other minor revisions.

The Department intends to issue this air construction permit modification based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION". The notice shall be published one time only within 30 (thirty) days in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 904/488-1344; Fax 904/ 922-6979) within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification pursuant to Rule 62-103.150 (6), F.A.C.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the enclosed DRAFT Permit Modification unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION." Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue the permit modification with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S., or a party requests mediation as an alternative remedy under Section 120.573 F.S. before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's 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 (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9730, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must 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 (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the 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 the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

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

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Permit No. AC53-208321, PSD-FL-185

File No. 1050221-003-AC

Page 4 of 4

Executed in Tallahassee, Florida.



C. H. Fancy, P.E., Chief
Bureau of Air Regulation

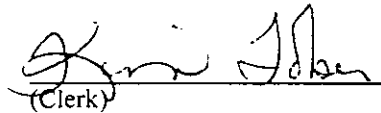
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION (including the PUBLIC NOTICE, and DRAFT permit modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 3-5-97 to the person(s) listed:

Mr. Bruce L. Franco, P.E., Auburndale Power Partners *
Mr. Tom Davis, P.E., ECT
Mr. Brian Beals, EPA
Mr. John Bunyak, NPS
Mr. Bill Thomas, SWD

Clerk Stamp

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


(Clerk)

3-5-97
(Date)

NOTICE TO BE PUBLISHED

IN THE NEWSPAPER

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Permit No. AC53-208321, PSD-FL-185
File No. 1050221-003-AC
Auburndale Power Partners-Auburndale Cogeneration facility
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Auburndale Power Partners, for the Cogeneration facility located in Auburndale, Polk County. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's name and address are: Auburndale Power Partners, L.P. (APP), 12500 Fair Lakes Circle, Suite 200, Fairfax, Virginia 22033-3804.

The unit is in compliance with its present nitrogen oxide (NO_x) limit of 25 parts per million (ppm). Specific Condition No. 1 (Table 1) of the above referenced construction permit requires that the 104 megawatt Westinghouse 501D combustion turbine achieve an NO_x emission limit of 15 ppm by September 30, 1997. APP and the manufacturer have advised the Department that insufficient steam is produced to meet both the needs of its steam host and injection to further lower NO_x emissions. The extension will allow APP and Westinghouse time to test a system which relies on steam and water injection. They will also evaluate other options such as installing auxiliary steam boilers, prior to making a final commitment to installation of a selective catalytic reduction system. The modification will extend the compliance date of Specific Condition 1 (Table 1 as related to NO_x) from September 30, 1997 to December 31, 1998. Other very minor permit revisions will be made relating to schedule for compliance testing and submission of annual operating reports.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the DRAFT Permit Modification unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Modification with the conditions of the DRAFT Permit Modification unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's 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 (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must 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 (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the 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 the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

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

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 904/488-1344
Fax: 904/922-6979


Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: 813/744-6100
Fax: 813/744-6458

The complete project file includes the Draft Permit Modification, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.

Memorandum

Florida Department of Environmental Protection

TO: Clair Fancy

THRU: Al Linero  2/29

FROM: Marty Costello^{AIC}

DATE: February 24, 1997

SUBJECT: Auburndale Power Partners, Combustion Turbine, Gas Operation -
Extension of Compliance Date for 15 ppm NO_x Rate

Attached is a draft permit modification extending the applicability date by one year for the ratchet-down provision for NO_x emissions. The provision is applicable to a 104 MW Westinghouse 501D combustion turbine while operating on gas.

APP has provided documentation that the 501D does not provide sufficient steam from the HRSG to meet both the needs of the "steam host" and injection to lower NO_x emissions. The extension will allow APP and Westinghouse time to test a system which relies on steam and water injection. They will also evaluate other options, such as installing auxiliary steam boilers, prior to making a final commitment to SCR. Based on information provided to APP by Westinghouse and APP's specific request, a December 31, 1998 compliance date is more realistic.

Kissimmee Utilities Authority (KUA), Orange Cogen, and DESTEC/Tiger Bay are experiencing similar problems. DESTEC/Tiger Bay has already had its compliance date deferred by one year and we recently issued an intent for KUA.

I believe there is good justification for the delay. I recommend your approval and signature.

AAL/aal/l

Attachments

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Bruce Franco, PE
Auburndale Power Partners
12500 Fair Lakes Circle
Suite 200
Fairfax, VA 22033-3804

4a. Article Number

P 265 659 182

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

3-10-97

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *R. Phillips*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 265 659 182

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>Bruce Franco</i>	
Street & Number <i>Auburndale PP</i>	
Post Office, State, & ZIP Code <i>Fairfax VA</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>3-5-97</i>	

PS Form 3800, April 1995