

Gibson, Victoria

From: Crandall, Lea
Sent: Monday, June 29, 2009 8:10 AM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Koerner, Jeff
Subject: Petition for Hearing - Florida Wildlife Federation vs. DEP & Seminole Electric - OGC 09-3088 (1070025-011-AC)
Attachments: Florida Wildlife Federation vs. DEP & Seminole Electric - OGC 09-3088.pdf
Categories: Important

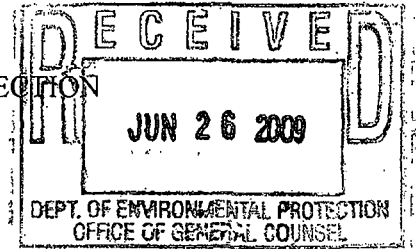
Attached is a Petition for Hearing filed June 26 re: Florida Wildlife Federation vs. DEP & Seminole Electric - OGC 09-3088 (1070025-011-AC).

Thanks,
Lea

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000
Phone (850) 245-2212
Fax: (850) 245-2303

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



FLORIDA WILDLIFE FEDERATION,
INC.,

Petitioner,

v.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
and SEMINOLE ELECTRIC COOPERATIVE,
INC.,

Case No.:
FDEP Project No. 1070025-011-AC
(PSD-FL-375A)

Respondents.

**FLORIDA WILDLIFE FEDERATION'S PETITION FOR
ADMINISTRATIVE HEARING**

Pursuant to sections 120.569 and 120.57, Florida Statutes, Florida Wildlife Federation ("FWF") respectfully petitions for a section 120.57(1), Florida Statutes, formal administrative hearing challenging the Florida Department of Environmental Protection's ("DEP") issuance of an Intent to Issue Air Permit for Project No. 1070025-011-AC (PSD-FL-375A) ("draft permit") to Seminole Electric Cooperative, Inc. ("Seminole Electric"). This permit would allow the construction of a new 750 megawatt coal-fired generating unit at Seminole Electric's plant in Palatka, Florida. Because coal contains substantial chemical impurities, the process of burning coal releases soot and large quantities of noxious and toxic chemicals into the air, including particles and gases that are restricted pollutants under the Clean Air Act. FWF disputes that this permit will meet the standards of the Clean Air Act. In particular, FWF contends that reasonable assurances have not been given that the permit will comply with the Clean Air Act because: 1) optimistic assumptions were utilized to categorize this unit as only a minor source of hazardous air pollutants under the Clean Air Act; 2) blanket emission limitations were accepted rather than

the operational limits required to ensure that the unit does not have the potential to emit hazardous air pollutants at major source levels; and 3) arbitrary limits were set for carbon monoxide, volatile organic compounds, fluorides, coal soot, sulfuric acid mist, opacity, nitrogen oxides, sulfur dioxide, and carbon dioxide that do not reflect the Best Available Control Technology standard required by law. As grounds for this petition, FWF states:

I. IDENTIFICATION OF THE PARTIES

1. The Florida Wildlife Federation is a not-for-profit Florida corporation with 13,000 members, including 62 in Putnam County and 258 in St. Johns County. Its principal place of business is 2545 Blaiirstone Pines Drive, Tallahassee, Florida 32314. FWF's phone number is (850) 656-7113.

2. The Florida Department of Environmental Protection is the permitting authority in this proceeding and its offices are located at 3900 Commonwealth Boulevard, M.S. 49, Tallahassee, Florida 32399. (The mailing address for the DEP's Bureau of Air Regulation is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida, 32399-2400).

3. Seminole Electric Cooperative, Inc. is the applicant for the challenged air permit. It is an active Florida corporation with its principle place of business listed at 16313 North Dale Mabry Highway, Tampa, Florida, 33618.

II. NOTICE

4. The notice of intent to issue the draft air permit was published by Seminole Electric in the Palatka Daily News on June 20, 2009. FWF did not request nor receive special notice of the permit and instead received notice, as the general public did, through publication in the newspaper. This petition was filed within fourteen days of June 20, 2009 and thus is timely

filed pursuant to section 120.569 and 120.57, Florida Statutes, and Fla. Admin Code R. 62-110.106(3).

III. PETITIONER'S SUBSTANTIAL INTEREST

5. FWF has approximately 13,000 members residing throughout the state of Florida with 62 and 258 members in Putnam and St. John Counties, respectively. The organization's mission includes the preservation, management, and improvement of Florida's water resources and its fish and wildlife habitat. FWF has participated and continues to participate on behalf of its members in legal and administrative challenges to protect these resources.

6. A substantial number of FWF members reside and/or own property in the counties surrounding the new Seminole Electric unit. They use the natural areas in these counties for fishing, hunting, boating, hiking, to observe and enjoy wildlife, and to engage in study of various kinds, including nature study, bird-watching, and photography. They consume fish and wildlife caught in this area and they breathe the air.

7. The permit would authorize the emissions of coal soot, carbon monoxide, volatile organic compounds, and fluorides in quantities that exceed the levels that Florida has established as significant under its Prevention of Significant Deterioration regulations. In addition, the new unit will emit other pollutants such as sulfur dioxide, sulfuric acid mist, nitrogen oxides, beryllium, and mercury, all pollutants that are harmful to human health and the environment.

8. For example, long term exposure to air containing even small quantities of coal soot shortens life expectancy by causing increased rates of respiratory and cardiovascular diseases. Inhalation of coal soot also triggers asthma in children. Sulfur dioxide aggravates chronic respiratory/cardiovascular diseases in the elderly and triggers asthma in children. Volatile organic compounds are respiratory irritants. Chronic exposure to vinyl chloride may be

linked to a rare form of cancer. Chronic inhalation of hydrogen fluorides causes irritation of the throat and bronchial passages. Beryllium exposure occurs in certain metal manufacturing and from inhalation of coal smoke or tobacco smoke. Like inhalation of cigarette smoke, chronic long-term exposure is associated with respiratory illnesses.

9. The new unit will also decrease water quality and contaminate fish and wildlife. Mercury in coal smoke precipitates out of the air into waterways where it is chemically converted into methylmercury when it lands in water. Methylmercury is highly toxic in even minute concentrations. According to the Food and Drug Administration standard, it would only take one pound of methylmercury to contaminate 500,000 pounds of fish, which, when consumed by humans and wildlife, increases their mercury levels. The U.S. Environmental Protection Agency has found that 1 in 6 women has levels of mercury in her blood above the safe standard, putting her future children at risk for learning and behavioral problems associated with mercury poisoning.

10. Should the new Seminole Electric unit be built, there will be substantial adverse impacts to public health, air quality, water quality, and fish and wildlife. The unit's pollution will adversely impact FWF's members' use and enjoyment of their property as well as the use and enjoyment of natural areas for fishing, duck hunting, and recreation. Members' health will also be impacted by decreasing the quality of the air they breath and increasing the toxicity of the fish and wildlife they eat. These impacts will substantially affect a substantial number of FWF's members.

11. The injury to FWF's members' use and enjoyment of their property and of the environmental resources they enjoy, coupled with the injury to members' health, as explained

above, is sufficiently immediate and of the type and nature that Chapters 403 and 120, Florida Statutes, are designed to protect.

12. Additionally, FWF has standing to institute this action pursuant to section 403.412(6), Florida Statutes as it is a Florida not for profit corporation with over 25 members in the county where the activity is proposed and was formed over one year prior to the notice for the purpose of environmental protection. Specifically, FWF has 62 members in Putnam County, was originally incorporated in 1946, and has a purpose to “further and advance the cause of conservation and environmental protection, and to perpetuate and conserve the fish, wildlife, mineral, soil, water, clean air and forest resources of the state. . . .” FWF Articles of Incorporation, attached as Exhibit “A.”

13. DEP’s issuance of this permit will threaten public health, and decrease both air and water quality and is therefore directly contrary to and will substantially affect the interests of FWF.

IV. DISPUTED ISSUES OF MATERIAL FACT

14. Whether a proper analysis was conducted to determine the Best Available Control Technology for carbon monoxide, volatile organic compounds, fluorides, opacity and coal soot (particulate matter including PM, PM2.5 and PM10) emissions from the pulverized coal-fired boiler.

15. Whether a Best Available Control Technology analysis is required for nitrogen oxides, sulfur dioxide, sulfuric acid mist, fine particulate matter, and carbon dioxide emissions from the pulverized coal-fired boiler.

16. Whether the emissions limits in the draft permit reflect Best Available Control Technology for carbon monoxide, volatile organic compounds, fluorides, coal soot (PM, PM2.5, PM10), sulfuric acid mist, opacity, and carbon dioxide.
17. Whether reasonable assurances have been provided that accurate modeling was conducted of sulfur dioxide emissions with regard to the impact on Class I areas.
18. Whether reasonable assurances have been provided that sufficient pre-construction meteorological data gathering was conducted for use in the Prevention of Significant Deterioration application modeling.
19. Whether emission rate de minimus levels were incorrectly applied to exempt *Seminole Electric* from further air quality analyses.
20. Whether reasonable assurances have been provided that the use of Jacksonville meteorological data for modeling is representative of the project site.
21. Whether reasonable assurances have been provided that the use of Jacksonville meteorological data for modeling is of appropriate quality for modeling the project site.
22. Whether the use of National Ambient Air Quality Standards Significant Impact Levels, as specified in 40 C.F.R. § 51.165(b)(2), is allowable for Prevention of Significant Deterioration compliance purposes.
23. Whether the use of National Ambient Air Quality Standards Significant Impact Levels, as specified in 40 C.F.R. § 51.165(b)(2), improperly exempted Seminole units 1 and 2 from proper Prevention of Significant Deterioration and National Ambient Air Quality Standards compliance analysis.

24. Whether reasonable assurances have been provided that cumulative Class I and Class II Prevention of Significant Deterioration area impacts from units 1, 2, and 3 were properly assessed.
25. Whether reasonable assurances have been provided that cumulative National Ambient Air Quality Standards impacts from units 1, 2, and 3 were properly assessed.
26. Whether reasonable assurances have been provided that Seminole Electric accurately calculated and modeled all emissions from proposed unit 3.
27. Whether reasonable assurances have been provided that Seminole Electric accurately calculated and modeled all emissions from existing units 1 and 2.
28. Whether reasonable assurances have been provided that the Class I modeling impact analysis was prepared correctly.
29. Whether reasonable assurances have been provided that the Class I modeling impact analyses includes all potential emission sources.
30. Whether reasonable assurances have been provided that the Class I modeling impact analyses properly address all potential air quality related values, including but not limited to visibility, nitrogen and sulfur deposition.
31. Whether reasonable assurances have been provided that project and regional ozone impacts were properly assessed.
32. Whether reasonable assurances have been provided that regional PM_{2.5} impacts from the existing and proposed project have been assessed.
33. Whether reasonable assurances have been provided that the analysis supporting the draft permit included a correct assessment of how emissions from the new unit impair soils and vegetation.

34. Whether consideration of Integrated Gasification Combined Cycle technology as Best Available Control Technology must be included.

35. Whether reasonable assurances have been provided that the draft permit limits for volatile organic compounds, fluorides, coal soot (PM, PM2.5, PM10), sulfuric acid mist and ammonia are sufficiently enforceable limits.

36. Whether reasonable assurances have been provided that the permit limits for Seminole units 1 and 2 are sufficiently enforceable limits, such that they support emissions credits for Seminole unit 3.

37. Whether reasonable assurances have been provided that the startup and shutdown exemption in the draft permit for Prevention of Significant Deterioration pollutants was properly modeled.

38. Whether the startup and shutdown exemption for Prevention of Significant Deterioration pollutants in the draft permit reflects Best Available Control Technology.

39. Whether reasonable assurances have been provided that the new unit will not cause or lead to a violation of the Prevention of Significant Deterioration increments.

40. Whether reasonable alternatives to the new unit were considered.

41. Whether reasonable assurances have been provided that the draft permit limits will protect public health.

42. Whether reasonable assurances have been provided that the construction of the new unit will not have a disproportionate impact on minority or economically disadvantaged communities.

43. Whether reasonable assurances have been provided that the conditions in Appendix SC to the draft permit are continuously enforceable.

44. Whether reasonable assurances have been provided that the compliance methodology in Appendices CM and HP to the draft permit assures total Hazardous Air Pollutant emissions are less than 25.00 tons during any consecutive rolling 12-month period.

45. Whether reasonable assurances have been provided that the compliance methodology in Appendices CM and HP to the draft permit assures individual Hazardous Air Pollutant emissions shall be less than 10.00 tons during any consecutive rolling 12-month period.

46. Whether reasonable assurances have been provided that the detection limit and accuracy of the hydrochloric acid and hydrofluoric acid continuous emissions monitoring system assures that total acid gas emissions (hydrochloric acid plus hydrofluoric acid) do not exceed 9.75 tons during any consecutive rolling 12-month period.

47. Whether the draft permit must contain limits on chlorine, fluorine, and all Hazardous Air Pollutant metals in the coal in order for the new unit to avoid “major source” status for Hazardous Air Pollutants and thereby avoid case-by-case Maximum Achievable Control Technology review, which would otherwise be required by 40 C.F.R. §§ 63.40-63.44.

48. Whether reasonable assurances have been provided that the monitoring provisions assure that total acid gas Hazardous Air Pollutants are controlled with an efficiency of at least 99.7%.

49. Whether continuous emissions monitoring systems for coal soot are required in order for the new unit to avoid “major source” status for Hazardous Air Pollutants and thereby avoid case-by-case Maximum Achievable Control Technology review, which would otherwise be required by 40 C.F.R. §§ 63.40-63.44.

50. Whether continuous emissions monitoring systems for volatile organic compounds are required in order for the new unit to avoid “major source” status for Hazardous

Air Pollutants and thereby avoid case-by-case Maximum Achievable Control Technology review, which would otherwise be required by 40 C.F.R. §§ 63.40-63.44.

51. Whether reasonable assurances have been provided that there is no potential to emit 10 tons per year or more of any Hazardous Air Pollutant or 25 tons per year or more of any combination of Hazardous Air Pollutants such that the draft permit should not be considered a “major source” of Hazardous Air Pollutants.

V. ULTIMATE FACTS DEMONSTRATING THAT A PERMIT SHOULD NOT ISSUE

52. A proper analysis was not conducted to determine the Best Available Control Technology for carbon monoxide, volatile organic compounds, fluorides, opacity and coal soot (particulate matter including PM, PM_{2.5} and PM₁₀) emissions from the pulverized coal-fired boiler. Fla. Admin. Code R. 62-212.400, 62-212.300; *see also* 40 C.F.R. § 52.21.

53. A Best Available Control Technology analysis is required for nitrogen oxides, sulfur dioxide, sulfuric acid mist, fine particulate matter and carbon dioxide emissions from the pulverized coal-fired boiler. Fla. Admin. Code R. 62-212.400, 62-212.300; *see also* 40 C.F.R. § 52.21.

54. The emissions limits in the draft permit do not reflect Best Available Control Technology for carbon monoxide, volatile organic compounds, fluorides, coal soot (PM, PM_{2.5}, PM₁₀), sulfuric acid mist, opacity, and carbon dioxide. Fla. Admin. Code R. 62-212.400, 62-212.300; *see also* 40 C.F.R. § 52.21.

55. Reasonable assurances have not been provided that accurate modeling of sulfur dioxide emissions was conducted with regard to the impact on Class I areas. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.260; 42 U.S.C. §§ 7473, 7475, 7491.

56. Reasonable assurances have not been provided that sufficient pre-construction meteorological data gathering was conducted for use in the Prevention of Significant Deterioration application modeling. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.260, 62-212.300, 62-212.400; 40 C.F.R. § 52.21; 42 U.S.C. §§ 7473, 7475, 7491.

57. Emission rate de minimus levels were incorrectly applied to exempt Seminole Electric from further air quality analyses. Fla. Admin. Code R. 62-212.300, 62-212.400; *see also* 40 C.F.R. § 52.21.

58. Reasonable assurances have not been provided that the use of Jacksonville meteorological data for modeling is representative of the project site. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.260.

59. Reasonable assurances have not been provided that the use of Jacksonville meteorological data for modeling is of appropriate quality for modeling the project site. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.260; 40 C.F.R. § 52.21.

60. The use of National Ambient Air Quality Standards Significant Impact Levels, as specified in 40 C.F.R. § 51.165(b)(2), is not allowable for Prevention of Significant Deterioration compliance purposes. Fla. Admin. Code R. 62-204.240, 62-204.260, 62-212.300, 62-212.400; 40 C.F.R. § 52.21; 42 U.S.C. § 7475.

61. The use of National Ambient Air Quality Standards Significant Impact Levels, as specified in 40 C.F.R. § 51.165(b)(2), improperly exempted Seminole units 1 and 2 from proper Prevention of Significant Deterioration and National Ambient Air Quality Standards compliance analysis. Fla. Admin. Code R. 62-204.240, 62-204.260, 62-212.300, 62-212.400; 40 C.F.R. § 52.21; 42 U.S.C. § 7475.

62. Reasonable assurances have not been provided that cumulative Class I and Class II Prevention of Significant Deterioration area impacts from units 1, 2, and 3 were properly assessed. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.260, 62-212.300, 62-212.400; 40 C.F.R. § 52.21; 42 U.S.C. §§ 7473, 7475.

63. Reasonable assurances have not been provided that cumulative National Ambient Air Quality Standards impacts from units 1, 2, and 3 were properly assessed. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.240, 62-204.260, 62-212.300, 62-212.400; 40 C.F.R. § 52.21; 42 U.S.C. §§ 7473, 7475.

64. Reasonable assurances have not been provided that Seminole Electric accurately calculated and modeled all emissions from proposed unit 3. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.240, 62-204.260, 62-212.300, 62-212.400; 40 C.F.R. § 52.21; 42 U.S.C. §§ 7473, 7475, 7491.

65. Reasonable assurances have not been provided that Seminole Electric accurately calculated and modeled all emissions from existing units 1 and 2. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.240, 62-204.260, 62-212.300, 62-212.400; 40 C.F.R. § 52.21; 42 U.S.C. §§ 7473, 7475, 7491.

66. Reasonable assurances have not been provided that the Class I modeling impact analysis was prepared correctly. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.260, 40 C.F.R. § 52.21; 42 U.S.C. §§ 7473, 7475, 7491.

67. Reasonable assurances have not been provided that the Class I modeling impact analyses includes all potential emission sources. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.260, 62-212.400; 40 C.F.R. § 52.21; 42 U.S.C. §§ 7473, 7475, 7491.

68. Reasonable assurances have not been provided that the Class I modeling impact analyses properly address all potential air quality related values, including but not limited to visibility, nitrogen and sulfur deposition. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.260, 62-212.400; 40 C.F.R. §§ 52.21, 52.27; 42 U.S.C. §§ 7473, 7475, 7491.

69. Reasonable assurances have not been provided that project and regional ozone impacts were properly assessed. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.240, 62-204.260, 62-212.300, 62-212.400; 40 C.F.R. § 52.21; 42 U.S.C. §§ 7473, 7475, 7491.

70. Reasonable assurances have not been provided that regional PM_{2.5} impacts from the existing and proposed project have been assessed. Fla. Admin. Code R. 62-204.200, 62-204.220, 62-204.240, 62-204.260, 62-212.300, 62-212.400; 40 C.F.R. § 52.21; 42 U.S.C. §§ 7473, 7475, 7491.

71. Reasonable assurances have not been provided that the analysis supporting the draft permit included a correct assessment of how emissions from the new unit impair soils and vegetation. 40 C.F.R. § 52.21(o); Fla. Admin. Code R. 62-212.400 (8)(a).

72. Consideration of Integrated Gasification Combined Cycle technology as Best Available Control Technology was required to be included. 42 U.S.C. §7479(3); Fla. Admin. Code R. 62-212.400; EPA New Source Review Workshop Manual at B.5 – B.7.

73. Reasonable assurances have not been provided that the draft permit limits for volatile organic compounds, fluorides, coal soot (PM, PM_{2.5}, PM₁₀), sulfuric acid mist, and ammonia are sufficiently enforceable limits. 40 C.F.R. § 52.21; Fla. Admin. Code R. 62-212.400.

74. Reasonable assurances have not been provided that the permit limits for Seminole units 1 and 2 are sufficiently enforceable limits such that they support emissions credits for Seminole unit 3. 40 C.F.R. § 52.21; Fla. Admin. Code R. 62-212.400.

75. Reasonable assurances have not been provided that the startup and shutdown exemption in the draft permit for Prevention of Significant Deterioration pollutants was properly modeled. Fla. Admin. Code R. 62-212.710; 40 C.F.R. Part 51, Appendix W; Fla. Admin. Code R. 62-204.800 (incorporating by reference 40 C.F.R. Part 51).

76. The startup and shutdown exemption for Prevention of Significant Deterioration pollutants in the draft permit does not reflect Best Available Control Technology. Fla. Admin. Code R. 62-210.200(40)(b); 42 U.S.C. § 7479(3), App. E; 42 U.S.C. § 7602(k), App. F; 65 Fed. Reg. 70,792, 70,793 (Nov. 28, 2000).

77. Reasonable assurances have not been provided that the draft permit ensures that the new unit will not cause or lead to a violation of the Prevention of Significant Deterioration increments. Fla. Admin. Code R. 62-212.400, 62-204.200, 62-204.220, 62-204.260, 62-212.300; 40 C.F.R. § 52.21; 42 U.S.C. §§ 7473, 7475.

78. Reasonable alternatives to the new unit were not considered. 42 U.S.C. § 7475(a).

79. Reasonable assurances have not been provided that the draft permit limits will protect public health. § 403.021 Fla. Stat.; Fla. Admin. Code R. 62-204.100; 15 U.S.C. § 793(c)(1) (Congress exempted New Source Review permitting and other Clean Air Act actions from the requirements of the National Environmental Policy Act (“NEPA”) on the basis that the Clean Air Act provides a “functional equivalent” of the analysis that would otherwise be required under NEPA).

80. Reasonable assurances have not been provided that the construction of the new unit will not have a disproportionate impact on minority or economically disadvantaged communities. 42 U.S.C. § 2000d *et seq.*

81. Reasonable assurances have not been provided that the conditions in Appendix SC to the draft permit are continuously enforceable. 42 U.S.C. § 7479(3), App. E; 42 U.S.C. § 7602(k), App. F; 65 Fed. Reg. 70,792, 70,793 (Nov. 28, 2000).

82. Reasonable assurances have not been provided that the compliance methodology in Appendices CM and HP to the draft permit assures total Hazardous Air Pollutant emissions are less than 25.00 tons during any consecutive rolling 12-month period. 42 U.S.C. § 7412; 40 C.F.R. § 63.41; Fla. Admin. Code R. 62-204.800 (Florida rule that incorporates by reference 40 C.F.R. part 63); *see also* 40 C.F.R. Part 63.

83. Reasonable assurances have not been provided that the compliance methodology in Appendices CM and HP to the draft permit assures individual Hazardous Air Pollutant emissions shall be less than 10.00 tons during any consecutive rolling 12-month period. 42 U.S.C. § 7412; 40 C.F.R. § 63.41; Fla. Admin. Code R. 62-204.800 (Florida rule that incorporates by reference 40 C.F.R. part 63); *see also* 40 C.F.R. Part 63.

84. Reasonable assurances have not been provided that the detection limit and accuracy of the hydrochloric acid and hydrofluoric acid continuous emissions monitoring system assure that total acid gas emissions (hydrochloric acid plus hydrofluoric acid) will not exceed 9.75 tons during any consecutive rolling 12-month period. 42 U.S.C. § 7412; 40 C.F.R. § 63.41; Fla. Admin. Code R. 62-204.800 (Florida rule that incorporates by reference 40 C.F.R. part 63); *see also* 40 C.F.R. Part 63.

85. The draft permit does not contain limits on chlorine, fluorine, and all Hazardous Air Pollutant metals in the coal that would be required in order for the new unit to avoid “major source” status for Hazardous Air Pollutants and thereby avoid case-by-case Maximum Achievable Control Technology review under 40 C.F.R. §§ 63.40-63.44. 42 U.S.C. § 7412; 40 C.F.R. § 63.41; Fla. Admin. Code R. 62-204.800 (Florida rule that incorporates by reference 40 C.F.R. part 63); *see also* 40 C.F.R. Part 63.

86. Reasonable assurances have not been provided that the monitoring provisions assure that total acid gas Hazardous Air Pollutants are controlled with an efficiency of at least 99.7%. 42 U.S.C. § 7412; 40 C.F.R. § 63.41; Fla. Admin. Code R. 62-204.800 (Florida rule that incorporates by reference 40 C.F.R. part 63); *see also* 40 C.F.R. Part 63.

87. Continuous emissions monitoring systems for coal soot are required. Without these, the new unit is a “major source” for Hazardous Air Pollutants and thereby subject to case-by-case Maximum Achievable Control Technology review, required by 40 C.F.R. §§ 63.40-63.44. 42 U.S.C. § 7412; 40 C.F.R. § 63.41; Fla. Admin. Code R. 62-204.800 (Florida rule that incorporates by reference 40 C.F.R. part 63); *see also* 40 C.F.R. Part 63.

88. Continuous emissions monitoring systems for volatile organic compounds are required in order for the new unit to avoid “major source” status for Hazardous Air Pollutants and thereby avoid case-by-case Maximum Achievable Control Technology review under 40 C.F.R. §§ 63.40-63.44. 42 U.S.C. § 7412; 40 C.F.R. § 63.41, Fla. Admin. Code R. 62-204.800 (Florida rule that incorporates by reference 40 C.F.R. part 63); *see also* 40 C.F.R. Part 63.

89. Reasonable assurances have not been provided that there is no potential to emit 10 tons per year or more of any Hazardous Air Pollutant or 25 tons per year or more of any combination of Hazardous Air Pollutants. Accordingly, the draft permit should be considered a

“major source” of Hazardous Air Pollutants. 42 U.S.C. § 7412; 40 C.F.R. § 63.41; Fla. Admin. Code R. 62-204.800; *see also* 40 C.F.R. Part 63.

90. Reasonable assurances have not been provided that the draft permit would not allow the new unit to emit air pollution that would be harmful to public health and the environment and that exceeds levels allowed under the Clean Air Act and Florida law. 42 U.S.C. § 7479; Fla. Admin. Code R. 62-212.400; 42 U.S.C. § 7412; 40 C.F.R. Part 63; Fla. Admin. Code R. 62-204.800 (Florida rule that incorporates by reference 40 C.F.R. part 63); *see also* 40 C.F.R. Part 63.

VI. APPLICABLE STATUTES AND RULES

91. Chapters 120 and 403, Florida Statutes; Fla. Admin. Code R. 62-4.070.
92. Sections 120.569, 120.57, 403.412, 403.021, Florida Statutes.
93. Chapters 62-204, 62-210, 62-212, Florida Admin. Code,
94. Rules 62-110.106; 62-204.100, 62-204.200, 62-204.220, 62-204.240, 62-204.260, 62-204.800, 62-210.200, 62-212.300, 62-212.400, 62-212.710.
95. The Clean Air Act, 42 U.S.C. § 7401 *et seq.* and its implementing regulations 40 C.F.R. § 50, *et seq.*
96. 42 U.S.C. §§ 7412, 7473, 7475, 7479, 7491, 7602, including all appendices.
97. 42 U.S.C. § 2000d, *et seq.*; 15 U.S.C. § 793.
98. 40 C.F.R. §§ 51.165, 52.21, 52.27, 63.40, 63.41, 63.42, 63.43, 63.44.
99. 40 C.F.R. Part 51, Part 52, and Part 63, including all appendices.
100. EPA, New Source Review Workshop Manual (Oct. 1990), available at <http://www.epa.gov/ttn/nsr/gen/wkshpman.pdf>.
101. 65 Fed. Reg. 70,792 (Nov. 28, 2000).

102. The Clean Air Act's Prevention of Significant Deterioration provisions, which govern construction of new major sources of air pollution in regions that attain the national ambient air quality standards. 42 U.S.C. §§ 7470 – 7479, including all appendices.

103. The Prevention of Significant Deterioration rules codified at 40 CFR Part 52 and incorporated as a Florida State Implementation Plan approved program. *See* Fla. Admin. Code R. 62-204.800. These rules require that applicants reduce their emissions by employing the “best available control technology” for pollutants that would be emitted in levels that exceed the significance thresholds, *see* Fla. Admin. Code R. 62-210.200(40), or that would cause or contribute to air pollution in violation of any applicable maximum allowable increase over the baseline concentration in any area, *see* Fla. Admin. Code R. 62-212.300; 62-212.400, 62-204.200, 62-204.220, 62-204.260.

104. The regulation defining Best Available Control Technology as:
An emission limitation, including a visible emissions standard, based on the maximum degree of reduction of each pollutant emitted which the Department, on a case by case basis, determines is achievable through application of production processes and available methods, systems and techniques (including fuel cleaning or treatment or innovative fuel combustion techniques) for control of each such pollutant, taking into account:

1. Energy, environmental and economic impacts, and other costs;
2. All scientific, engineering, and technical material and other information available to the Department; and
3. The emission limiting standards or Best Available Control Technology determinations of Florida and any other state.

Fla. Admin. Code R. 62-210.200(40). *See also* 42 U.S.C. § 7479(3); 40 C.F.R. § 52.21(b)(12).

105. Section 112 of the Clean Air Act prohibiting the construction of a new or modified “major source” of hazardous air pollutants until the permitting agency issues an appropriate maximum achievable control technology determination. 42 U.S.C. § 7412(g)(2)(b). A new unit is considered a “major source” if it will emit either: (a) 10 tons per year of any one hazardous air pollutant, or (b) 25 tons per year of combined hazardous air pollutants. 40 C.F.R. § 63.41; Fla. Admin. Code R. 62-204.800 (Florida rule that incorporates by reference 40 C.F.R. part 63); *see also* 40 C.F.R. Part 63.

106. The regulations requiring an assessment of the impairment to soils and vegetation that would occur as a result of the source before issuing a Prevention of Significant Deterioration permit. 40 C.F.R. § 52.21(o); Fla. Admin. Code R. 62-212.400 (8)(a).

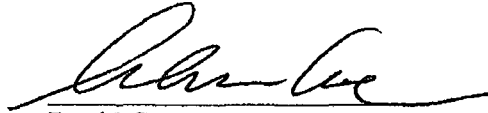
107. The Clean Air Act requirement that an emission limitation apply to emissions of air pollutants “on a continuous basis.” Fla. Admin. Code R. 62-210.200(40)(b); 42 U.S.C. § 7479(3), App. E; 42 U.S.C. § 7602(k), App. F; 65 Fed. Reg. 70,792, 70,793 (Nov. 28, 2000).

108. The Clean Air Act requirement that requires consideration of alternatives to a major new source of air pollution. 42 U.S.C. § 7475(a).

VII. RELIEF SOUGHT

109. FWF respectfully requests that a formal administrative hearing be conducted, and that the Administrative Law Judge enter a Recommended Order recommending denial of Project No. 1070025-011-AC (PSD-FL-375A).

Respectfully submitted this 26th day of June, 2009.



David Guest
Florida Bar No. 2672228
Alisa Coe
Florida Bar No. 0010187
Earthjustice
111 South Martin Luther King Jr. Boulevard
Tallahassee, Florida 32301
(850) 681-0031
(850) 681-0020 (facsimile)

Attorneys for Florida Wildlife Federation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing petition was served on the applicant, Seminole Electric Cooperative, Inc., via U.S. Mail at the following address on this 26th day of June 2009:

Mr. Mike Roddy,
Manager of Environmental Affairs
Seminole Electric Cooperative, Inc.
16313 North Dale Mabry Highway
Tampa, FL 33618

James Alves, Esq
Robert Manning, Esq.
David W. Childs, Esq.
Counsel for Seminole Electric
Hopping, Green & Sams, P.A.
PO Box 6526
Tallahassee, Florida 32314-6526


Attorney

INC. 30 PAGE 467
AMENDED CHARTER

OF

FLORIDA WILDLIFE FEDERATION

ARTICLE I.

The name of this Corporation shall be "FLORIDA WILDLIFE FEDERATION", a non-profit Corporation, and shall be located in the City of Jacksonville, Duval County, State of Florida.

ARTICLE II.

The general nature of the object of this Corporation is to constitute a Federation of fish and game associations and sportman's Clubs in the several cities and counties of the State of Florida, and of such other organizations not for profit as are interested in the conservation of the flora and fauna within the State of Florida, and for the purpose of the more efficient administration thereof to change the location of the office of the corporation to the residence of the President or Secretary as the same may be elected from year to year.

To form a permanent central state organization, to promote and assist in the co-ordination of the wildlife conservation, restoration and management work of existing associations and other groups organized for like objects; of the citizens of the State of Florida and the other authorities and agencies in their endeavors to conserve, restore and manage the wildlife and its habitat within the State of Florida.

To co-ordinate the efforts of the Federated Associations of Florida with the efforts and activities, within the State of Florida, of any national organizations of like objects.

To cooperate with all Government authorities, National, State and Local in the enactment, execution and enforcement of uniform laws and regulations within the State of Florida for effectuating the objects above outlined.

To organize and direct sportsmen's contests within the State of Florida, such contests calculated to create and inspire interest among

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Exhibit

A

several sportsmen of the State of Florida in the advancement of their respective skills and accomplishments as regards sportsmen's activities.

To gather and disseminate information with respect to fish and all other wildlife and generally to promote the best interest of the State of Florida with relation thereto.

To enlighten and make conscious the citizens of this State as well as non-resident sportsmen with the State of Florida the true value of the fish, game and other wild life as an asset and as an attraction to the people of the State of Florida.

To encourage the teaching in the several schools and other institutions of learning within the State of the value of the conservation of the natural resources of the State.

To establish institution for or encourage existing institutions existing in the scientific study of wildlife and its economic value to the State.

To do all such acts necessary or convenient to attain the objects and purposes herein set forth, to the same extent and as fully as any natural person could or might do, and as are not forbidden by law or this Charter or by the By-Laws of this Corporation.

To purchase, lease, hold, receive by gift, devise or bequest, sell, mortgage, or otherwise acquire or dispose of such real or personal property as may be necessary to the purposes of this Corporation.

To have all the powers that may be conferred upon all Corporations organized under Chapter 617, Statutes of 1941, and any amendments there-

ARTICLE III.

The members of this Corporation shall be Organizations, Leagues, Clubs or Associations, whose principal objects are the conservation and propagation of wildlife, and such other organizations as may elsewhere be named herein or may from time to time be approved for membership by the Executive Committee hereinafter provided, so that for all time

ARTICLE III. continued

are may be hunting and fishing, which are delightful recreations
to prolong life. Such Organizations, herein recited, upon qualifying
members in accordance with the by-laws of this Corporation, shall
on their members, elect in accordance with the provisions of their
respective charters and by-laws, representatives to participate
in the management of this Corporation. The Executive Committee may,
in accordance with the by-laws, provide for the creation of affiliate,
honorary or life memberships for persons or associations interested
in the preservation and restoration of the fish, game and wildlife of
the State of Florida, but such membership shall have no voting power
in participation in the management of this Corporation.

ARTICLE IV

This Corporation shall have perpetual existence.

ARTICLE V.

The names and residences of the subscribers are:

James J. Murphy	1544 Atlantic Blvd., Jacksonville, Fla.
Paul G. Mains	544 May Street, Jacksonville, Fla.
Frank J. Darling	Leesburg, Florida.

ARTICLE VI

The financial, fiscal and corporate affairs of this Corporation
shall be managed by the Executive and General Councils, meeting either
in joint or separate sessions, and all decisions regarding the Finan-
cial, Fiscal and Corporate affairs and their execution by this Corpora-
tion, shall be held valid only when the majority or each of the
respective councils concurs in the action.

The members of the Executive Council shall consist of one
representative from each member organization in good standing, and

Each member of the Executive Council will voice one vote, equally, in each action of the Executive Council. A quorum shall be not less than one-half of the membership of the Executive Council. Two alternates shall be elected annually by each respective organization, and either of the two alternates may represent his organization in the absence of the regular representative. Representatives shall be elected to serve for a term of one year.

The members of the General Council shall consist of one representative from each member organization in good standing, and each member of the General Council will voice the number of votes recorded in the records of this Corporation as the numerical strength of his organization evidenced by the amount of the payment of annual dues. Alternates shall be elected annually by each respective organization, and either of the two alternates may represent his organization in the absence of the regular representative. Representatives shall be elected to serve for a term of one year.

The members of the Executive and General Councils shall elect from their number, equally, not more than eight from each of the Executive and General Councils, members of the Executive Committee; and from the eight elected from each of the Executive and General Councils, the Chairman of the Executive Committee will be elected by majority vote of both the Executive and General Councils. Of the eight elected from each of the Executive and General Councils for membership on the Executive Committee there shall be included one person from each of the conservation districts of the State of Florida, now or later defined by the Legislature of the State of Florida. The Treasurer, however selected, shall be a member of the Executive Committee. The Executive Committee shall employ an Executive Secretary, who need not be a member of the Executive Committee, and need not be a delegate from one of the organizations having membership in this corporation, and shall define his duties.

INC 30 PAGE 471
ARTICLE VI. continued.

The Executive Committee, eight of whom shall constitute a quorum, shall have and shall exercise all powers of the Executive and General Councils when the Executive and General Councils are not in session. Further, the duties of the Executive Committee shall be to inaugurate, outline and present programs and policies for the deliberation of the Executive and General Councils.

There shall be a nominating Committee appointed from equally each of the Executive and General Councils, and their duties shall be to nominate at least two candidates for each elective office within this Corporation.

ARTICLE VII.

The names of the officers who are to manage the affairs of the corporation until the first annual meeting of the Board of Governors or until their successors are duly elected and qualified are:

James J. Murphy	President
Paul G. Mains	Vice President
Mack E. Fillingham	Treasurer.
Frank J. Darling	Executive Secretary.

The date of the first annual meeting of the Board of Governors and of the members of the Corporation shall be fixed and determined in the by-laws of the Corporation, as later adopted according to this charter.

ARTICLE VIII

The by-laws of this Corporation may be adopted, amended, altered or rescinded by a three-fourths vote of the Board of Governors present and voting at any annual or regular meeting, or at any special meeting duly called for that purpose, or in such other manner as may be provided in the by-laws themselves.

ARTICLE IX.

The highest total amount of indebtedness or liability which Corporation may incur, shall be the sum of Five Thousand (\$5000.) ars but in no event shall such indebtedness ever be greater two-thirds (2/3rds) of the real value of the property, real, onal or mixed or this Corporation as computed from the assessed ation as fixed by the various Tax Assessors of the Counties or the e of Florida.

ARTICLE X.

The total amount in value of the real property which this oration may hold shall not exceed One Hundred Thousand (\$100,000.) ars.

The real property or any interest therein of the Corporation be sold, conveyed, encumbered, leased or otherwise disposed of esolution adopted by a majority of the Board of Governors, which on of the Board of Governors must be approved by Order of a Judge ne Circuit Court sitting in the County in which such real property ituated. Five (5) days prior notice, in writing, of the application such order shall be sent by registered mail to each of the officers governors of this Corporation.

None of the members, Governors or Officers shall be liable for lelbs of this Corporation.

IN WITNESS WHEREOF, the said subscribers have hereunto set their ls and seals this 29 day of APRIL, A. D. 1946.

James J. Murphy (SEAL)
Paul E. Maines (SEAL)
Frank J. Darling (SEAL)

STATE OF FLORIDA
COUNTY OF DUVAL.

INC 30 PAGE 473

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned officer, duly authorized to take acknowledgments of Deeds and other instruments:

James J. Murphy,
Paul G. Mains
Frank J. Darling,

to me well known to be the individuals described in and who signed and subscribed the foregoing CHARTER, and acknowledged that they executed and subscribed the said CHARTER of "FLORIDA WILDLIFE FEDERATION" Corporation, not for profit, for the purposes therein expressed, being first duly sworn by me and before me, upon oath, each of them that it is intended in good faith to carry out the purposes and objects set forth in said CHARTER.

SWORN to and SUBSCRIBED before me this the 29 day
April, A. D. 1946.

James P. Boyd
NOTARY PUBLIC STATE OF FLORIDA

STATE OF FLORIDA
COUNTY OF DUVAL.

Notary Public State of Florida at Large
My commission expires June 8, 1947

The undersigned Circuit Judge of the Fourth Judicial Circuit of Florida, in and for Duval County, does hereby certify that the foregoing proposed Charter for "FLORIDA WILDLIFE FEDERATION" a corporation not for profit having been found to be in proper form and for an object authorized by Chapter 617, Title XXXIV, Florida Statutes, and the said Charter is hereby approved.

DONE at Jacksonville, Duval County, Florida, this
7th day of April, A. D. 1946.

3-643-A

FILED APR 30 1946

5³⁰ O'CLOCK A.M. RECORDED IN THE PUBLIC RECORDS
DUVAL COUNTY, FLORIDA, IN THE BOOK AND PAGE NOTED ABOVE

LEONARD W. THOMAS, Clerk Circuit Court

By *P. Lockert*
Deputy Clerk

Page 7.

D. Watt T. Gray
CIRCUIT JUDGE

This document consists of seven (7) Legal Pages.

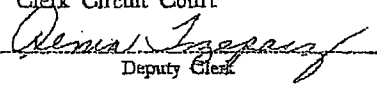
STATE OF FLORIDA }
COUNTY OF DUVAL }

I, S. MORGAN SLAUGHTER, Clerk of the Circuit Court, Duval County, Florida, do hereby certify that the foregoing is a true and correct photostatic copy of the record of a certain instrument as the same appears recorded in INCORPORATION Book 30 at Page 467 of the Public Records of Duval County, Florida.

Witness my hand and seal of office at Jacksonville, Florida, this the 3rd day of MARCH A. D. 1971.

S. MORGAN SLAUGHTER,
Clerk Circuit Court

By


Deputy Clerk

INC 37 PAGE 348
AMENDMENTS TO THE CHARTER OF THE FLORIDA
WILDLIFE FEDERATION

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

AMENDMENT # 1.

In line # 10 of Page 3 of the typewritten Charter strike out the words "Board of Governors" and insert in lieu thereof, "Board of Directors", and in all subsequent places in the said Charter where the words "Board of Governors" appear, strike said words and insert in lieu thereof, "Board of Directors."

AMENDMENT # 2.

Article VI of the said Charter is amended to read,
Article VI: The financial, fiscal and corporate affairs of this non-profit corporation shall be managed by a Board of Directors consisting of the number of unequal to the number of affiliated clubs in good standing in the corporation.

Each and every affiliated club in good standing shall be entitled to one Director and one alternate or a proxy.

There shall be vested in the Board of Directors the right and authority to vote on any matter or business coming before any meeting of the Corporation, each club having one vote.

Directors and alternates shall be selected prior to the Annual Meeting by each club in such manner as it may elect, but at least ten days prior to the date fixed for any general meeting of the Corporation. Names of such Directors and alternates shall be reported to the Secretary of the Corporation by the president or officer of authority of such club; it shall be the duty of each Director or alternate to attend at least three (3) meetings per year.

Five (5) members of the Board of Directors, including officers present, shall constitute a quorum at any annual, district, or special meeting of the Corporation.

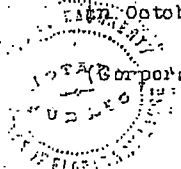
In the event a Director shall be elected to office as President, Vice-President, Secretary, or Treasurer, his office as Director shall be held vacant and a new member elected in his place to fill the unexpired portion of his term by his club.

The President shall appoint one Director from each conservation district to constitute an Executive Committee, within thirty (30) days after the annual meeting.

At least thirty (30) days prior to the annual meeting, the Executive Committee shall appoint a Nominating Committee of five (5) members representing five (5) different clubs, not more than two (2) from any one (1) district, for the purpose of placing in nomination the names of one (1) or more candidates for each elective office to be filled. Additional nominations, if any, shall be accepted from the floor at the time the committee report is heard.

Said Board of Directors at the annual meeting of this non-profit corporation shall elect from those nominated by "majority ballot-vote" a President, Vice-President, A recording Secretary, and a Treasurer of this non-profit corporation to serve for the term of one (1) year or until his respective successor shall be elected and qualified.

The above Amendments to the Charter of the Florida Wildlife Federation, a non-profit corporation were duly passed according to law and the by-laws and Charter of this Corporation at the Annual Meeting of said Corporation held in Daytona Beach, Florida October, A.D. 1952.



Notary Public, State of Florida at large
My commission expires July 15, 1956.
Bonded by American Surety Co. of N.Y.

Walter V. Dargatzis
President

C. M. Case
Secretary

State of Florida
County of Leon

Sworn to and subscribed
Florida at Tallahassee

Before me a Notary Public State of
Florida on the 4th day of June, 1954
I have signed this certificate of filing
in accordance with the provisions of the
Florida Statutes.

The foregoing amendments to
the original charter of named Corporation
are hereby approved

Given in Chambers at Jacksonville
Florida, this 18th Day of October, 1954

Edwin L. Gould
Judge

995-940 A

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OCT 18 1954
CLERK OF COURT
JACKSONVILLE
FLORIDA

STATE OF FLORIDA }
COUNTY OF DUVAL }

I, S. MORGAN SLAUGHTER, Clerk of the Circuit Court, Duval County, Florida, do hereby certify that the foregoing is a true and correct photostatic copy of the record of a certain instrument as the same appears recorded in _____
INCORPORATION Book 37 at Page 348
of the Public Records of Duval County, Florida.

Witness my hand and seal of office at Jacksonville, Florida, this the
3rd day of March A. D. 19 71

S. MORGAN SLAUGHTER,
Clerk Circuit Court

By *Alma T. [Signature]*
Deputy Clerk

AMENDMENTS TO THE CHARTER OF
FLORIDA WILDLIFE FEDERATION

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

ARTICLE I - NAME

The name of this corporation is FLORIDA WILDLIFE FEDERATION.

ARTICLE II

This corporation not for profit shall have perpetual existence.

ARTICLE III - PURPOSE

This corporation not for profit shall be to further and advance the cause of conservation and environmental protection, and to perpetuate and conserve the fish, wildlife, mineral, soil, water, clean air and forest resources of the state; to so manage the use of all natural resources that this generation and posterity will receive the maximum benefit from same.

To encourage the teaching of conservation education in schools and other institutions of learning, cooperating with local, state, and national authorities and attempting to coordinate the efforts of all organizations and agencies organized for like objectives.

To purchase, lease, hold, receive by gift, devise or bequest, sell, mortgage, or otherwise dispose of personal and real property, as may be necessary to achieve the objectives of this Federation.

ARTICLE IV - MEMBERSHIP

SECTION 1, QUALIFICATIONS

The members of this corporation shall be individuals, organizations, leagues, clubs, associations, whose principal

objectives are conservation and restoration of wildlife and environment, which have been approved by the House of Delegates herein, and such other organizations as may elsewhere be named herein or may be approved for membership from time to time by the Delegates of this corporation. Honorary memberships may be granted pursuant to the majority vote of the Board of Directors present at a quorum meeting, but honorary memberships shall not be given voting status.

IMPEACHMENT

Impeachment or withdrawal of membership of clubs or individuals. It is hereby declared that membership in the Florida Wildlife Federation is an honor and privilege and any of the following violations shall terminate the membership of any person, firm, organization or corporation; said violation being to wit:

- (a) Willful violation of known conservation practices.
- (b) Club activities which are illegal
- (c) Moral Turpitude
- (d) Dereliction of duty, or in case of such action, non-cooperation with policy as described by the House of Delegates, or any action which might bring Florida Wildlife Federation into actual or potential disrepute.

METHOD OF SUSPENSION OR WITHDRAWAL OF MEMBERSHIP

Recommendations shall be made by the Board of Directors, and such action shall be subject to review and ratification by the House of Delegates at any quorum meeting thereof, the unrestricted discretion of the House of Delegates shall be controlling.

Reinstatement can be made only at the discretion of the House of Delegates, if favored by the majority thereof at any quorum meeting.

REMOVAL OF OFFICER

Any officer of this corporation can be removed by a majority vote of a quorum meeting of the House of Delegates; provided that written notice of such action shall be given to all delegates and the officer in question not less than thirty (30) days prior to the date of the said meeting for that purpose.

SECTION 2, CLASSIFICATION

There shall be the following classes of members, all generally referred to as "Members."

ORGANIZATIONS

An organization in Florida composed of ten (10) or more members whose aims and purposes closely parallel those of the Federation may, upon approval of its application for membership and payment of dues, as hereinafter provided, become an affiliated member of the Federation under one of the following classes:

CLASS "A" MEMBER CLUBS are those organized groups of persons, such as clubs, societies, and associations of a local character paying per capita dues as provided in the by-laws.

CLASS "B" MEMBER CLUBS are those groups of persons, local in character, organized not purposely for conservation, such as Chamber of Commerce, service and luncheon clubs, veterans groups, farm organizations, paying club dues as provided in the by-laws.

CLASS "C" MEMBER CLUBS are those groups of persons organized on a state-wide basis and/or associations of local clubs paying per club dues as provided in the by laws.

INDIVIDUALS

Any individual may become a member of the Federation by payment of dues as provided by the by laws and by subscribing to its purposes and objectives. Classes of membership shall be associate, patron, sustaining, benefactor, and cooperator.

ARTICLE V - DISPOSITION OF FUNDS

Should for any reason the Florida Wildlife Federation be dissolved, all funds on hand after all obligations have been met will revert to the National Wildlife Federation, a corporation which is exempt under Section 501(c)(3) of the Internal Revenue Code of 1954. If in the event that the National Wildlife Federation at the time of dissolution of the Florida Wildlife Federation, did not have the exemption as described above, all the residual assets of the organization will be turned over to one or more organizations which themselves are exempt as organizations described in Sections 501(c)(3) and 170 (c)(2) of the Internal Revenue Code of 1954 or corresponding sections in any prior or future Internal Revenue Code, or to the Federal, State, or Local government for exclusive public purpose.

ARTICLE VI -- REGISTERED OFFICE AND AGENT

The street address of the registered office of this corporation is 4080 North Haverhill Road, West Palm Beach, Florida 33407. The name of the registered agent of this corporation at that address is John C. Jones.

ARTICLE VII - BOARD OF DIRECTORS

SECTION 1, ELECTION

The officers and board members of the Federation shall be elected as the last order of business at the annual meeting as provided in the by laws.

SECTION 2, NOMINATIONS

The president shall appoint a committee on nominations at least six months prior to the annual meeting, consisting of five (5) delegates, one from each regional district, if possible. He shall furnish the committee the vacancies to be filled on the board of directors and elected officers. The committee shall

consult with other members of the Federation and hear suggestions for persons to nominate for the offices to be filled. Such suggestions are to be sustained by a statement of the qualifications of the suggested candidates. The committee shall report the results of its deliberations at the meeting preceeding the annual meeting, in the form of a ticket, containing the names for each office to be filled. The selections shall give representation to all sections of the state. Additional nominations may be made from the floor, but such nominations shall be substantiated by a statement of qualifications. No nominations shall be accepted after the close of the meeting preceeding the annual meeting.

ARTICLE VIII - SIGNERS

The names and addresses of the persons signing these articles are:

C. Richard Tillis

2812 Roscommon Drive

Tallahassee, Florida 32303

John C. Jones

4080 North Haverhill Road

West Palm Beach, Florida 33407

ARTICLE IX - BY LAWS

The power to adopt, alter, amend and repeal By Laws shall be vested in the House of Delegates.

ARTICLE X - CALLING OF SPECIAL MEETINGS

Special meetings of the members may be called by the Board of Directors.

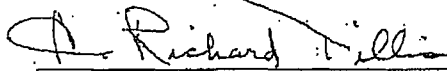
ARTICLE XI - ACTIVITIES

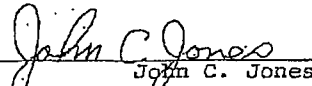
This Federation, at no time shall endorse nor recommend any political candidate and notwithstanding any other provision of these Articles, this corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Law.

ARTICLE XII - AMENDMENT

This corporation reserves the right to amend or repeal any provisions contained in these amendments to Charter, or any amendments hereto, and any right conferred upon the House of Delegates is subject to this reservation.

IN WITNESS WHEREOF, the undersigned subscribers have executed these Articles of Incorporation this _____ day of _____, 1977.


C. Richard Tillis


John C. Jones

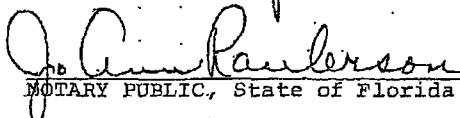
STATE OF FLORIDA

COUNTY OF LEON

SS.

BEFORE ME, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, personally appeared C. Richard Tillis and John C. Jones to me known to be the persons described in and who executed the foregoing Agreement, and acknowledged before me that they executed the same for the purposes therein they expressed.

WITNESS my hand and official seal in the County and State last aforesaid on this 14 day of April, 1977.


NOTARY PUBLIC, State of Florida at Large

My Commission Expires:

Notary Public, State of Florida at Large
My Commission Expires Jan. 8, 1978
Bonded by American Fire & Casualty Co.