

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF FINAL PERMIT**

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

Seminole Electric Cooperative, Inc.  
16313 North Dale Mabry Highway  
Tampa, Florida 33618

*Authorized Representative:*

James R. Frauen, Project Director SGS Unit 3

Seminole Generating Station SGS Unit 3 Final Permit No. PSD-FL-375 Project No. 1070025-005-AC Siting No. PA 78-10A2 Expires: December 31, 2012
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Enclosed is the final air construction permit, which authorizes the construction of a nominal 750 MW pulverized coal-fired supercritical steam generating unit. The proposed work will be conducted at the existing Seminole Electric facility, which is located in east of U.S. Highway 17, approximately seven miles north of Palatka, Putnam County. The project is subject to the preconstruction requirements for the Prevention of Significant Deterioration (PSD) of Air Quality pursuant to Rule 62-212.400 of the Florida Administrative Code (F.A.C.). As noted in the attached Final Determination, no changes were made to this permit from the draft permit that was publicly noticed. This permit is issued pursuant to Chapter 403, Florida Statutes (F.S.).

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

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief  
Bureau of Air Regulation

## NOTICE OF FINAL PERMIT

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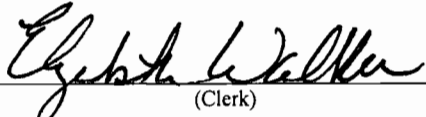
### CERTIFICATE OF SERVICE

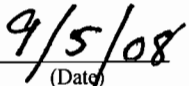
The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit was hereby attached and sent via electronic mail and a link to the Final Permit and Final Determination was sent with received receipt requested via electronic mail to the persons listed below.

Mr. James R. Frauen, SECI (jfrauen@seminole-electric.com)  
Mr. Scott Osbourn, Golder (sosbourn@golder.com)  
Mr. Ken Kosky, Golder (kkosky@golder.com)  
Mr. Robert Manning, Hopping, Green & Sams (rmanning@hgslaw.com)  
Mr. Chris Kirts, NED (Christopher.Kirts@dep.state.fl.us)  
Ms. Phyllis Fox, Ph.D. (phyllisfox@gmail.com)  
Ms. Kathleen Forney (forney.kathleen@epa.gov)  
Ms. Kristin Henry, Sierra Club (Kristin.Henry@sierraclub.org)  
Ms. Joanne Spalding, Sierra Club (joanne.spalding@sierraclub.org)  
Ms. Catherine Collins, U.S. Fish and Wildlife Service (catherine\_collins@fws.gov)  
Mr. George Cavros, on behalf of Natural Resources Defense Council and Southern Alliance for Clean Energy (gcavros@att.net)

Clerk Stamp

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

  
(Clerk)

  
(Date)

## FINAL DETERMINATION

Seminole Electric Cooperative, Inc.  
Seminole Generating Station  
DEP File No. 1070025-005-AC

The Department distributed a public notice package on August 25, 2006 to allow the applicant, Seminole Electric Cooperative, Inc. (SECI) to construct a new supercritical coal-fired steam generating unit at the existing Seminole Generating Station (SGS), located at 890 US Highway 17, North of Palatka, Putnam County. The Public Notice of Intent to Issue concerning the draft permit was published in the Palatka Daily News on September 8, 2006. Since the Draft Permit was issued, the federal Clean Air Interstate and Clean Air Mercury Rules (CAMR) have been vacated by the federal courts. This litigation is not yet final but it appears a case-by-case determination of maximum achievable control technology (MACT) will be required for SECI Unit 3 due to the vacature of CAMR. The Department will require an application for case-by-case MACT and will issue its determination thereof in a separate agency action.

### COMMENTS/CHANGES

Comments were received by the Department from Mitchell Williams, a local resident on September 12, 2006. Comments were received from EPA Region 4 by letter dated October 5, 2006. Comments were received from the applicant by letter dated September 27, 2006. Comments were also received from the Sierra Club by letter dated October 9, 2006. On March 9, 2007 the applicant and the Sierra Club entered into a Settlement Agreement, to which the permitting authority was not a party and which was outside of the Prevention of Significant Deterioration (PSD) process that resolves all timely-received comments submitted by the applicant and the Sierra Club related to the draft PSD permit. To the extent the applicant wants to incorporate those changes into an air construction permit for that facility, an application to revise the PSD permit may be submitted. Finally, comments were received from the Natural Resources Defense Council and Southern Alliance for Clean Energy by letter dated July 3, 2008 almost 2 years after the end of the public comment period. These comments were not timely but are in the Department's files. Other timely received comments are addressed below:

#### EPA Comment 1.      Netting Analysis

- a. Florida Department of Environmental Protection (FDEP) indicates on page 5 of the technical evaluation that the Unit 1 and Unit 2 baseline period for the nitrogen oxides netting analysis is calendar years 2001-2002. In accordance with FDEP's rules, the baseline period for EUSGUs must be "within the 5-year period immediately preceding the date a complete permit application is received by the Department." Since the Unit 3 PSD permit application was not deemed complete until July 3, 2006, not all of calendar year 2001 is available for baseline emissions calculations unless FDEP explicitly deems a different (earlier) period to be more representative of normal source operation. FDEP should explain why emissions during all of calendar year 2001 are available for baseline emissions calculations purposes.
- b. Referencing FDEP's regulations, a decrease in emissions is creditable in a netting analysis only if "It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change." We do not find in the technical evaluation (which is a key part of the public record for this permitting action) any assessment of this qualitative significance requirement with regard to the creditable emissions decreases proposed for avoidance of PSD review for sulfur dioxide, nitrogen oxides, and sulfuric acid mist.

#### RESPONSE:

- a. During a February 2006 meeting which was held with the applicant to discuss the processing of the SGS Unit 3 application, FDEP agreed to calendar year 2001 as the first

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available year available for calculating baseline emissions. The application was received approximately 2 weeks later, on March 9, 2006.

- b. FDEP affirms that it has determined the increases from the SGS Unit 3 project have a lesser qualitative significance than do the decreases from the SGS Units 1 and 2 pollution control upgrade project.

### EPA Comment 2:      Clarification of Pound-per-Hour Emissions Limits

- a. Condition III.A.10 in the draft permit consists of a table with emissions limits labeled as either "BACT Emission Limits" or "Non-BACT Established Emission Limits." (The acronym BACT means best available control technology.) The limits are listed in terms of pounds (lb)/ per million British thermal units (MMBtu) and in terms of lb/hour (hr) "equivalent." We are not sure what is meant by the word "equivalent." Specifically, we are not sure if the lb/hr "equivalent" values are enforceable permit limits. If not, they should be made enforceable unless the following statement in Condition III.A.4 represents an enforceable restriction: "The steam generator shall be designed for a maximum heat input of 7,500 MMBtu per hour of coal." Unless the permit contains an enforceable restriction on maximum heat input, the lb/MMBtu limits by themselves do not provide an enforceable limit on total mass emissions to the atmosphere.
- b. The "equivalent" lb/hr rates for the most part are based on the limits in lb/MMBtu times 7,500 MMBtu/hr. There appears to be an error in the volatile organic compound (VOC) equivalent lb/hr rate of 16.7 lb/hr. The stated VOC limit is 0.0034 lb/MMBtu which yields a value of 25.5 lb/hr when multiplied by 7,500 MMBtu/hr.

### RESPONSE:

- a. The intent of the permit is to make the heat input an enforceable restriction. The lb/hr "equivalent" values are listed for informational purposes only.
- b. Agreed that this was a calculation error. This error will be corrected when the Department issues a case-by-case MACT determination in the near future.

### EPA Comment 3:      Particulate Matter Emissions Limits

- a. The particulate matter (PM)/PM less than 10 microns (PM<sub>10</sub>) emissions limit specified in Condition III.A.15 of the draft permit is for filterables only. Condensables are to be measured and reported but are not restricted by an emissions limit. Most recent permits for EUSGU pulverized coal boilers have included an emissions limit for condensables in addition to (or in combination with) and emissions limit for filterables. We recommend that the final permit include place holder language that will allow setting an emissions limit for condensables after testing has demonstrated that condensables can be measured accurately.
- b. In Condition III.A.15, FDEP specifies that the PM/PM<sub>10</sub> emissions limit of 0.013 lb/MMBtu applies "while firing 100% coal." We recommend that this condition be rephrased to indicate the emissions limit that applies when firing a mixture of coal and petcoke as well as when firing coal only.

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### RESPONSE:

- a. As EPA suggests, if testing demonstrates that condensables can be measured accurately, the Department may address this issue in the future.
- b. The Department will delete the words "while firing 100% coal" from Condition III.A.15 when the Department issues its case-by-case MACT determination in the near future.

### EPA Comment 4:      PM Continuous Emissions Monitoring System (CEMS)

- a. The draft permit does not require use of a PM CEMS to assess compliance with the filterable PM/PM<sub>10</sub> emissions limit. Since a PM CEMS can be used with a wet plume, we recommend that a PM CEMS be required to demonstrate compliance with the filterables limit.
- b. If a PM CEMS is not required, we recommend that FDEP require some other continuously monitored parameter to indicate acceptable performance of the dry electrostatic precipitator which is the primary PM control device. Please advise us if FDEP intends to wait until issuance of a title V permit before specifying such parameter monitoring requirements.

RESPONSE: The Department intends to wait until issuance of the Title V permit before specifying parameter monitoring requirements.

### EPA Comment 5:      Startup and Shutdown

- a. Startup and shutdown are part of normal source operation for Unit 3. Any pollutants emitted from Unit 3 during startup and shutdown that are subject to PSD review are therefore subject to BACT requirements. If the numeric BACT emissions limits for regular operation can not be met during startup and shutdown, then numeric limits need to be established for startup and shutdown operations or work practice BACT requirements should be established. We understand that FDEP intends for best management practices (including the 60-hour-per-month restriction in Condition III.A.29.b) to be used for minimization of emissions during startup and shutdown. If it is FDEP's position that adherence to best management practices represents BACT for startup and shutdown, we request that this be stated in the final determination. Please note that numeric emissions limits for startup and shutdown have been addressed by the EPA Environmental Appeals Board (EAB) in two recent PSD permit appeals for coal-fired EUSGUs. (See the August 24, 2006, EAB order for the Prairie State Generating Station project in Illinois and the September 27, 2006, EAB order for the Indeck-Ellwood project in Illinois.)
- b. The allowance of 60 hours per month (equivalent to 30 days per year) for startup, shutdown, and malfunction seems excessive for a 750-megawatt EUSGU. We would expect such a unit would not be in a condition of startup, shutdown, or malfunction this often throughout its lifetime.
- c. Condition III.A.30 of the draft permit contains a parenthetical phrase indicating that emissions measured during startup, shutdown, and malfunction are to be included for demonstration of compliance with annual emissions limits. We recommend that the final permit contain a direct statement rather than just a parenthetical phrase making clear that startup, shutdown, and malfunction emissions must be included when demonstrating compliance with annual emissions limits.

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### RESPONSE:

- a. The Department intends for the adherence to “best management practices” to represent BACT for the purpose of startup and shutdown.
- b. The Department does not expect that this large steam generating unit will be in a startup or shutdown condition very often. However, the Department is aware that supercritical boilers have fairly complicated start-up systems due to ramping operation being required and difficulty in establishing metal matching conditions (see: <http://www.hitachi.us/supportingdocs/forbus/powerindustrial/CG2004.pdf>).
- c. The permit requires startup, shutdown, and malfunction emissions be included when demonstrating compliance with annual emissions limits regardless of whether that phrase is in parenthesis or not. No change is required.

### EPA Comment 6:      Compliance Demonstration for Coal/Petcoke Blend

- a. In Condition III.A.22 of the draft permit, FDEP requires an initial compliance demonstration “when firing 100% coal.” Please consider whether an initial compliance test is also needed for a blend of 70 percent coal and 30 percent petcoke. In other words, please assess whether a coal/petcoke blend might be the worst case for some pollutants. This comment is prompted in part by the fact that the carbon monoxide emissions limits in Conditions III.A.10 and 11 are higher for the all-fuel case than for the 100-percent coal case.
- b. Condition III.A.23 of the draft permit does not include a specification of the fuel blend to be evaluated during subsequent annual compliance testing. We recommend that FDEP indicate whether such testing is to be based on firing 100 percent coal only, a coal/petcoke blend only, or both.

RESPONSE: The Department expects only few differences in “worst-case” emissions depending upon the fuel-type being fired. For example, it is anticipated that the BACT established emission level of PM may be higher while firing 100% coal versus the coal/petcoke blend, as will the emissions of mercury. However, the elevated sulfur levels in petcoke make the removal of sulfur dioxide (SO<sub>2</sub>) emissions more challenging for the co-firing operation, even though the SO<sub>2</sub> limit was not established by BACT. It is not anticipated that the emissions of carbon monoxide (CO) will be significantly different depending upon the fuel being fired. The higher CO emission level (0.15 lb/MMBtu) which is authorized in Condition III.A.11.b is intended to accommodate the wide variety of “non-steady-state” conditions which the unit will be subject to, such as load-changing, soot-blowing, etc. No change was made.

### EPA Comment 7:      Facility-wide Emissions Limits

In Condition III.A.2 of the draft permit, FDEP establishes facility-wide emissions limits for sulfur dioxide, sulfuric acid mist, mercury, and nitrogen oxides. FDEP further states that these limits apply to Units 1, 2, and 3, the zero liquid discharge spray dryers, and the cooling towers. Please check to make sure that FDEP meant to include cooling towers. Cooling towers do not typically emit the four pollutants with facility-wide emissions limits.

RESPONSE: It is correct that cooling towers do not typically emit these four pollutants; however, no change is made to the permit in response to this comment.

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### EPA Comment 8:      Coal Preparation and Nonmetallic Mineral Processing

In the technical evaluation (page 9 and 10), FDEP states that the emissions units affected by the PSD permit have to comply with a list of regulations. The regulations in this list include the federal new source performance standards (NSPS) for coal preparation plants and nonmetallic mineral processing plants. However, the draft permit does not include permit conditions for coal preparation units or limestone (nonmetallic mineral) handling units. If any of the NSPS listed in the technical evaluation do not apply, please delete them.

RESPONSE: The coal preparation units and limestone handling units are existing units and the applicable requirements are already identified in the facility's other permits. There is no need to repeat these requirements in this permit. No change was required.

### EPA Comment 9:      Carbon Burnout Permit Provision

Condition III.A.43 of the draft permit (applicable to Unit 3), specifies daily recordkeeping requirements for the "operation and configuration" of a carbon burnout unit "such that the permittee can demonstrate compliance with the emission limitations of the affected emissions units." We recommend that FDEP specify exactly what records are required by this condition.

RESPONSE: The unit must comply with NSPS limits, recordkeeping and reporting. In addition, this unit will have a CEMS. These provisions will adequately address this issue and no change was made to the permit.

### EPA Comment 10:      Integrated Gasification Combined Cycle (IGCC)

FDEP's technical evaluation (pages 11-12) contains a brief discussion of reasons for not considering IGCC as part of a BACT analysis for the proposed PC boiler. We will point out that, pursuant to section 165(a)(2) of the Clean Air Act, it may be necessary for FDEP to address any substantive comments proposing IGCC as an alternative to the proposed project.

RESPONSE: The Department is satisfied that this issue has been adequately addressed.

### EPA Comment 11:      Unit 3 Nitrogen Oxides Emissions

Based on the netting analysis, PSD review (including a best available control technology determination) is not required for nitrogen oxides (NO<sub>x</sub>) emissions. For the record, however, we wish to comment that the proposed NO<sub>x</sub> emissions limit for Unit 3 of 0.07 lb/MMBtu is not representative of the lowest emission rate that could be expected for a newly designed supercritical pulverized coal boiler firing bituminous coal.

RESPONSE: No response required.

### Mitchell Williams Comment:

"I suggest that you put an immediate hold on the construction of the third coal plant by Seminole Electric Co-op in Palatka at this time. This is 2006 not 1936. I assume that the design is a familiar one that any plant manager in 1936 would recognize (Babcock & Wilcox turbo-alternators with reheat etc). Only the computer control room would look new. Same old low efficiency antique stuff.

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In its place they should be allowed to build a 21 Century plant and get Florida ahead of (not behind) California.

Here is what is needed. A coke-fired furnace (no scrubber needed) using 95% pure oxygen for combustion. To keep the gasifier cool enough to prevent melting, a heavy injection of superheated steam would be mixed with the stream of pure oxygen. At these temperatures (1800°F plus) steam reduces the carbon to carbon monoxide and the hydrogen is released to BURN AGAIN. Meaning that the plant runs partly on water. Possibly as much as 25% of the fuel could be water injected as superheated steam. This same trick can be used with a hot, air breathing furnace but the inert gases in the air prevent full efficiency of the process, and only 2 or 3% of the fuel can be water.

By using oxygen, coke, and steam you might reduce the total coke consumption by nearly half for the same power output. Meaning the exhaust from the plant would have half as much CO<sub>2</sub> (reduced greenhouse gases) and no nitrous oxides at all.

Since you then would have a really hot fire at your fingertips you might as well go whole hog in optimizing the design.

Throw out all the steam pipes except the ones to supply the steam to the gasifier. In their place substitute a closed cycle gas turbine with helium or CO<sub>2</sub> as the working fluid. All this shrinks down the entire plant to a fraction of its original size.

It also might be built much faster with modified jet, rocket, and refrigeration parts.

Making all this oxygen at the plant will mean they will have rivers of surplus liquid nitrogen and hot water to sell for cooling and heating purposes. This could help reduce the waste of electricity for these purposes.

And the fuel efficiency of the plant should be VERY HIGH. This same trick can be done with any fuel burning plant that has a high carbon content in the fuel (wood, oil, sewage, sludge, goat manure etc). It will be less effective with natural gas as there is less carbon in it, so only a reduced amount of water can be burned with it. However, pure oxygen can also greatly increase the efficiency of any fuel burning plant by eliminating the inert gases from the system. Convection heat is greatly reduced and radiant heat is greatly increased making even steam plants much smaller for a given output.

If you should have any doubts concerning what is presented here you can ask any of the rocket people at the Cape. They are always quick to tell you how the turbo-pumps on the Space Shuttle Main Engines (about the size of outboard motors) produce 100,000 horsepower each, and could easily light a small city."

**RESPONSE:** {Note: The following was excerpted from the July 6, 2006 Public Service Commission Staff Analysis for Seminole Unit 3 Need Determination}

"As part of the evaluation process, Seminole hired Burns & McDonnell to assist them in selecting the appropriate technology and provide a detailed, screening level evaluation of the cost of building and operating the preferred alternative. This request initially led to the August 2004 Feasibility Study. This study contains the results of the economic analyses of three alternative self-build projects: A new Brownfield 600 MW sub-critical solid fuel generating unit; a new Brownfield 600 MW supercritical solid fuel generating unit; and a new Greenfield 500 MW gas fired combined cycle unit. Other generating technologies were assessed, but were not considered for new generation at this time due to insufficient operational experience and information on cost and reliability of technology. The study found that the 20 year levelized bus bar cost for the three viable alternatives showed that the supercritical unit was the lowest at \$52.77/MWh; sub-critical unit at \$52.97/MWh; and combined cycle unit at \$75.48/MWh. Seminole's interest in increasing the output of SGS Unit 3 from 600 MW to 750 MW led to the February 2005 Feasibility Study. This study, which is an update of Seminole's August 2004 Feasibility Study, concluded that both the supercritical and sub-critical solid fuel generating units were feasible and would be substantially more economically sized at 750 MW than at 600 MW (the 20 year levelized bus bar cost declined to \$48.85/MWh for the supercritical coal unit, and to



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\$49.15/MWh for the sub-critical coal unit). Both remained far less expensive than a conventional gas fired combined cycle unit. Therefore, Seminole decided that 750 MW of base load capacity should be added in the 2012 time frame. The estimated capital cost for the 750 MW supercritical SGS Unit 3 project is approximately \$1.4 billion in 2012 dollars. SGS Unit 3 will be located at Seminole's Generating Station (SGS) on a 1922 acre site in northeast Putnam County, approximately five miles from the City of Palatka. SGS Unit 3 will be a pulverized coal, balanced draft unit employing supercritical steam pressure and temperature with a mechanical draft cooling tower for condenser cooling water. The primary advantages of supercritical steam cycles over sub-critical steam cycles are improved plant efficiency due to elevated operating pressure and temperature, lower emissions and lower fuel consumption. SGS Unit 3 will also employ state-of-the-art emission control equipment to further reduce emissions."

## **CONCLUSION**

The final action of the Department is to issue the permit with no changes from the draft permit.

**APPENDIX GC**  
**GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]**

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- G.1 The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- G.2 This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- G.4 This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- G.5 This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- G.6 The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- G.7 The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- a) Have access to and copy and records that must be kept under the conditions of the permit;
  - b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
  - c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
- Reasonable time may depend on the nature of the concern being investigated.
- G.8 If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- a) A description of and cause of non-compliance; and
  - b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

**APPENDIX GC**  
**GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]**

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The permittee shall be responsible for any and all damages, which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

- G.9 In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- G.10 The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- a) Determination of Best Available Control Technology ( )
  - b) Determination of the applicability of Prevention of Significant Deterioration (X); and
  - c) Compliance with New Source Performance Standards (X).
- G.14 The permittee shall comply with the following:
- a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - c) Records of monitoring information shall include:
    - 1. The date, exact place, and time of sampling or measurements;
    - 2. The person responsible for performing the sampling or measurements;
    - 3. The dates analyses were performed;
    - 4. The person responsible for performing the analyses;
    - 5. The analytical techniques or methods used; and
    - 6. The results of such analyses.
- G.15 When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

To: Joseph Kahn  
From: Trina Vielhauer  
Date: September 2, 2008  
Subject: Seminole Electric Unit 3

This is the final permit package for the Seminole Electric Unit 3 project. We have not yet heard back from their counsel regarding the issue of incorporating their settlement agreement with Sierra Club. I have written the final determination to reflect that option is available as a revision to this permit at a later date.

**PERMITTEE:**

Seminole Electric Cooperative, Inc.  
16313 North Dale Mabry Highway  
Tampa, Florida 33618

***Authorized Representative:***

James R. Frauen, Project Director SGS Unit 3

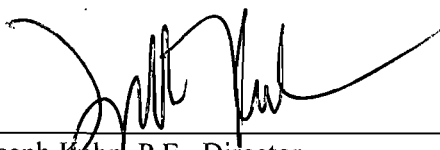
Seminole Generating Station SGS Unit 3 Permit No. PSD-FL-375 Project No. 1070025-005-AC Siting No. PA 78-10A2 Expires: December 31, 2012
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**PROJECT AND LOCATION**

This permit authorizes the construction of a nominal 750 MW pulverized coal-fired supercritical steam generating unit at the existing Seminole Generating Station. The facility is located east of U.S. Highway 17, approximately seven miles north of Palatka, Putnam County.

**STATEMENT OF BASIS**

This construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). The project was processed in accordance with the requirements of Rule 62-212.400, F.A.C., the preconstruction review program for the Prevention of Significant Deterioration (PSD) of Air Quality. Pursuant to Chapter 62-17, F.A.C. and Chapter 403 Part II, F.S., the project is also subject to Electrical Power Plant Siting. The permittee is authorized to install the proposed equipment in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection (Department).

  
\_\_\_\_\_  
Joseph Kahn, P.E., Director  
Division of Air Resource Management

Date: 9/3/08

## SECTION I - GENERAL INFORMATION

### FACILITY DESCRIPTION

The existing Seminole Generating Station (SGS) consists of: two 714.6 megawatt, electric, coal fired steam electric generators (SGS Units 1 and 2); a coal handling and storage system; a limestone unloading, handling and storage system; and a flue gas desulfurization (FGD) sludge stabilization system. The existing units are currently undergoing pollution control upgrades, including burner replacements, the addition of SCRs, an alkali injection system, a carbon burnout (CBO) unit, as well as improvements to the existing FGD system and steam turbines.

### PROJECT DESCRIPTION

Seminole proposes to integrate SGS Unit 3 into the existing, certified SGS Site located north of Palatka in Putnam County. SGS Unit 3 will be a nominal 750 MW (net) pulverized coal-fired supercritical steam generating unit located adjacent to the existing SGS Units 1 and 2. Seminole anticipates beginning commercial operation of Unit 3 in 2012. The addition of SGS Unit 3 will increase the total output capability of the SGS by almost 60 percent. The design of SGS Unit 3 will maximize the co-use of existing site facilities to the greatest extent possible, including fuel handling facilities (SGS Unit 3 proposes the same fuel slate as SGS Units 1 and 2). The project also includes a new Zero Liquid Discharge (ZLD) Spray Dryer System, a new emergency generator, and a new 26-cell mechanical draft cooling tower.

SGS Unit 3 will feature supercritical pulverized coal technology with modern emission controls. The Unit 3 air pollution control equipment will include wet Flue Gas Desulfurization (FGD) for SO<sub>2</sub> removal, selective catalytic reduction (SCR) for control of nitrogen oxides (NO<sub>x</sub>), electrostatic precipitator (ESP) for collection and removal of fine particles, a Wet ESP (WESP) for control of sulfuric acid mist (SAM), with fluoride (HF) and mercury (Hg) removal to be accomplished through co-benefits of the above technologies. Fuel (coal and petroleum coke) for SGS Unit 3 will be delivered by an existing rail system. No. 2 diesel fuel will be used for startup, shutdown and for firing the Zero Liquid Discharge (ZLD) Spray Dryers as well as an Emergency Generator (unregulated emissions unit).

### EMISSIONS UNITS

This permit authorizes construction and installation of the following new emissions units:

EU ID NO.	EMISSION UNIT DESCRIPTION
014	SGS Unit 3, 750 MW Supercritical Pulverized Coal
015	Mechanical Draft Cooling Tower, 26-cell
016	Diesel-Fired Zero Liquid Discharge (ZLD) Spray Dryers (bank of 3)

### REGULATORY CLASSIFICATION

*Title III:* The facility is a "Major Source" of hazardous air pollutants (HAPs).

*Title IV:* The facility operates units subject to the Acid Rain provisions of the Clean Air Act.

*Title V:* The facility is a Title V or "Major Source" of air pollution in accordance with Chapter 62-213, F.A.C. because the potential emissions of at least one regulated pollutant exceed 100 tons per year. Regulated pollutants include pollutants such as carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM/PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), sulfuric acid mist (SAM), and volatile organic compounds (VOC).

*PSD:* The facility is located in an area that is designated as "attainment", "maintenance", or "unclassifiable" for, each pollutant subject to a National Ambient Air Quality Standard. It is classified as a "fossil fuel-fired steam electric plant of more than 250 million BTU per hour of heat input", which is one of the facility

## SECTION I - GENERAL INFORMATION

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## SECTION I - GENERAL INFORMATION

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categories listed at 62-210.200(Definitions, Major Stationary Source) with the lower PSD applicability threshold of 100 tons per year. Potential emissions of at least one regulated pollutant exceed 100 tons per year, therefore the facility is classified as a "Major Stationary Source" with respect to Rule 62-212.400 F.A.C., Prevention of Significant Deterioration (PSD).

*NSPS:* The following New Source Performance Standards of 40 CFR 60 are applicable to the SGS Unit 3 as described in Section III, Subsection A, Federal Requirements of this permit.

- Subpart Da (Standards of Performance for Electric Utility Steam Generating Units For Which Construction is Commenced After September 18, 1978).

*NESHAP:* The facility is a "Major Source" of HAPs. The Emergency Generator is subject to the notification requirements of 40 CFR 63, Subpart ZZZZ; there are no applicable NESHAP requirements for the steam generating unit.

*CAIR:* As an electric generating unit, SGS Unit 3 may be subject to the Clean Air Interstate Rule pending the finalization of DEP rules.

*CAMR:* SGS Unit 3 is a new coal-fired power plant and will be subject to the Clean Air Mercury Rule pending finalization of DEP rules.

*Siting:* The facility is a steam electrical generating plant and is subject to the power plant siting provisions of Chapter 62-17, F.A.C.

### PERMITTING AUTHORITY

All documents related to applications for permits to construct, operate or modify an emissions unit shall be submitted to the Bureau of Air Regulation of the Florida Department of Environmental Protection (DEP) at 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. Copies of all such documents shall also be submitted to the Compliance Authority.

### COMPLIANCE AUTHORITY

All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Department's Northeast District Office at 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7577.

### APPENDICES

The following Appendices are attached as part of this permit.

Appendix TEBD      Final BACT Determinations and Emissions Standards

Appendix GC      General Conditions

### RELEVANT DOCUMENTS:

The documents listed below are not a part of this permit, however they are specifically related to this permitting action and are on file with the Department.

- March 9, 2006: Received Site Certification Application (SCA) including PSD application.
- May 15, 2006: SCA determined to be insufficient by SCO.
- July 3, 2006: Received all responses from applicant.
- August 21, 2006: Intent to Issue PSD Permit distributed.
- December XX, 2006: Final Certification by the Power Plant Siting Board



## SECTION II. ADMINISTRATIVE REQUIREMENTS

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1. General Conditions: The permittee shall operate under the attached General Conditions listed in Appendix GC of this permit. General Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]
2. Applicable Regulations, Forms and Application Procedures: Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403 of the Florida Statutes (F.S.); Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.); and the Title 40, Parts 51, 52, 60, 63, 72, 73, and 75 of the Code of Federal Regulations (CFR), adopted by reference in Rule 62-204.800, F.A.C. The terms used in this permit have specific meanings as defined in the applicable chapters of the Florida Administrative Code. The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]
3. Construction and Expiration: Authorization to construct shall expire if construction is not commenced within 18 months after receipt of the permit, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. This provision does not apply to the time period between construction of the approved phases of a phased construction project except that each phase must commence construction within 18 months of the commencement date established by the Department in the permit. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. In conjunction with an extension of the 18-month period to commence or continue construction (or to construct the project in phases), the Department may require the permittee to demonstrate the adequacy of any previous determination of Best Available Control Technology (BACT) for emissions units regulated by the project. For good cause, the permittee may request that this PSD air construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation at least sixty (60) days prior to the expiration of this permit. [Rules 62-4.070(4), 62-4.080, 62-210.300(1), and 62-212.400(12)(a), F.A.C.]
4. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
5. Source Obligation.
  - a. At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.
  - b. At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by exceeding its projected actual emissions, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.

[Rule 62-212.400(12), F.A.C.]

## SECTION II. ADMINISTRATIVE REQUIREMENTS

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6. Modifications: No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Chapters 62-210 and 62-212, F.A.C.]
7. Application for Title IV Permit: At least 24 months before the date on which the new unit begins serving an electrical generator greater than 25 MW, the permittee shall submit an application for a Title IV Acid Rain Permit to the Department's Bureau of Air Regulation in Tallahassee and a copy to the Region 4 Office of the U.S. Environmental Protection Agency in Atlanta, Georgia. [40 CFR 72]
8. Title V Permit: This permit authorizes construction of the permitted emissions unit and initial operation to determine compliance with Department rules. A Title V operation permit is required for regular operation of the permitted emission units. The permittee shall apply for and obtain a Title V operation permit in accordance with Rule 62-213.420, F.A.C. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the Department's Bureau of Air Regulation and a copy to the Compliance Authority.  
[Rules 62-4.030, 62-4.050, 62-4.220, and Chapter 62-213, F.A.C.]
9. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating hours and emissions from this facility in accordance with 62-210.370. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year.  
[Rule 62-210.370(2), F.A.C.]

### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

The specific conditions of this subsection apply to the following emissions unit after construction is complete.

E.U. ID	Emission Unit Description
014	SGS Unit 3 – Nominal 750 MW (net) Supercritical Pulverized Coal Fired Boiler

#### APPLICABLE STANDARDS AND REGULATIONS

1. **BACT Determinations:** A determination of the Best Available Control Technology (BACT) was made for carbon monoxide (CO), particulate matter (PM/PM<sub>10</sub>), fluorides (HF) and volatile organic compounds (VOCs). [Rule 62-210.200 (BACT), F.A.C.]
2. **PSD Netting:** Emissions caps were accepted on Units 1 and 2, in part for the purpose of ensuring that this project “nets out” with respect to SO<sub>2</sub>, SAM, Mercury and NO<sub>x</sub> emissions; thus avoiding BACT determinations for those pollutants. The facility-wide annual emission limits are:

Pollutant	Annual Emission Limit <sup>a</sup> (TPY)
SO <sub>2</sub>	29,074
SAM	2,129
Hg	0.059
NO <sub>x</sub>	23,289

Note <sup>a</sup>: The facility-wide limit includes SGS Units 1, 2, 3, Cooling Towers and the ZLD Spray Dryers.

3. **NSPS Requirements:** This unit is subject to 40 CFR 60 NSPS Subpart Da, which is applicable to new affected facilities that commence construction after February 28, 2005. The NSPS provisions establish emission limits for PM, SO<sub>2</sub> and NO<sub>x</sub>. The PM emission limit is 0.015 lb/MMBtu or 0.03 lb/MMBtu and 99.9 percent reduction. The SO<sub>2</sub> and NO<sub>x</sub> emission limits are production-based and are 1.4 and 1.0 pounds per megawatt hour (lb/MW-hr) gross energy output, respectively. In addition, the SO<sub>2</sub> standard allows for either meeting the above production-based limit or a 95 percent reduction. Visible emissions are limited to 20 percent opacity (6-minute average) except up to 27 percent opacity is allowed for one 6-minute period per hour. The NSPS mercury (Hg) emission limit for new sources (40 CFR 60.45a; 71 FR 33388; June 6, 2006) is 20 x 10<sup>-6</sup> lb/MW-hr for bituminous coal. [40 CFR 60, Subpart A and Da]

#### EQUIPMENT DESCRIPTION

4. **Steam Generator:** The permittee is authorized to construct and operate a pulverized coal, balanced draft type unit employing supercritical steam and equipped with low NO<sub>x</sub> burners. The boiler will be fired by either coal or a blend of coal and petroleum coke (up to 30% by weight), with No. 1 or 2 diesel oil for auxiliary purposes. The steam generator shall be designed for a maximum heat input of 7,500 MMBtu per hour of coal. [Application; Design]
5. **Electrical Generating Capacity:** SGS Unit 3 will have a nominal electrical generating capacity of 750 MW net and 820 MW gross. [Application; Design]

#### CONTROL TECHNOLOGY

6. **Post-Combustion:** The emission unit flue shall be equipped with a wet FGD System, a Selective Catalytic Reduction System, an Electrostatic Precipitator and a Wet Electrostatic Precipitator.
  - a. **Electrostatic Precipitators (ESP):** The permittee shall install, operate, and maintain an Electrostatic Precipitator and a Wet Electrostatic Precipitator (WESP) to reduce PM/PM<sub>10</sub> emissions from SGS Unit 3.

### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

- b. *Selective Catalytic Reduction (SCR) System:* The permittee shall install, tune, operate, and maintain an SCR system to control NO<sub>x</sub> emissions. The SCR system consists of an ammonia (NH<sub>3</sub>) injection grid, catalyst, a urea unloading system, a urea storage area, facilities to convert the urea to ammonia, a monitoring and control system, electrical, piping and other ancillary equipment. The SCR system shall be designed, constructed and operated to meet the permitted levels of NO<sub>x</sub> emissions on a continuous basis.
- c. *Flue Gas Desulfurization (FGD) System:* The permittee shall install, operate, and maintain a flue gas desulfurization system for the reduction of SO<sub>2</sub> and SAM emissions from SGS Unit 3. The FGD System shall be designed to meet the permitted emission levels of SO<sub>2</sub> on a continuous basis.

Prior to the initial emissions performance tests, the emissions control systems shall be tuned to achieve permitted emissions levels. Thereafter, the systems shall be maintained and tuned in accordance with the manufacturer's recommendations so as to ensure the permitted levels are consistently achieved.

- d. The emissions from the CBO<sup>TM</sup> Process Fluidized Bed Combustor (EU-013) may be routed back to SGS Unit 3 flue gas ductwork, upstream of the ESP, SCR and FGD System, so as to ensure that emissions are minimized. However, the combined emissions from SGS Unit 3 with the CBO<sup>TM</sup> Unit (when operating) shall comply with the permit standards for SGS Unit 3 as well as the applicable standards in NSPS Subpart Db.

[Design; Rules 62-210.200(PTE and BACT), 62-210.650, 62-212.400(PSD), F.A.C.]

7. Technology Co-benefits: The following technologies shall be installed and operated as described herein.

- a. *Mercury Removal System:* Mercury removal is enhanced when PM controls are used with NO<sub>x</sub> and SO<sub>2</sub> controls (ESP, WESP, SCR and FGD). Accordingly, these control technologies shall be designed and tuned to achieve the permitted levels of mercury emissions from SGS Unit 3.
- b. *Fluoride Removal System:* Fluoride removal has recognized co-benefits from an ESP, Wet FGD and WESP. Accordingly, these technologies shall be designed, operated and tuned to achieve the permitted level of fluorides from SGS Unit 3.
- c. *SAM Removal System:* SAM removal shall be accomplished by the use of the FGD system and the Wet ESP. The permittee shall design, install, operate, and maintain these systems in order to achieve the permitted emission level of SAM.

[Design; Rule 62-212.400(PSD), F.A.C.]

#### PERFORMANCE REQUIREMENTS

8. Hours of Operation: The coal-fired boiler may operate throughout the year (8,760 hours per year). Restrictions on individual methods of operation are specified in separate conditions.  
[Rules 62-210.200(PTE, and BACT) and 62-212.400 (PSD), F.A.C.]

9. Authorized Fuels:

- a. *Coal* – SGS Unit 3 may combust bituminous coal up to 318.3 tons per hour based upon 11,300 BTU/lb HHV.
- b. *Coal/Pet-coke blend* –SGS Unit 3 may combust coal and pet-coke blend. The pet-coke shall not exceed 30% of the hourly heat input, or 95.5 tons per hour based upon a 12,900 BTU/lb HHV.
- c. *No. 1 or 2 Diesel Oil* – SGS Unit 3 may combust up to 3,320 gallons per hour of 0.05% No. 2 diesel fuel based upon 136 MMBtu/1000 gallons heat value. The combustion of this fuel shall be for the purposes of startups, flame stabilization, limited supplemental load and emergency reserve during statewide capacity shortages.

### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

[Rules 62-210.200(PTE, and BACT) and 62-212.400 (PSD), F.A.C.]

#### EMISSIONS STANDARDS

10. Emission Standards: Emissions from the pulverized-coal fired boiler shall not exceed the following standards.

<b>Best Available Control Technology (BACT) – Rule 62-210.400, F.A.C.</b>		
<b>Pollutant</b>	<b>BACT Emission Limits</b>	<b>Compliance Method</b>
PM/PM <sub>10</sub>	0.013 lb/MMBtu filterable PM; 98 lb/hr equivalent	Annual Stack Test
Opacity	20% with up to 27% for 6-minutes per hour	COMS
CO	0.13 lb/MMBtu (coal only); 975 lb/hr equivalent 0.15 lb/MMBtu 30-day rolling average (all fuels); 1,125 lb/hr equivalent	Initial Stack Test (100% coal) CEMS (all fuels)
VOC	0.0034 lb/MMBtu; 16.7 lb/hr equivalent	Initial Test
HF	0.00023 lb/MMBtu; 1.72 lb/hr equivalent	Initial & T-5 Renewal Test
<b>Pollutant</b>	<b>Non-BACT Established Emission Limits</b>	<b>Compliance Method</b>
SO <sub>2</sub>	0.165 lb/MMBtu 24-hour rolling; 1,238 lb/hr equivalent	CEMS
SAM	0.005 lb/MMBtu; 37.5 lb/hr equivalent	Annual Test
NO <sub>x</sub>	0.07 lb/MMBtu; 525 lb/hr equivalent	CEMS
Hg	7.05 E-6 lb/MWh; 0.005 lb/hr equivalent	CEMS or sorbent traps
NH <sub>3</sub>	5 ppmvd corrected to 6% O <sub>2</sub>	Annual Stack Test

[Rules 62-4.070(3), 62-210.200 (BACT), and 62-212.400(PSD), F.A.C.]

11. Carbon Monoxide (CO): Emissions of CO from SGS Unit 3 shall not exceed the following BACT limits:
- Stack test: CO emissions shall not exceed 0.13 lb/MMBtu while firing 100% coal as determined by an initial stack test (average of 3 test runs) in accordance with EPA Method 25, 25A or 25B.
  - CEMS: CO emissions shall not exceed 0.15 lb/MMBtu as determined by CEMS on a 30-day rolling average, regardless of fuel type. Testing shall be according to EPA Method 10.

[Rules 62-4.070(3), 62-210.200 (BACT), and 62-212.400(PSD), F.A.C.]

12. Volatile Organic Compounds (VOCs): Emissions of VOC from SGS Unit 3 shall not exceed 0.0034 lb/MMBtu as determined by an initial stack test in accordance with EPA Method 25A and (optionally) EPA Method 18 (to deduct non-VOC methane emissions). Thereafter, compliance with the CO limits herein shall serve as a surrogate for the emissions of VOCs. [Rules 62-4.070(3), 62-210.200 (BACT), and 62-212.400(PSD), F.A.C.]
13. Sulfur Dioxide (SO<sub>2</sub>): Emissions of SO<sub>2</sub> from SGS Unit 3 shall not exceed 1.4 pounds per megawatt hour (lb/MW-hr) gross energy output nor 0.165 lb/MMBtu, based upon a 24-hour rolling average as determined by CEMS. In addition, SO<sub>2</sub> emissions shall not exceed 29074 tons per 12-month rolling period (facility-wide), based upon CEMS. [62-210.200 (Net Emissions Increase), and 62-212.400(12) (Source Obligation), F.A.C.]
14. Sulfuric Acid Mist (SAM): Emissions of Sulfuric Acid Mist from SGS Unit 3 shall not exceed 0.005 lb/MMBtu as determined by EPA Method 8A. In addition, SAM emissions shall not exceed 2129 tons per 12-month rolling period (facility-wide), based upon tack testing. The combined total shall be computed by measuring the lb/MMBtu emission rate on each unit, multiplying each unit's emission rate by its annual heat input (MMBtu) and adding the total lbs emitted, divided by 2000. [62-210.200 (Net Emissions Increase), and 62-212.400(12) (Source Obligation), F.A.C.]

### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

15. Particulate Matter (PM/PM<sub>10</sub>): Emissions of filterable Particulate Matter (PM and PM<sub>10</sub>) from SGS Unit 3 shall not exceed 0.013 lb/MMBtu while firing 100% coal as determined by EPA Method 5. Condensables shall be captured (from the impingers) and reported (only) in accordance with EPA Method 202. Additionally, opacity shall be limited to 20% except that one 6-minute period per hour may be up to 27%. For opacity, the method of compliance shall be COMS or EPA Method 9 when the COMS data is unavailable. [Rules 62-4.070(3), 62-210.200 (BACT), and 62-212.400(PSD)]
16. Ammonia: Ammonia slip shall not exceed 5 ppmvd @ 6% O<sub>2</sub> as determined by EPA Conditional Test Method CTM-027.
17. Mercury (Hg): Emissions of mercury from SGS unit 3 shall not exceed  $7.05 \times 10^{-6}$  lb/MWh based on a 12-month rolling average as determined by the methods and requirements specified in the NSPS Subpart Da provisions of 40 CFR 60.45(b) and 60.50(g). In addition, mercury emissions shall not exceed 0.059 tons per 12-month rolling period (combined for SGS Units 1, 2 and Unit 3), based upon a CEMS or sorbent trap monitoring system (when operational and certified). Testing of mercury emissions shall be required if installation/certification of the CEMS or sorbent trap monitoring system is delayed. [Rules 62-4.070(3), and 62-212.400(12)(PSD Avoidance), F.A.C, and 40 CFR 60.45Da (b) and 60.50Da(g)]
18. Nitrogen Oxides (NO<sub>x</sub>): Emissions of NO<sub>x</sub> from SGS Unit 3 shall not exceed 1.0 pounds per megawatt hour (lb/MW-hr) gross energy output nor 0.07 lb/MMBtu, based upon a 30-day rolling average as determined by CEMS. In addition, NO<sub>x</sub> emissions shall not exceed 23,289 tons per 12-month rolling period (facility- wide), based upon CEMS. [Rules 62-4.070(3), and 62-212.400(12)(PSD Avoidance), F.A.C, Applicant Request]  
  
*{Permitting Note: This project did not trigger PSD for SO<sub>2</sub>, SAM, Hg and NO<sub>x</sub> due to emissions caps taken on existing coal fired boiler steam electric generating Units 1 and Unit 2. The conditions herein establish the requirements for meeting the specified emission limitations for purposes of avoiding PSD preconstruction review. These requirements in no way supersede any federal requirement of applicable NSPS provisions.}*
19. Fluorides (HF): Emissions of fluorides from SGS Unit 3 shall not exceed 0.00023 lb/MMBtu as determined by an initial (and Title V renewal) stack test and in accordance with EPA Method 13A or 13B. [Rules 62-4.070(3), 62-210.200 (BACT), and 62-212.400(PSD), F.A.C]
20. Unconfined Particulate Emissions: The following requirements shall be met to minimize fugitive dust emissions from the storage and handling facilities, including haul roads:
  - a. All conveyors and conveyor transfer points will be enclosed to the extent practical, so as to preclude PM emissions.
  - b. Water sprays or chemical wetting agents and stabilizers will be applied to storage piles, handling equipment, roadways, etc. as necessary to minimize opacity.[Rule 62-296.320(4)(c), F.A.C.]
21. Testing Requirements: Initial tests shall be conducted between 90% and 100% of permitted capacity; otherwise, this permit shall be modified to reflect the true maximum capacity as constructed. Subsequent annual tests shall be conducted between 90% and 100% of permitted capacity in accordance with the requirements of Rule 62-297.310(2), F.A.C. For each run during tests for visible emissions and ammonia slip, emissions of CO and NO<sub>x</sub> recorded by the CEMS shall also be reported. [Rule 62-297.310(7)(a), F.A.C.; 40 CFR 60.8]
22. Initial Compliance Demonstration: Initial tests when firing 100% coal shall be conducted to demonstrate compliance with the emissions standards for CO, PM, opacity, VOC, HF, SAM, Hg, and ammonia slip. Initial compliance stack tests shall be conducted within 60 days after achieving the maximum production

### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

rate at which SGS Unit 3 will be operated, but not later than 180 days after the initial startup. The initial CO emissions test when firing 100% coal is a one-time validation test. The permittee shall provide the Compliance Authority with any other emissions performance tests conducted to satisfy vendor guarantees. [Rules 62-4.070, 62-297.310(7)(a), F.A.C. and 40 CFR 60.8]

23. Subsequent Compliance Testing: During each federal fiscal year (October 1<sup>st</sup>, to September 30<sup>th</sup>), annual tests shall be conducted to demonstrate compliance with the emissions standards for PM, opacity, VOC, SAM, Hg, and ammonia slip. During the year prior to renewal of the Title V Air operation permit, tests shall be conducted to demonstrate compliance with the HF emissions standard. The Department may require additional testing for ammonia slip following catalyst replacement. [Rules 62-4.070, 62-210.200(BACT), and 62-297.310(7)(a)4, F.A.C., and 40 CFR 60.50]
24. Continuous Compliance: Continuous compliance with the permit standards for emissions of CO, Hg, NO<sub>x</sub>, and SO<sub>2</sub> shall be demonstrated with data collected from the required continuous monitoring systems. [Rules 62-4.070, and 62-210.200(BACT), F.A.C., 40 CFR 60.50Da]
25. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

#### EXCESS EMISSIONS

26. Operating Procedures: The Best Available Control Technology (BACT) determinations established by this permit rely on "good operating practices" to reduce emissions. Therefore, all operators and supervisors shall be properly trained to operate and ensure maintenance of the SGS unit 3 pollution control systems in accordance with the guidelines and procedures established by each manufacturer. The training shall include good operating practices as well as methods for minimizing excess emissions. [Rules 62-4.070(3) and 62-210.200(BACT), F.A.C.]
27. Definitions:
  - a. *Startup* is defined as the commencement of operation of any emissions unit which has shut down or ceased operation for a period of time sufficient to cause temperature, pressure, chemical or pollution control device imbalances, which result in excess emissions.
  - b. *Shutdown* is the cessation of the operation of an emissions unit for any purpose.
  - c. *Malfunction* is defined as any unavoidable mechanical and/or electrical failure of air pollution control equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner.[Rule 62-210.200(164, 241, and 257), F.A.C.]
28. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. All such preventable emissions shall be included in any compliance determinations based on CEMS data. [Rule 62-210.700(4), F.A.C.]
29. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown and malfunction of SGS Unit 3 shall be permitted providing:
  - a. Best operational practices to minimize emissions are adhered to, and

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### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

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#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

- b. The duration of excess emissions from startup, shutdown and malfunction of SGA Unit 3 shall be minimized, but in no case exceed 60 hours during any calendar month.

{Permitting Note: Due to of the large size of this boiler and steam turbine, and the design necessity to minimize thermal stresses, unit start-ups are expected to be long in duration. As a result, this condition provides authorization of 2 hours per 24 hour period of excess emissions related to startup, shutdown, and malfunction to be averaged over a calendar month rather than fixed on a daily basis.} [Rule 62-210.700(5), F.A.C.]

30. Data Exclusion Procedures: Limited amounts of CEMS emissions data collected during startup, shutdown, and malfunction may be excluded from compliance demonstrations (not including annual emissions caps) as approved by the Compliance Authority, provided that best operational practices to minimize emissions are adhered to, they are authorized by this permit and the duration of data excluded is minimized. The startup and shutdown of Unit 3 will follow an established startup and shutdown procedure, which shall be submitted prior to the initial unit start-up, for the Department's review and acceptance. [Design; Rules 62-210.200(BACT), 62-212.400(PSD), and 62-210.700, F.A.C.]
31. Ammonia Injection: Ammonia injection shall begin as soon as the SCR achieves the operating parameters specified by the manufacturer. Such information shall be provided within the startup and shutdown protocol identified above. [Design; Rules 62-210.200(BACT), 62-212.400(PSD), and 62-210.700, F.A.C.]
32. Notification Requirements: The owner or operator shall notify the Compliance Authority within one working day of discovering any emissions that demonstrate non-compliance for a given averaging period. Within one working day of occurrence, the owner or operator shall notify the Compliance Authority of any malfunction resulting in the exclusion of CEMS data. [Rule 62-4.070, F.A.C.]

#### CONTINUOUS MONITORING REQUIREMENTS

33. CEM Systems: The permittee shall install, calibrate, operate, and maintain continuous emission monitoring systems (CEMS) to measure and record the emissions of CO, NO<sub>x</sub>, SO<sub>2</sub>, and Hg. Each monitoring system shall be installed, and functioning within the required performance specifications by the time of the initial compliance demonstration.
- a. *CO Monitor*: The CO monitor shall be installed pursuant to 40 CFR 60, Appendix B, Performance Specification 4 or 4A. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F. The RATA tests required for the CO monitor shall be performed using EPA Method 10 in Appendix A of 40 CFR 60 and shall be based on a continuous sampling train. The CO monitor span values shall be set appropriately, considering the allowable methods of operation and corresponding emission standards.
- b. *NO<sub>x</sub> Monitor*: A NO<sub>x</sub> monitor installed to meet the requirements of 40 CFR 75, and that is continuing to meet the ongoing requirements of Part 75, may be used to meet the requirements of this permit and 40 CFR 60.49(c), Subpart Da, except that the owner or operator shall also meet the requirements of 40 CFR 60.51 and the specific conditions of this permit. Data reported to meet the requirements of 40 CFR 60.51 and the limits of this permit shall not include data substituted using the missing data procedures in Subpart D of Part 75, nor shall the data have been bias adjusted according to Part 75. The RATA tests required for the NO<sub>x</sub> monitor shall be performed using EPA Method 7 or 7E in Appendix A of 40 CFR 60 or as allowed by Part 75.
- c. *SO<sub>2</sub> Monitor*: The SO<sub>2</sub> monitor shall be installed pursuant to 40 CFR 60, Appendix B, Performance Specification 2. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F. The RATA tests required for the SO<sub>2</sub> monitor shall be performed using EPA Method 6 or 6C in Appendix A of 40 CFR 60. The SO<sub>2</sub> monitor span value shall be set according to 40 CFR 60.49(i).



### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

- d. *Mercury Monitor*: Either a mercury CEMS shall be installed to measure mercury emissions pursuant to 40 CFR 60, Performance Specification 12A and to meet the requirements of 40 CFR 60.49(p); or a sorbent trap monitoring system shall be installed pursuant to 40 CFR Part 75, Appendix K.
- e. *Diluent Monitor*: The oxygen (O<sub>2</sub>) or carbon dioxide (CO<sub>2</sub>) content of the flue gas shall be continuously monitored at the location where CO, NO<sub>x</sub>, and SO<sub>2</sub> are monitored. Each monitor shall comply with the performance and quality assurance requirements of 40 CFR 75.

[Rules 62-4.070(3), 62-210.200(BACT), F.A.C., and 40 CFR 60.49 and Part 75]

- 34. Continuous Flow Monitor: A continuous flow monitor shall be installed to determine stack exhaust flow rate to be used in determining mass emission rates. The flow monitor shall be certified and operated according to the requirements of 40 CFR 75. As an alternative to the stack flow monitor, a fuel flow monitoring system certified and operated according to the requirements of Appendix D of 40 CFR Part 75 may be installed. [Rules 62-4.070(3), 62-210.200(BACT), F.A.C., and 40 CFR 60.49 and Part 75]
- 35. Wattmeter: A wattmeter (or meters) to continuously measure the gross electrical output of the unit in megawatt-hours must be installed, calibrated, maintained, and operated in accordance with the manufacturer's specifications. [40 CFR 60.49]
- 36. Moisture Correction: If necessary, the owner or operator shall install a system to determine the moisture content of the exhaust gas and develop an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). [Rules 62-4.070(3), 62-210.200(BACT), F.A.C.]
- 37. Ammonia Monitoring Requirements: In accordance with the manufacturer's specifications, the permittee shall install, calibrate, operate and maintain an ammonia flow meter to measure and record the ammonia injection rate to the SCR system prior to the initial compliance tests. The permittee shall document and periodically update the general range of ammonia flow rates required to meet permitted emissions levels over the range of load conditions allowed by this permit by comparing NO<sub>x</sub> emissions recorded by the CEM system with ammonia flow rates recorded using the ammonia flow meter. During NO<sub>x</sub> monitor downtimes or malfunctions, the permittee shall operate at the ammonia flow rate that is consistent with the documented flow rate for the load condition. [Rules 62-4.070(3) and 62-210.200(BACT), F.A.C.]
- 38. CEMS Data Requirements:
  - a. *Data Collection*: Except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions shall be monitored and recorded during all operation including startup, shutdown, and malfunction.
  - b. *Operating Hours and Operating Days*: An hour is the 60-minute period beginning at the top of each hour. Any hour during which an emissions unit is in operation for more than 15 minutes is an operating hour for that emission unit. A day is the 24-hour period from midnight to midnight. Any day with at least one operating hour for an emissions unit is an operating day for that emission unit.
  - c. *Valid Hour*: Each CEMS shall be designed and operated to sample, analyze, and record data evenly spaced over the hour at a minimum of one measurement per minute. All valid measurements collected during an hour shall be used to calculate a 1-hour block average that begins at the top of each hour.
    - 1) Hours that are not operating hours are not valid hours.
    - 2) For each operating hour, the 1-hor block average shall be computed from at least two data points separated by a minimum of 15 minutes. If less than two such data points are available, there is insufficient data and the 1-hour block average is not valid.
  - d. *Rolling 24-Hour Average*: Compliance shall be determined after each valid hourly average is obtained by calculating the arithmetic average of that valid hourly average and the previous 23 valid hourly

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### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

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#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

averages.

- e. *Rolling 30-day Average:* Compliance shall be determined after each operating day by calculating the arithmetic average of all the valid hourly averages from that operating day and the prior 29 operating days.
- f. *Rolling 12-month Period:* Compliance shall be determined after each calendar month by calculating the total emissions from that calendar month and the last 11 calendar months.
- g. *Missing Data/Bias Adjustments:* If the owner or operator has installed a CEMS to meet the requirements of Part 75, data reported to show compliance with any SIP-based limit shall not include data substituted using the missing data procedures in Subpart D of Part 75, nor shall the data have been bias adjusted according to the procedures of Part 75.
- h. *Data Exclusion:* Each CEMS shall monitor and record emissions during all operations including episodes of startup, shutdown and malfunction. Limited amounts of CEMS emissions data recorded during these events may be excluded from the corresponding compliance demonstration subject to the provisions of Condition 29 in this section. When authorized, excess emissions data shall be excluded as a continuous block attributable to the startup, shutdown and malfunction event. Valid data shall not be excluded from any annual emissions caps or other annual averages (i.e., mercury).
- i. *Availability:* Monitor availability for the Hg CEMS shall be 75% or greater, and for all other CEMS shall be 95% or greater in any calendar quarter. The quarterly excess emissions report shall be used to demonstrate monitor availability. In the event the applicable availability is not achieved, the permittee shall provide the Department with a report identifying the problems in achieving the required availability and a plan of corrective actions that will be taken to achieve 95% or 75% availability. The permittee shall implement the reported corrective actions within the next calendar quarter. Failure to take corrective actions or continued failure to achieve the minimum monitor availability shall be violations of this permit, except as otherwise authorized by the Department's Compliance Authority.

[Rules 62-4.070(3) and 62-210.200(BACT), F.A.C.]

#### REPORTING AND RECORD KEEPING REQUIREMENTS

- 39. Monthly Operations Summary: By the fifth calendar day of each month, the permittee shall record the following for each fuel in a written or electronic log for the previous month of operation: fuel consumption (tons or gallons as applicable), heat content of each fuel, hours of operation, and the updated 12-month rolling totals for each. Information recorded and stored as an electronic file shall be available for inspection and printing within at least three days of a request by the Department. The fuel consumption shall be monitored in accordance with the provisions of 40 CFR 75 Appendix D. [Rules 62-4.070(3) and 62-210.200(BACT), F.A.C.]
- 40. Emissions Performance Test Reports: A report indicating the results of any required emissions performance test shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.]
- 41. CEMS Data Assessment Report: The Data Assessment Report required by 40 CFR 60, Appendix F shall be submitted to the Compliance Authority on a quarterly basis for each CEMS required. Separate reporting may be required for CEMS installed for purposes of compliance with an NSPS limit, or Acid Rain.

### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

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#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

42. Excess Emissions Reporting:

- a. *Malfunction Notification:* If emissions in excess of a standard (subject to the specified averaging period) occur due to malfunction, the permittee shall notify the Compliance Authority within (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident.
- b. *Quarterly Report:* Within 30 days following the end of each calendar-quarter, the permittee shall submit a report to the Compliance Authority summarizing periods of any emissions in excess of the permit standards following the NSPS format in 40 CFR 60.7(c), Subpart A. The report shall include a summary of emissions data excluded from compliance calculations due to startup, shutdown, and malfunctions as well as the duration of each event. In addition, the report shall summarize the CO, NO<sub>x</sub>, SO<sub>2</sub>, and Hg CEMS systems monitor availability for the previous quarter.

[Rules 62-4.130, 62-204.800, 62-210.700(6), F.A.C., and 40 CFR 60.7, 60.51, and 60.4375]

43. CBO Configuration: Daily records shall be daily kept of the CBO operation and configuration, such that the permittee can demonstrate compliance with the emission limitations of the affected emissions units.

### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### B. ZLD Spray Dryers (EU 016)

ID	Emission Unit Description
016	Diesel-Fired Zero Liquid Discharge (ZLD) Spray Dryers (bank of 3)

#### APPLICABLE STANDARDS AND REGULATIONS

1. BACT Determinations: The emission unit addressed in this section is subject to a Best Available Control Technology (BACT) determination for carbon monoxide (CO), volatile organic compounds (VOC) and particulate matter (PM/PM<sub>10</sub>). [Rule 62-210.200 (BACT), F.A.C.]

#### EQUIPMENT SPECIFICATIONS

2. Equipment: The permittee is authorized to install, operate, and maintain one liquid spray dryer system consisting of a bank of three, diesel-fired liquid spray dryers. This system will be designed to remove the moisture from the wastewater treatment effluent, via a process which involves the atomization of concentrated wastewater into a spray of droplets and contacting the droplets with hot air in a drying chamber. The dryers will be fired by diesel fuel oil. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

#### PERFORMANCE REQUIREMENTS

3. Hours of Operation: The hours of operation are not restricted (8760 hours per year). [Applicant Request; Rule 62-210.200(PTE), F.A.C.]
4. Authorized Fuels: Only No.1 or No. 2 diesel fuel containing no more than 0.05% sulfur by weight shall be fired in the spray dryers. The maximum design heat input for the bank of spray dryers shall be limited to 50 MMBtu per hour. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]
5. Control Equipment: A baghouse will be used to limit PM/PM<sub>10</sub> emissions, having an efficiency of greater than 99.5 percent. The baghouse must be designed, operated, and maintained to achieve 0.3 lb/hr/dryer. As a work practice standard, an opacity limit of 5% is established. [Application; Rules 62-210.200 (PTE, and BACT) and 62-212.400 (PSD), F.A.C]
6. Work Practice: Good combustion practices will be utilized at all times to ensure that CO (and VOC) emissions from the dryer system are minimized. The Best Available Control Technology (BACT) determinations established by this permit rely on "good operating practices" to reduce emissions. Therefore, all operators and supervisors shall be properly trained to operate and ensure maintenance of the ZLD Spray Dryers in accordance with the guidelines and procedures established by the manufacturer. The training shall include good operating practices as well as methods for minimizing excess emissions. [Rules 62-4.070(3) and 62-210.200(BACT), F.A.C.]

#### NOTIFICATION, REPORTING, AND RECORDS

7. Control Device Records: The permittee shall keep readily accessible records which demonstrate that the ZLD Spray Dyer baghouse is operating properly. Such records shall include documentation of daily observations by operators as well as maintenance records on the baghouse and bag replacements. [Rule 62-4.030, F.A.C.]
8. Fuel Records: The permittee shall keep records sufficient to determine the daily throughput of diesel fuel oil for use in ensuring compliance with the heat input limitation. [Rule 62-204.800(7)(b)16, F.A.C]

### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### C. SGS Unit 3 Cooling Tower (EU 015)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
015	SGS Unit 3 Mechanical Draft Cooling Tower – twenty six cells with a 200 HP cooling fan

#### APPLICABLE STANDARDS AND REGULATIONS

1. BACT Determinations: The emission unit addressed in this section is subject to a Best Available Control Technology (BACT) determination for particulate matter (PM/PM<sub>10</sub>). [Rule 62-210.200 (BACT), F.A.C.]

#### EQUIPMENT

2. Cooling Tower: The permittee is authorized to install one induced draft, counter-flow, rectangular in-line design mechanical draft cooling tower with the following nominal design characteristics: a circulating water flow rate of 360,352 gpm; a design air flow rate of 1,259,541 acfm per cell; drift eliminators; and a drift rate of no more than 0.0005 percent of the circulating water flow. [Application; Design]

#### EMISSIONS AND PERFORMANCE REQUIREMENTS

3. Drift Rate: Within 60 days of commencing commercial operation, the permittee shall certify that the cooling tower was constructed to achieve the specified drift rate of no more than 0.0005 percent of the circulating water flow rate. [Rule 62-210.200(BACT), F.A.C.]

*{Permitting Note: This work practice standard is established as BACT for PM/PM<sub>10</sub> emissions from the cooling tower. Based on these design criteria, potential emissions are estimated to be less than 10 tons of PM per year and less than 6 tons of PM<sub>10</sub> per year. Actual emissions are expected to be lower than these rates.}*

## Walker, Elizabeth (AIR)

---

**From:** Walker, Elizabeth (AIR)  
**Sent:** Friday, September 05, 2008 11:25 AM  
**To:** 'jfrauen@seminole-electric.com';  
**Cc:** 'sosbourn@golder.com'; 'kkosky@golder.com'; 'rmanning@hgslaw.com'; Kirts, Christopher; 'phillisfox@gmail.com'; 'kristin.Henry@sierraclub.org'; 'joanne.spalding@sierraclub.org'; 'catherine\_collins@fws.gov'; 'gcavros@att.net'; Seiler, Ann; Halpin, Mike; Vielhauer, Trina; Koerner, Jeff  
**Subject:** SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375  
**Attachments:** Seminole NOFP.pdf

Attached is the official Notice of Final Permit for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

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**Owner/Company Name:** SEMINOLE ELECTRIC COOPERATIVE, INC.

**Facility Name:** SEMINOLE GENERATING STATION

**Project Number:** 1070025-005-AC/PSD-FL-375

**Permit Status:** FINAL

**Permit Activity:** CONSTRUCTION/SGS Unit 3

**Facility County:** PUTNAM

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*Elizabeth Walker*

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9505

**Walker, Elizabeth (AIR)****From:** Jim Frauen [JFrauen@seminole-electric.com]**Sent:** Fri 9/5/2008 3:34 PM**To:** Walker, Elizabeth (AIR)**Cc:****Subject:** Re: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375**Attachments:**

Ms. Walker,

I received a copy of the referenced permit.

Thank you for your assistance in this matter.

Jim Frauen

Jim Frauen  
 Director of Project Engineering  
 Seminole Electric Cooperative, Inc.  
 16313 North Dale Mabry Highway  
 Tampa, FL 33618  
 (813) 739-1213 Direct Line  
 (813) 690-3641 Cell  
 (813) 264-7906 Fax  
 jfrauen@seminole-electric.com

>>> "Walker, Elizabeth (AIR)" <Elizabeth.Walker@dep.state.fl.us> 9/5/2008 11:24 AM >>>

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**Owner/Company Name:** SEMINOLE ELECTRIC COOPERATIVE, INC.  
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## Walker, Elizabeth (AIR)

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**From:** Exchange Administrator  
**Sent:** Friday, September 05, 2008 11:27 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Delivery Status Notification (Relay)  
**Attachments:** ATT246317.txt; SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

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Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

[rmanning@hgslaw.com](mailto:rmanning@hgslaw.com)



**Walker, Elizabeth (AIR)**

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**From:** Exchange Administrator  
**Sent:** Friday, September 05, 2008 11:40 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Delivery Status Notification (Relay)  
**Attachments:** ATT246487.txt; FW: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

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[phyllisfox@gmail.com](mailto:phyllisfox@gmail.com)

## Walker, Elizabeth (AIR)

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**From:** Jim Frauen [JFrauen@seminole-electric.com]  
**Sent:** Friday, September 05, 2008 3:35 PM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Re: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

Ms. Walker,

I received a copy of the referenced permit.

Thank you for your assistance in this matter.

Jim Frauen

Jim Frauen  
Director of Project Engineering  
Seminole Electric Cooperative, Inc.  
16313 North Dale Mabry Highway  
Tampa, FL 33618  
(813) 739-1213 Direct Line  
(813) 690-3641 Cell  
(813) 264-7906 Fax  
[jfrauen@seminole-electric.com](mailto:jfrauen@seminole-electric.com)

>>> "Walker, Elizabeth (AIR)" <[Elizabeth.Walker@dep.state.fl.us](mailto:Elizabeth.Walker@dep.state.fl.us)> 9/5/2008 11:24 AM >>>

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*Elizabeth Walker*

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9505

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## Walker, Elizabeth (AIR)

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**From:** Exchange Administrator  
**Sent:** Friday, September 05, 2008 11:25 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Delivery Status Notification (Relay)  
**Attachments:** ATT246296.txt; SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

[catherine.collins@fws.gov](mailto:catherine.collins@fws.gov)

## Walker, Elizabeth (AIR)

---

**From:** Mail Delivery System [MAILER-DAEMON@sophos.golder.com]  
**Sent:** Friday, September 05, 2008 11:25 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Successful Mail Delivery Report  
**Attachments:** Delivery report; Message Headers

This is the mail system at host sophos.golder.com.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<[kkosky@golder.com](mailto:kkosky@golder.com)>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent  
48C14F34\_10913\_112\_1 A3E8511AEDA5

<[sosbourn@golder.com](mailto:sosbourn@golder.com)>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent  
48C14F34\_10913\_112\_1 A3E8511AEDA5

**Walker, Elizabeth (AIR)**

---

**From:** Exchange Administrator  
**Sent:** Friday, September 05, 2008 11:25 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Delivery Status Notification (Relay)  
**Attachments:** ATT246293.txt; SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

[kristin.Henry@sierraclub.org](mailto:kristin.Henry@sierraclub.org)  
[joanne.spalding@sierraclub.org](mailto:joanne.spalding@sierraclub.org)

**Walker, Elizabeth (AIR)**

---

**From:** Postmaster [postmaster@isp.att.net]  
**Sent:** Friday, September 05, 2008 11:30 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Delivery Notification  
**Attachments:** ATT246438.txt; ATT246438.txt

Your message was successfully delivered to:  
[gcavros@att.net](mailto:gcavros@att.net)

**Walker, Elizabeth (AIR)**

---

**From:** George Cavros [gcavros@att.net]  
**Sent:** Thursday, September 18, 2008 9:18 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Re: FW: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

Elizabeth,

Thank you. I received the original notice on September 5th and the attached files today.

Sincerely,  
George

--

George Cavros, Esq.  
120 E. Oakland Park Blvd, Ste. 105  
Fort Lauderdale, FL 33334  
954.563.0074 (office)  
954.295.5714 (cell)  
954.565.8052 (fax number)

-----  
The information contained in this electronic transmission is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, do not read it. Please immediately notify the sender that you have received this communication in error and then destroy the documents.

----- Original message from "Walker, Elizabeth (AIR)" <Elizabeth.Walker@dep.state.fl.us>: -----

Mr. Cavros,

We have not received confirmation that you were able to access the documents attached to this September 5<sup>th</sup> e-mail, as well as the documents provided in the link ([http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1070025.005.AC.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1070025.005.AC.F_pdf.zip)) referenced in the



email. Please confirm receipt by opening the attachment and clicking on the link to the permit documents, and sending a reply to me.

The Division of Air Resource Management is sending electronic versions of these documents rather than sending them Return Receipt Requested via the US Postal service. Your "receipt confirmation" reply serves the same purpose as tracking the receipt of the signed "Return Receipt" card from the US Postal Service. We know the process is a little unusual, but we hope it makes a difference in the long run. Please let me know if you have any questions.

Thank you,

*Elizabeth Walker*

Bureau of Air Regulation  
Division of Air Resource Management (DARM)  
(850)921-9505

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

**From:** Walker, Elizabeth (AIR)  
**Sent:** Friday, September 05, 2008 11:25 AM  
**To:** 'jffrauen@seminole-electric.com'  
**Cc:** 'sosbourn@golder.com'; 'kkosky@golder.com'; 'rmanning@hgsllaw.com'; Kirts, Christopher; 'phillisfox@gmail.com'; 'kristin.Henry@sierraclub.org'; 'joanne.spalding@sierraclub.org'; 'catherine\_collins@fws.gov'; 'gcavros@att.net'; Seiler, Ann; Halpin, Mike; Vielhauer, Trina; Koerner, Jeff  
**Subject:** SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

**Attached is the official Notice of Final Permit for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).**

**Click on the following link to access the permit project documents:**

[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1070025.005.AC.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1070025.005.AC.F_pdf.zip)

**Owner/Company Name:** SEMINOLE ELECTRIC COOPERATIVE, INC.

**Facility Name:** SEMINOLE GENERATING STATION

**Project Number:** 1070025-005-AC/PSD-FL-375

**Permit Status:** FINAL

**Permit Activity:** CONSTRUCTION/SGS Unit 3

**Facility County:** PUTNAM

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "Air Permit Documents Search" website at

<http://www.dep.state.fl.us/air/eproducts/apds/default.asp>

Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

*Elizabeth Walker*

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9505

## Walker, Elizabeth (AIR)

---

**From:** Kristin.Henry@sierraclub.org  
**Sent:** Thursday, September 18, 2008 12:37 PM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Re: FW: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375  
**Attachments:** Seminole NOFP.pdf

Elizabeth,

Sorry for not responding. Yes, I received the notification and was able to open the zipfile.

Kristin Henry  
Staff Attorney  
Sierra Club  
85 Second Street  
San Francisco, CA 94105-3441  
415.977.5716 phone  
415.977.5793 fax  
kristin.henry@sierraclub.org

### PRIVILEGE AND CONFIDENTIALITY NOTICE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law as attorney-client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, immediately notify me at the telephone number above.

"Walker,  
Elizabeth (AIR)"  
<Elizabeth.Walker  
@dep.state.fl.us>

To  
<kristin.Henry@sierraclub.org>  
cc

09/18/2008 06:04  
AM

Subject  
FW: SEMINOLE GENERATING STATION;  
1070025-005-AC/PSD-FL-375

Ms. Henry,

We have not received confirmation that you were able to access the documents attached to this September 5th e-mail, as well as the documents provided in the link ( [http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1070025.005.AC.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1070025.005.AC.F_pdf.zip) ) referenced in the email. Please confirm receipt by opening the attachment and clicking on the link to the permit documents, and sending a reply to me.

The Division of Air Resource Management is sending electronic versions of these documents rather than sending them Return Receipt Requested via the US Postal service. Your "receipt confirmation" reply serves the same purpose as tracking the receipt of the signed "Return Receipt" card from the US Postal Service. We know the process is a little unusual, but we hope it makes a difference in the long run. Please let me know if you have any questions.

Thank you,

Elizabeth Walker  
Bureau of Air Regulation  
Division of Air Resource Management (DARM)  
(850)921-9505

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you.

Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey. Thank you in advance for completing the survey.

From: Walker, Elizabeth (AIR)

Sent: Friday, September 05, 2008 11:25 AM

To: 'jfrauen@seminole-electric.com'

Cc: 'sosbourn@golder.com'; 'kkosky@golder.com'; 'rmanning@hgslaw.com'; Kirts, Christopher; 'phillisfox@gmail.com'; 'kristin.Henry@sierraclub.org'; 'joanne.spalding@sierraclub.org'; 'catherine\_collins@fws.gov'; 'gcavros@att.net'; Seiler, Ann; Halpin, Mike; Vielhauer, Trina; Koerner, Jeff

Subject: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

Attached is the official Notice of Final Permit for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:

[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1070025.005.AC.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1070025.005.AC.F_pdf.zip)

Owner/Company Name: SEMINOLE ELECTRIC COOPERATIVE, INC.

Facility Name: SEMINOLE GENERATING STATION Project Number: 1070025-005-AC/PSD-FL-375 Permit Status: FINAL Permit Activity: CONSTRUCTION/SGS Unit 3 Facility County: PUTNAM The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link

provided above, or search for other project documents using the "Air Permit Documents Search" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> .

Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Elizabeth Walker  
Bureau of Air Regulation  
Division of Air Resource Management (DARM)  
(850)921-9505

(See attached file: Seminole NOFP.pdf)

## **Walker, Elizabeth (AIR)**

---

**From:** Vielhauer, Trina  
**Sent:** Monday, October 06, 2008 1:58 PM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** FW: Notice of Appeal - Sierra Club, Inc. vs. DEP & Seminole Electric  
**Attachments:** Notice of Appeal.pdf

Different appeal but same case. For our main files. Thanks!

---

**From:** Crandall, Lea  
**Sent:** Friday, October 03, 2008 3:52 PM  
**To:** Vielhauer, Trina; Gibson, Victoria  
**Subject:** FW: Notice of Appeal - Sierra Club, Inc. vs. DEP & Seminole Electric

FYI! Please see the attached Notice of Appeal filed today.

Thanks,  
Lea

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

**FLORIDA DISCOUNT CARD:** More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1-866-341-8894.

---

**From:** Crandall, Lea  
**Sent:** Friday, October 03, 2008 3:50 PM  
**To:** Beason, Tom; Morgan, Larry; Chisolm, Jack  
**Cc:** Reardon, Bevin; Brown, Lisa L.  
**Subject:** Notice of Appeal - Sierra Club, Inc. vs. DEP & Seminole Electric

Please see the attached Notice of Appeal. I have also attached the Notice of Appeal Report Form.

Thanks,  
Lea

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

**FLORIDA DISCOUNT CARD:** More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1-866-341-8894.

DEPT OF ENVIRONMENTAL  
PROTECTION

OCT 03 2008

OFFICE OF  
GENERAL COUNSEL



**BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

Final Permit No. PSD-FL-375  
Project No. 1070025-005-AC  
Siting No. PA 78-10A2

SIERRA CLUB, INC.

Appellant,

vs.

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

Appellees.

---

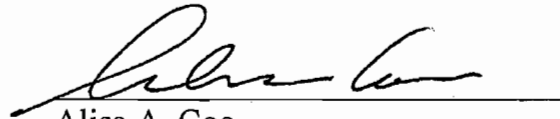
**NOTICE OF APPEAL**

NOTICE IS GIVEN that Appellant, SIERRA CLUB, INC., appeals to the First District Court of Appeal the Notice of Final Permit and Final Permit for Seminole Generating Station, SGS Unit 3 issued by the Florida Department of Environmental Protection and rendered September 5, 2008.

The nature of the permit appealed is a final administrative order granting an air pollution permit and authorizing Seminole Electric Cooperative to construct a new 750 megawatt pulverized coal-fired supercritical steam generating unit. A copy of the Notice of Final Permit and the Final Permit are attached as Exhibit A.

This appeal is filed under the provisions of section 120.68, Florida Statutes; rules 9.190(b), 9.030(b)(1)(C) and 9.110 of the Florida Rules of Appellate Procedure; and 40 C.F.R. § 124.10(b)(1), 40 C.F.R. § 124.13, and 40 C.F.R. § 124.19(a).

Respectfully submitted this 3rd day of October, 2008.



Alisa A. Coe  
Fla. Bar No. 0010187  
David G. Guest  
Fla. Bar No. 0267228  
Earthjustice  
P. O. Box 1329  
Tallahassee, Florida 32302  
(850) 681-0031 (tel)  
(850) 681-0020 (fax)

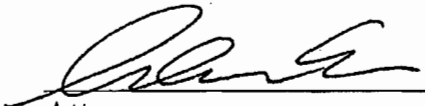
### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been provided by US Mail and electronic service this 3rd day of October, 2008 to the persons listed below:

James R. Frauen, Project Director Seminole Electric Cooperative 16313 North Dale Mabry Hwy Tampa, FL 33618 <a href="mailto:jfrauen@seminole-electric.com">jfrauen@seminole-electric.com</a>	Scott Osbourn, PE Golder Associates, Inc. 5100 W. Lemon Street Suite 114 Tampa, FL 33609 <a href="mailto:sosbourn@golder.com">sosbourn@golder.com</a>	Ken Kosky, PE Golder Associate, Inc. 6241 NW 23rd Street, Suite 500 Gainesville, FL 32653 <a href="mailto:Kkosky@golder.com">Kkosky@golder.com</a>
---	---	--



James Alves, Esq. Robert Manning, Esq. Counsel for Seminole Electric Hopping, Green & Sams, P.A. PO Box 6526 Tallahassee, Florida 32314-6526 <a href="mailto:jalves@hgslaw.com">jalves@hgslaw.com</a> <a href="mailto:rmanning@hgslaw.com">rmanning@hgslaw.com</a>	Chris Kirts Northeast District (JX) 7825 Baymeadows Way, Suite B200 Jacksonville, Florida 32256-7577 <a href="mailto:Christopher.Kirts@dep.state.fl.us">Christopher.Kirts@dep.state.fl.us</a>	Phyllis Fox, Ph.D. 745 White Pines Ave. Rockledge, Florida 32955 <a href="mailto:phyllisfox@gmail.com">phyllisfox@gmail.com</a>
Kathleen Forney USEPA REGION 4 61 Forsyth Street, S.W. Atlanta, GA 30303-8960 <a href="mailto:Forney.kathleen@epa.gov">Forney.kathleen@epa.gov</a>	Joanne Spalding, Esq. Kristin Henry, Esq. Sierra Club 85 Second Street, Second Floor San Francisco, CA 94105 <a href="mailto:Kristin.Henry@sierraclub.org">Kristin.Henry@sierraclub.org</a> <a href="mailto:Joanne.spalding@sierraclub.org">Joanne.spalding@sierraclub.org</a>	Catherine Collins U.S. Fish and Wildlife Service National Wildlife Refuge System Branch of Air Quality 7333 W. Jefferson Ave., Suite 375 Lakewood, CO 80235-2017 <a href="mailto:Catherine_collins@fws.gov">Catherine_collins@fws.gov</a>
George Cavros, Esq. On behalf of NRDC and Southern Alliance for Clean Energy 120 East Oakland Park Oakland Park, FL 33334-1100 <a href="mailto:gcavros@att.net">gcavros@att.net</a>	Jack Chisolm, Esq. Deputy General Counsel Florida Department of Environmental Protection 3900 Commonwealth Blvd MS 35 Tallahassee, FL 32399-3000 <a href="mailto:lisa.light@dep.state.fl.us">lisa.light@dep.state.fl.us</a>	

  
Attorney

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF FINAL PERMIT**

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

Seminole Electric Cooperative, Inc.  
16313 North Dale Mabry Highway  
Tampa, Florida 33618

*Authorized Representative:*

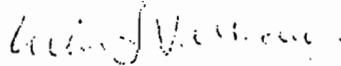
James R. Frauen, Project Director SGS Unit 3

Seminole Generating Station SGS Unit 3 Final Permit No. PSD-FL-375 Project No. 1070025-005-AC Siting No. PA 78-10A2 Expires: December 31, 2012
---

Enclosed is the final air construction permit, which authorizes the construction of a nominal 750 MW pulverized coal-fired supercritical steam generating unit. The proposed work will be conducted at the existing Seminole Electric facility, which is located in east of U.S. Highway 17, approximately seven miles north of Palatka, Putnam County. The project is subject to the preconstruction requirements for the Prevention of Significant Deterioration (PSD) of Air Quality pursuant to Rule 62-212.400 of the Florida Administrative Code (F.A.C.). As noted in the attached Final Determination, no changes were made to this permit from the draft permit that was publicly noticed. This permit is issued pursuant to Chapter 403, Florida Statutes (F.S.).

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

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief  
Bureau of Air Regulation

## NOTICE OF FINAL PERMIT

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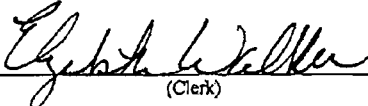
### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit was hereby attached and sent via electronic mail and a link to the Final Permit and Final Determination was sent with received receipt requested via electronic mail to the persons listed below.

Mr. James R. Frauen, SECI (jfrauen@seminole-electric.com)  
Mr. Scott Osbourn, Golder (sosbourn@golder.com)  
Mr. Ken Kosky, Golder (kkosky@golder.com)  
Mr. Robert Manning, Hopping, Green & Sams (rmanning@hgslaw.com)  
Mr. Chris Kirts, NED (Christopher.Kirts@dep.state.fl.us)  
Ms. Phyllis Fox, Ph.D. (phyllisfox@gmail.com)  
Ms. Kathleen Forney (forney.kathleen@epa.gov)  
Ms. Kristin Henry, Sierra Club (Kristin.Henry@sierraclub.org)  
Ms. Joanne Spalding, Sierra Club (joanne.spalding@sierraclub.org)  
Ms. Catherine Collins, U.S. Fish and Wildlife Service (catherine\_collins@fws.gov)  
Mr. George Cavros, on behalf of Natural Resources Defense Council and Southern Alliance for Clean Energy (gcavros@att.net)

Clerk Stamp

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

  
(Clerk)

9/5/08  
(Date)

## FINAL DETERMINATION

Seminole Electric Cooperative, Inc.  
Seminole Generating Station  
DEP File No. 1070025-005-AC

The Department distributed a public notice package on August 25, 2006 to allow the applicant, Seminole Electric Cooperative, Inc. (SECI) to construct a new supercritical coal-fired steam generating unit at the existing Seminole Generating Station (SGS), located at 890 US Highway 17, North of Palatka, Putnam County. The Public Notice of Intent to Issue concerning the draft permit was published in the Palatka Daily News on September 8, 2006. Since the Draft Permit was issued, the federal Clean Air Interstate and Clean Air Mercury Rules (CAMR) have been vacated by the federal courts. This litigation is not yet final but it appears a case-by-case determination of maximum achievable control technology (MACT) will be required for SECI Unit 3 due to the vacature of CAMR. The Department will require an application for case-by-case MACT and will issue its determination thereof in a separate agency action.

### COMMENTS/CHANGES

Comments were received by the Department from Mitchell Williams, a local resident on September 12, 2006. Comments were received from EPA Region 4 by letter dated October 5, 2006. Comments were received from the applicant by letter dated September 27, 2006. Comments were also received from the Sierra Club by letter dated October 9, 2006. On March 9, 2007 the applicant and the Sierra Club entered into a Settlement Agreement, to which the permitting authority was not a party and which was outside of the Prevention of Significant Deterioration (PSD) process that resolves all timely-received comments submitted by the applicant and the Sierra Club related to the draft PSD permit. To the extent the applicant wants to incorporate those changes into an air construction permit for that facility, an application to revise the PSD permit may be submitted. Finally, comments were received from the Natural Resources Defense Council and Southern Alliance for Clean Energy by letter dated July 3, 2008 almost 2 years after the end of the public comment period. These comments were not timely but are in the Department's files. Other timely received comments are addressed below:

#### EPA Comment 1.      Netting Analysis

- a. Florida Department of Environmental Protection (FDEP) indicates on page 5 of the technical evaluation that the Unit 1 and Unit 2 baseline period for the nitrogen oxides netting analysis is calendar years 2001-2002. In accordance with FDEP's rules, the baseline period for EUSGUs must be "within the 5-year period immediately preceding the date a complete permit application is received by the Department." Since the Unit 3 PSD permit application was not deemed complete until July 3, 2006, not all of calendar year 2001 is available for baseline emissions calculations unless FDEP explicitly deems a different (earlier) period to be more representative of normal source operation. FDEP should explain why emissions during all of calendar year 2001 are available for baseline emissions calculations purposes.
- b. Referencing FDEP's regulations, a decrease in emissions is creditable in a netting analysis only if "It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change." We do not find in the technical evaluation (which is a key part of the public record for this permitting action) any assessment of this qualitative significance requirement with regard to the creditable emissions decreases proposed for avoidance of PSD review for sulfur dioxide, nitrogen oxides, and sulfuric acid mist.

#### RESPONSE:

- a. During a February 2006 meeting which was held with the applicant to discuss the processing of the SGS Unit 3 application, FDEP agreed to calendar year 2001 as the first

## FINAL DETERMINATION

Seminole Electric Cooperative, Inc.  
Seminole Generating Station  
DEP File No. 1070025-005-AC

available year available for calculating baseline emissions. The application was received approximately 2 weeks later, on March 9, 2006.

- b. FDEP affirms that it has determined the increases from the SGS Unit 3 project have a lesser qualitative significance than do the decreases from the SGS Units 1 and 2 pollution control upgrade project.

### EPA Comment 2:      Clarification of Pound-per-Hour Emissions Limits

- a. Condition III.A.10 in the draft permit consists of a table with emissions limits labeled as either "BACT Emission Limits" or "Non-BACT Established Emission Limits." (The acronym BACT means best available control technology.) The limits are listed in terms of pounds (lb)/ per million British thermal units (MMBtu) and in terms of lb/hour (hr) "equivalent." We are not sure what is meant by the word "equivalent." Specifically, we are not sure if the lb/hr "equivalent" values are enforceable permit limits. If not, they should be made enforceable unless the following statement in Condition III.A.4 represents an enforceable restriction: "The steam generator shall be designed for a maximum heat input of 7,500 MMBtu per hour of coal." Unless the permit contains an enforceable restriction on maximum heat input, the lb/MMBtu limits by themselves do not provide an enforceable limit on total mass emissions to the atmosphere.
- b. The "equivalent" lb/hr rates for the most part are based on the limits in lb/MMBtu times 7,500 MMBtu/hr. There appears to be an error in the volatile organic compound (VOC) equivalent lb/hr rate of 16.7 lb/hr. The stated VOC limit is 0.0034 lb/MMBtu which yields a value of 25.5 lb/hr when multiplied by 7,500 MMBtu/hr.

### RESPONSE:

- a. The intent of the permit is to make the heat input an enforceable restriction. The lb/hr "equivalent" values are listed for informational purposes only.
- b. Agreed that this was a calculation error. This error will be corrected when the Department issues a case-by-case MACT determination in the near future.

### EPA Comment 3:      Particulate Matter Emissions Limits

- a. The particulate matter (PM)/PM less than 10 microns (PM<sub>10</sub>) emissions limit specified in Condition III.A.15 of the draft permit is for filterables only. Condensables are to be measured and reported but are not restricted by an emissions limit. Most recent permits for EUSGU pulverized coal boilers have included an emissions limit for condensables in addition to (or in combination with) and emissions limit for filterables. We recommend that the final permit include place holder language that will allow setting an emissions limit for condensables after testing has demonstrated that condensables can be measured accurately.
- b. In Condition III.A.15, FDEP specifies that the PM/PM<sub>10</sub> emissions limit of 0.013 lb/MMBtu applies "while firing 100% coal." We recommend that this condition be rephrased to indicate the emissions limit that applies when firing a mixture of coal and petcoke as well as when firing coal only.

## FINAL DETERMINATION

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### RESPONSE:

- a. As EPA suggests, if testing demonstrates that condensables can be measured accurately, the Department may address this issue in the future.
- b. The Department will delete the words "while firing 100% coal" from Condition III.A.15 when the Department issues its case-by-case MACT determination in the near future.

### EPA Comment 4:      PM Continuous Emissions Monitoring System (CEMS)

- a. The draft permit does not require use of a PM CEMS to assess compliance with the filterable PM/PM<sub>10</sub> emissions limit. Since a PM CEMS can be used with a wet plume, we recommend that a PM CEMS be required to demonstrate compliance with the filterables limit.
- b. If a PM CEMS is not required, we recommend that FDEP require some other continuously monitored parameter to indicate acceptable performance of the dry electrostatic precipitator which is the primary PM control device. Please advise us if FDEP intends to wait until issuance of a title V permit before specifying such parameter monitoring requirements.

RESPONSE: The Department intends to wait until issuance of the Title V permit before specifying parameter monitoring requirements.

### EPA Comment 5:      Startup and Shutdown

- a. Startup and shutdown are part of normal source operation for Unit 3. Any pollutants emitted from Unit 3 during startup and shutdown that are subject to PSD review are therefore subject to BACT requirements. If the numeric BACT emissions limits for regular operation can not be met during startup and shutdown, then numeric limits need to be established for startup and shutdown operations or work practice BACT requirements should be established. We understand that FDEP intends for best management practices (including the 60-hour-per-month restriction in Condition III.A.29.b) to be used for minimization of emissions during startup and shutdown. If it is FDEP's position that adherence to best management practices represents BACT for startup and shutdown, we request that this be stated in the final determination. Please note that numeric emissions limits for startup and shutdown have been addressed by the EPA Environmental Appeals Board (EAB) in two recent PSD permit appeals for coal-fired EUSGUs. (See the August 24, 2006, EAB order for the Prairie State Generating Station project in Illinois and the September 27, 2006, EAB order for the Indeck-Ellwood project in Illinois.)
- b. The allowance of 60 hours per month (equivalent to 30 days per year) for startup, shutdown, and malfunction seems excessive for a 750-megawatt EUSGU. We would expect such a unit would not be in a condition of startup, shutdown, or malfunction this often throughout its lifetime.
- c. Condition III.A.30 of the draft permit contains a parenthetical phrase indicating that emissions measured during startup, shutdown, and malfunction are to be included for demonstration of compliance with annual emissions limits. We recommend that the final permit contain a direct statement rather than just a parenthetical phrase making clear that startup, shutdown, and malfunction emissions must be included when demonstrating compliance with annual emissions limits.

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### RESPONSE:

- a. The Department intends for the adherence to “best management practices” to represent BACT for the purpose of startup and shutdown.
- b. The Department does not expect that this large steam generating unit will be in a startup or shutdown condition very often. However, the Department is aware that supercritical boilers have fairly complicated start-up systems due to ramping operation being required and difficulty in establishing metal matching conditions (see: <http://www.hitachi.us/supportingdocs/forbus/powerindustrial/CG2004.pdf>).
- c. The permit requires startup, shutdown, and malfunction emissions be included when demonstrating compliance with annual emissions limits regardless of whether that phrase is in parenthesis or not. No change is required.

### EPA Comment 6: Compliance Demonstration for Coal/Petcoke Blend

- a. In Condition III.A.22 of the draft permit, FDEP requires an initial compliance demonstration “when firing 100% coal.” Please consider whether an initial compliance test is also needed for a blend of 70 percent coal and 30 percent petcoke. In other words, please assess whether a coal/petcoke blend might be the worst case for some pollutants. This comment is prompted in part by the fact that the carbon monoxide emissions limits in Conditions III.A.10 and 11 are higher for the all-fuel case than for the 100-percent coal case.
- b. Condition III.A.23 of the draft permit does not include a specification of the fuel blend to be evaluated during subsequent annual compliance testing. We recommend that FDEP indicate whether such testing is to be based on firing 100 percent coal only, a coal/petcoke blend only, or both.

RESPONSE: The Department expects only few differences in “worst-case” emissions depending upon the fuel-type being fired. For example, it is anticipated that the BACT established emission level of PM may be higher while firing 100% coal versus the coal/petcoke blend, as will the emissions of mercury. However, the elevated sulfur levels in petcoke make the removal of sulfur dioxide (SO<sub>2</sub>) emissions more challenging for the co-firing operation, even though the SO<sub>2</sub> limit was not established by BACT. It is not anticipated that the emissions of carbon monoxide (CO) will be significantly different depending upon the fuel being fired. The higher CO emission level (0.15 lb/MMBtu) which is authorized in Condition III.A.11.b is intended to accommodate the wide variety of “non-steady-state” conditions which the unit will be subject to, such as load-changing, soot-blowing, etc. No change was made.

### EPA Comment 7: Facility-wide Emissions Limits

In Condition III.A.2 of the draft permit, FDEP establishes facility-wide emissions limits for sulfur dioxide, sulfuric acid mist, mercury, and nitrogen oxides. FDEP further states that these limits apply to Units 1, 2, and 3, the zero liquid discharge spray dryers, and the cooling towers. Please check to make sure that FDEP meant to include cooling towers. Cooling towers do not typically emit the four pollutants with facility-wide emissions limits.

RESPONSE: It is correct that cooling towers do not typically emit these four pollutants; however, no change is made to the permit in response to this comment.

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### EPA Comment 8:      Coal Preparation and Nonmetallic Mineral Processing

In the technical evaluation (page 9 and 10), FDEP states that the emissions units affected by the PSD permit have to comply with a list of regulations. The regulations in this list include the federal new source performance standards (NSPS) for coal preparation plants and nonmetallic mineral processing plants. However, the draft permit does not include permit conditions for coal preparation units or limestone (nonmetallic mineral) handling units. If any of the NSPS listed in the technical evaluation do not apply, please delete them.

RESPONSE: The coal preparation units and limestone handling units are existing units and the applicable requirements are already identified in the facility's other permits. There is no need to repeat these requirements in this permit. No change was required.

### EPA Comment 9:      Carbon Burnout Permit Provision

Condition III.A.43 of the draft permit (applicable to Unit 3), specifies daily recordkeeping requirements for the "operation and configuration" of a carbon burnout unit "such that the permittee can demonstrate compliance with the emission limitations of the affected emissions units." We recommend that FDEP specify exactly what records are required by this condition.

RESPONSE: The unit must comply with NSPS limits, recordkeeping and reporting. In addition, this unit will have a CEMS. These provisions will adequately address this issue and no change was made to the permit.

### EPA Comment 10:      Integrated Gasification Combined Cycle (IGCC)

FDEP's technical evaluation (pages 11-12) contains a brief discussion of reasons for not considering IGCC as part of a BACT analysis for the proposed PC boiler. We will point out that, pursuant to section 165(a)(2) of the Clean Air Act, it may be necessary for FDEP to address any substantive comments proposing IGCC as an alternative to the proposed project.

RESPONSE: The Department is satisfied that this issue has been adequately addressed.

### EPA Comment 11:      Unit 3 Nitrogen Oxides Emissions

Based on the netting analysis, PSD review (including a best available control technology determination) is not required for nitrogen oxides (NO<sub>x</sub>) emissions. For the record, however, we wish to comment that the proposed NO<sub>x</sub> emissions limit for Unit 3 of 0.07 lb/MMBtu is not representative of the lowest emission rate that could be expected for a newly designed supercritical pulverized coal boiler firing bituminous coal.

RESPONSE: No response required.

### Mitchell Williams Comment:

"I suggest that you put an immediate hold on the construction of the third coal plant by Seminole Electric Co-op in Palatka at this time. This is 2006 not 1936. I assume that the design is a familiar one that any plant manager in 1936 would recognize (Babcock & Wilcox turbo-alternators with reheat etc). Only the computer control room would look new. Same old low efficiency antique stuff.



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In its place they should be allowed to build a 21 Century plant and get Florida ahead of (not behind) California.

Here is what is needed. A coke-fired furnace (no scrubber needed) using 95% pure oxygen for combustion. To keep the gasifier cool enough to prevent melting, a heavy injection of superheated steam would be mixed with the stream of pure oxygen. At these temperatures (1800°F plus) steam reduces the carbon to carbon monoxide and the hydrogen is released to BURN AGAIN. Meaning that the plant runs partly on water. Possibly as much as 25% of the fuel could be water injected as superheated steam. This same trick can be used with a hot, air breathing furnace but the inert gases in the air prevent full efficiency of the process, and only 2 or 3% of the fuel can be water.

By using oxygen, coke, and steam you might reduce the total coke consumption by nearly half for the same power output. Meaning the exhaust from the plant would have half as much CO<sub>2</sub> (reduced greenhouse gases) and no nitrous oxides at all.

Since you then would have a really hot fire at your fingertips you might as well go whole hog in optimizing the design.

Throw out all the steam pipes except the ones to supply the steam to the gasifier. In their place substitute a closed cycle gas turbine with helium or CO<sub>2</sub> as the working fluid. All this shrinks down the entire plant to a fraction of its original size.

It also might be built much faster with modified jet, rocket, and refrigeration parts.

Making all this oxygen at the plant will mean they will have rivers of surplus liquid nitrogen and hot water to sell for cooling and heating purposes. This could help reduce the waste of electricity for these purposes.

And the fuel efficiency of the plant should be VERY HIGH. This same trick can be done with any fuel burning plant that has a high carbon content in the fuel (wood, oil, sewage, sludge, goat manure etc). It will be less effective with natural gas as there is less carbon in it, so only a reduced amount of water can be burned with it. However, pure oxygen can also greatly increase the efficiency of any fuel burning plant by eliminating the inert gases from the system. Convection heat is greatly reduced and radiant heat is greatly increased making even steam plants much smaller for a given output.

If you should have any doubts concerning what is presented here you can ask any of the rocket people at the Cape. They are always quick to tell you how the turbo-pumps on the Space Shuttle Main Engines (about the size of outboard motors) produce 100,000 horsepower each, and could easily light a small city."

RESPONSE: {Note: The following was excerpted from the July 6, 2006 Public Service Commission Staff Analysis for Seminole Unit 3 Need Determination}

"As part of the evaluation process, Seminole hired Burns & McDonnell to assist them in selecting the appropriate technology and provide a detailed, screening level evaluation of the cost of building and operating the preferred alternative. This request initially led to the August 2004 Feasibility Study. This study contains the results of the economic analyses of three alternative self-build projects: A new Brownfield 600 MW sub-critical solid fuel generating unit; a new Brownfield 600 MW supercritical solid fuel generating unit; and a new Greenfield 500 MW gas fired combined cycle unit. Other generating technologies were assessed, but were not considered for new generation at this time due to insufficient operational experience and information on cost and reliability of technology. The study found that the 20 year levelized bus bar cost for the three viable alternatives showed that the supercritical unit was the lowest at \$52.77/MWh; sub-critical unit at \$52.97/MWh; and combined cycle unit at \$75.48/MWh. Seminole's interest in increasing the output of SGS Unit 3 from 600 MW to 750 MW led to the February 2005 Feasibility Study. This study, which is an update of Seminole's August 2004 Feasibility Study, concluded that both the supercritical and sub-critical solid fuel generating units were feasible and would be substantially more economically sized at 750 MW than at 600 MW (the 20 year levelized bus bar cost declined to \$48.85/MWh for the supercritical coal unit, and to

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\$49.15/MWh for the sub-critical coal unit). Both remained far less expensive than a conventional gas fired combined cycle unit. Therefore, Seminole decided that 750 MW of base load capacity should be added in the 2012 time frame. The estimated capital cost for the 750 MW supercritical SGS Unit 3 project is approximately \$1.4 billion in 2012 dollars. SGS Unit 3 will be located at Seminole's Generating Station (SGS) on a 1922 acre site in northeast Putnam County, approximately five miles from the City of Palatka. SGS Unit 3 will be a pulverized coal, balanced draft unit employing supercritical steam pressure and temperature with a mechanical draft cooling tower for condenser cooling water. The primary advantages of supercritical steam cycles over sub-critical steam cycles are improved plant efficiency due to elevated operating pressure and temperature, lower emissions and lower fuel consumption. SGS Unit 3 will also employ state-of-the-art emission control equipment to further reduce emissions."

## **CONCLUSION**

The final action of the Department is to issue the permit with no changes from the draft permit.

**PERMITTEE:**

Seminole Electric Cooperative, Inc.  
16313 North Dale Mabry Highway  
Tampa, Florida 33618

*Authorized Representative:*

James R. Frauen, Project Director SGS Unit 3

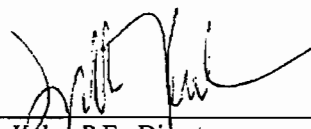
Seminole Generating Station SGS Unit 3 Permit No. PSD-FL-375 Project No. 1070025-005-AC Siting No. PA 78-10A2 Expires: December 31, 2012
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**PROJECT AND LOCATION**

This permit authorizes the construction of a nominal 750 MW pulverized coal-fired supercritical steam generating unit at the existing Seminole Generating Station. The facility is located east of U.S. Highway 17, approximately seven miles north of Palatka, Putnam County.

**STATEMENT OF BASIS**

This construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). The project was processed in accordance with the requirements of Rule 62-212.400, F.A.C., the preconstruction review program for the Prevention of Significant Deterioration (PSD) of Air Quality. Pursuant to Chapter 62-17, F.A.C. and Chapter 403 Part II, F.S., the project is also subject to Electrical Power Plant Siting. The permittee is authorized to install the proposed equipment in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection (Department).

  
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Joseph Kahn, P.E., Director  
Division of Air Resource Management

Date: 9/3/08

## SECTION I - GENERAL INFORMATION

### FACILITY DESCRIPTION

The existing Seminole Generating Station (SGS) consists of: two 714.6 megawatt, electric, coal fired steam electric generators (SGS Units 1 and 2); a coal handling and storage system; a limestone unloading, handling and storage system; and a flue gas desulfurization (FGD) sludge stabilization system. The existing units are currently undergoing pollution control upgrades, including burner replacements, the addition of SCRs, an alkali injection system, a carbon burnout (CBO) unit, as well as improvements to the existing FGD system and steam turbines.

### PROJECT DESCRIPTION

Seminole proposes to integrate SGS Unit 3 into the existing, certified SGS Site located north of Palatka in Putnam County. SGS Unit 3 will be a nominal 750 MW (net) pulverized coal-fired supercritical steam generating unit located adjacent to the existing SGS Units 1 and 2. Seminole anticipates beginning commercial operation of Unit 3 in 2012. The addition of SGS Unit 3 will increase the total output capability of the SGS by almost 60 percent. The design of SGS Unit 3 will maximize the co-use of existing site facilities to the greatest extent possible, including fuel handling facilities (SGS Unit 3 proposes the same fuel slate as SGS Units 1 and 2). The project also includes a new Zero Liquid Discharge (ZLD) Spray Dryer System, a new emergency generator, and a new 26-cell mechanical draft cooling tower.

SGS Unit 3 will feature supercritical pulverized coal technology with modern emission controls. The Unit 3 air pollution control equipment will include wet Flue Gas Desulfurization (FGD) for SO<sub>2</sub> removal, selective catalytic reduction (SCR) for control of nitrogen oxides (NO<sub>x</sub>), electrostatic precipitator (ESP) for collection and removal of fine particles, a Wet ESP (WESP) for control of sulfuric acid mist (SAM), with fluoride (HF) and mercury (Hg) removal to be accomplished through co-benefits of the above technologies. Fuel (coal and petroleum coke) for SGS Unit 3 will be delivered by an existing rail system. No. 2 diesel fuel will be used for startup, shutdown and for firing the Zero Liquid Discharge (ZLD) Spray Dryers as well as an Emergency Generator (unregulated emissions unit).

### EMISSIONS UNITS

This permit authorizes construction and installation of the following new emissions units:

UNIT NO.	EMISSION UNIT DESCRIPTION
014	SGS Unit 3, 750 MW Supercritical Pulverized Coal
015	Mechanical Draft Cooling Tower, 26-cell
016	Diesel-Fired Zero Liquid Discharge (ZLD) Spray Dryers (bank of 3)

### REGULATORY CLASSIFICATION

*Title III:* The facility is a "Major Source" of hazardous air pollutants (HAPs).

*Title IV:* The facility operates units subject to the Acid Rain provisions of the Clean Air Act.

*Title V:* The facility is a Title V or "Major Source" of air pollution in accordance with Chapter 62-213, F.A.C. because the potential emissions of at least one regulated pollutant exceed 100 tons per year. Regulated pollutants include pollutants such as carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM/PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), sulfuric acid mist (SAM), and volatile organic compounds (VOC).

*PSD:* The facility is located in an area that is designated as "attainment", "maintenance", or "unclassifiable" for, each pollutant subject to a National Ambient Air Quality Standard. It is classified as a "fossil fuel-fired steam electric plant of more than 250 million BTU per hour of heat input", which is one of the facility

## SECTION I - GENERAL INFORMATION

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categories listed at 62-210.200(Definitions, Major Stationary Source) with the lower PSD applicability threshold of 100 tons per year. Potential emissions of at least one regulated pollutant exceed 100 tons per year, therefore the facility is classified as a "Major Stationary Source" with respect to Rule 62-212.400 F.A.C., Prevention of Significant Deterioration (PSD).

*NSPS:* The following New Source Performance Standards of 40 CFR 60 are applicable to the SGS Unit 3 as described in Section III, Subsection A, Federal Requirements of this permit.

- Subpart Da (Standards of Performance for Electric Utility Steam Generating Units For Which Construction is Commenced After September 18, 1978).

*NESHAP:* The facility is a "Major Source" of HAPs. The Emergency Generator is subject to the notification requirements of 40 CFR 63, Subpart ZZZZ; there are no applicable NESHAP requirements for the steam generating unit.

*CAIR:* As an electric generating unit, SGS Unit 3 may be subject to the Clean Air Interstate Rule pending the finalization of DEP rules.

*CAMR:* SGS Unit 3 is a new coal-fired power plant and will be subject to the Clean Air Mercury Rule pending finalization of DEP rules.

*Siting:* The facility is a steam electrical generating plant and is subject to the power plant siting provisions of Chapter 62-17, F.A.C.

### PERMITTING AUTHORITY

All documents related to applications for permits to construct, operate or modify an emissions unit shall be submitted to the Bureau of Air Regulation of the Florida Department of Environmental Protection (DEP) at 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. Copies of all such documents shall also be submitted to the Compliance Authority.

### COMPLIANCE AUTHORITY

All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Department's Northeast District Office at 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7577.

### APPENDICES

The following Appendices are attached as part of this permit.

Appendix TEBD	Final BACT Determinations and Emissions Standards
Appendix GC	General Conditions

### RELEVANT DOCUMENTS:

The documents listed below are not a part of this permit, however they are specifically related to this permitting action and are on file with the Department.

- March 9, 2006: Received Site Certification Application (SCA) including PSD application.
- May 15, 2006: SCA determined to be insufficient by SCO.
- July 3, 2006: Received all responses from applicant.
- August 21, 2006: Intent to Issue PSD Permit distributed.
- December XX, 2006: Final Certification by the Power Plant Siting Board

## SECTION II. ADMINISTRATIVE REQUIREMENTS

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1. General Conditions: The permittee shall operate under the attached General Conditions listed in Appendix GC of this permit. General Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]
2. Applicable Regulations, Forms and Application Procedures: Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403 of the Florida Statutes (F.S.); Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.); and the Title 40, Parts 51, 52, 60, 63, 72, 73, and 75 of the Code of Federal Regulations (CFR), adopted by reference in Rule 62-204.800, F.A.C. The terms used in this permit have specific meanings as defined in the applicable chapters of the Florida Administrative Code. The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]
3. Construction and Expiration: Authorization to construct shall expire if construction is not commenced within 18 months after receipt of the permit, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. This provision does not apply to the time period between construction of the approved phases of a phased construction project except that each phase must commence construction within 18 months of the commencement date established by the Department in the permit. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. In conjunction with an extension of the 18-month period to commence or continue construction (or to construct the project in phases), the Department may require the permittee to demonstrate the adequacy of any previous determination of Best Available Control Technology (BACT) for emissions units regulated by the project. For good cause, the permittee may request that this PSD air construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation at least sixty (60) days prior to the expiration of this permit. [Rules 62-4.070(4), 62-4.080, 62-210.300(1), and 62-212.400(12)(a), F.A.C.]
4. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
5. Source Obligation.
  - a. At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.
  - b. At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by exceeding its projected actual emissions, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.

[Rule 62-212.400(12), F.A.C.]

## SECTION II. ADMINISTRATIVE REQUIREMENTS

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6. Modifications: No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Chapters 62-210 and 62-212, F.A.C.]
7. Application for Title IV Permit: At least 24 months before the date on which the new unit begins serving an electrical generator greater than 25 MW, the permittee shall submit an application for a Title IV Acid Rain Permit to the Department's Bureau of Air Regulation in Tallahassee and a copy to the Region 4 Office of the U.S. Environmental Protection Agency in Atlanta, Georgia. [40 CFR 72]
8. Title V Permit: This permit authorizes construction of the permitted emissions unit and initial operation to determine compliance with Department rules. A Title V operation permit is required for regular operation of the permitted emission units. The permittee shall apply for and obtain a Title V operation permit in accordance with Rule 62-213.420, F.A.C. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the Department's Bureau of Air Regulation and a copy to the Compliance Authority.  
[Rules 62-4.030, 62-4.050, 62-4.220, and Chapter 62-213, F.A.C.]
9. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating hours and emissions from this facility in accordance with 62-210.370. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year.  
[Rule 62-210.370(2), F.A.C.]

### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

The specific conditions of this subsection apply to the following emissions unit after construction is complete.

E.U. ID	Emission Unit Description
014	SGS Unit 3 – Nominal 750 MW (net) Supercritical Pulverized Coal Fired Boiler

#### APPLICABLE STANDARDS AND REGULATIONS

1. BACT Determinations: A determination of the Best Available Control Technology (BACT) was made for carbon monoxide (CO), particulate matter (PM/PM<sub>10</sub>), fluorides (HF) and volatile organic compounds (VOCs). [Rule 62-210.200 (BACT), F.A.C.]
2. PSD Netting: Emissions caps were accepted on Units 1 and 2, in part for the purpose of ensuring that this project “nets out” with respect to SO<sub>2</sub>, SAM, Mercury and NO<sub>x</sub> emissions, thus avoiding BACT determinations for those pollutants. The facility-wide annual emission limits are:

Pollutant	Annual Emission Limit (TPY)
SO <sub>2</sub>	29,074
SAM	2,129
Hg	0.059
NO <sub>x</sub>	23,289

Note <sup>a</sup>: The facility-wide limit includes SGS Units 1, 2, 3, Cooling Towers and the ZLD Spray Dryers.

3. NSPS Requirements: This unit is subject to 40 CFR 60 NSPS Subpart Da, which is applicable to new affected facilities that commence construction after February 28, 2005. The NSPS provisions establish emission limits for PM, SO<sub>2</sub> and NO<sub>x</sub>. The PM emission limit is 0.015 lb/MMBtu or 0.03 lb/MMBtu and 99.9 percent reduction. The SO<sub>2</sub> and NO<sub>x</sub> emission limits are production-based and are 1.4 and 1.0 pounds per megawatt hour (lb/MW-hr) gross energy output, respectively. In addition, the SO<sub>2</sub> standard allows for either meeting the above production-based limit or a 95 percent reduction. Visible emissions are limited to 20 percent opacity (6-minute average) except up to 27 percent opacity is allowed for one 6-minute period per hour. The NSPS mercury (Hg) emission limit for new sources (40 CFR 60.45a; 71 FR 33388; June 6, 2006) is  $20 \times 10^{-6}$  lb/MW-hr for bituminous coal. [40 CFR 60, Subpart A and Da]

#### EQUIPMENT DESCRIPTION

4. Steam Generator: The permittee is authorized to construct and operate a pulverized coal, balanced draft type unit employing supercritical steam and equipped with low NO<sub>x</sub> burners. The boiler will be fired by either coal or a blend of coal and petroleum coke (up to 30% by weight), with No. 1 or 2 diesel oil for auxiliary purposes. The steam generator shall be designed for a maximum heat input of 7,500 MMBtu per hour of coal. [Application; Design]
5. Electrical Generating Capacity: SGS Unit 3 will have a nominal electrical generating capacity of 750 MW net and 820 MW gross. [Application; Design]

#### CONTROL TECHNOLOGY

6. Post-Combustion: The emission unit flue shall be equipped with a wet FGD System, a Selective Catalytic Reduction System, an Electrostatic Precipitator and a Wet Electrostatic Precipitator.
  - a. Electrostatic Precipitators (ESP): The permittee shall install, operate, and maintain an Electrostatic Precipitator and a Wet Electrostatic Precipitator (WESP) to reduce PM/PM<sub>10</sub> emissions from SGS Unit 3.



### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### A. SGS Unit 3 - Pulverized Coal-Fired Supercritical Steam Generating Unit (EU 014)

- b. *Selective Catalytic Reduction (SCR) System:* The permittee shall install, tune, operate, and maintain an SCR system to control NO<sub>x</sub> emissions. The SCR system consists of an ammonia (NH<sub>3</sub>) injection grid, catalyst, a urea unloading system, a urea storage area, facilities to convert the urea to ammonia, a monitoring and control system, electrical, piping and other ancillary equipment. The SCR system shall be designed, constructed and operated to meet the permitted levels of NO<sub>x</sub> emissions on a continuous basis.
- c. *Flue Gas Desulfurization (FGD) System:* The permittee shall install, operate, and maintain a flue gas desulfurization system for the reduction of SO<sub>2</sub> and SAM emissions from SGS Unit 3. The FGD System shall be designed to meet the permitted emission levels of SO<sub>2</sub> on a continuous basis.

Prior to the initial emissions performance tests, the emissions control systems shall be tuned to achieve permitted emissions levels. Thereafter, the systems shall be maintained and tuned in accordance with the manufacturer's recommendations so as to ensure the permitted levels are consistently achieved.

- d. The emissions from the CBO<sup>TM</sup> Process Fluidized Bed Combustor (EU-013) may be routed back to SGS Unit 3 flue gas ductwork, upstream of the ESP, SCR and FGD System, so as to ensure that emissions are minimized. However, the combined emissions from SGS Unit 3 with the CBO<sup>TM</sup> Unit (when operating) shall comply with the permit standards for SGS Unit 3 as well as the applicable standards in NSPS Subpart Db.

[Design; Rules 62-210.200(PTE and BACT), 62-210.650, 62-212.400(PSD), F.A.C.]

- 7. Technology Co-benefits: The following technologies shall be installed and operated as described herein.
  - a. *Mercury Removal System:* Mercury removal is enhanced when PM controls are used with NO<sub>x</sub> and SO<sub>2</sub> controls (ESP, WESP, SCR and FGD). Accordingly, these control technologies shall be designed and tuned to achieve the permitted levels of mercury emissions from SGS Unit 3.
  - b. *Fluoride Removal System:* Fluoride removal has recognized co-benefits from an ESP, Wet FGD and WESP. Accordingly, these technologies shall be designed, operated and tuned to achieve the permitted level of fluorides from SGS Unit 3.
  - c. *SAM Removal System:* SAM removal shall be accomplished by the use of the FGD system and the Wet ESP. The permittee shall design, install, operate, and maintain these systems in order to achieve the permitted emission level of SAM.

[Design; Rule 62-212.400(PSD), F.A.C.]

#### PERFORMANCE REQUIREMENTS

- 8. Hours of Operation: The coal-fired boiler may operate throughout the year (8,760 hours per year). Restrictions on individual methods of operation are specified in separate conditions.  
[Rules 62-210.200(PTE, and BACT) and 62-212.400 (PSD), F.A.C.]
- 9. Authorized Fuels:
  - a. *Coal* – SGS Unit 3 may combust bituminous coal up to 318.3 tons per hour based upon 11,300 BTU/lb HHV.
  - b. *Coal/Pet-coke blend* –SGS Unit 3 may combust coal and pet-coke blend. The pet-coke shall not exceed 30% of the hourly heat input, or 95.5 tons per hour based upon a 12,900 BTU/lb HHV.
  - c. *No. 1 or 2 Diesel Oil* – SGS Unit 3 may combust up to 3,320 gallons per hour of 0.05% No. 2 diesel fuel based upon 136 MMBtu/1000 gallons heat value. The combustion of this fuel shall be for the purposes of startups, flame stabilization, limited supplemental load and emergency reserve during statewide capacity shortages.

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[Rules 62-210.200(PTE, and BACT) and 62-212.400 (PSD), F.A.C.]

#### EMISSIONS STANDARDS

10. Emission Standards: Emissions from the pulverized-coal fired boiler shall not exceed the following standards.

Best Available Control Technology (BACT) – Rule 62-210.400, F.A.C.		
Pollutant	BACT Emission Limits	Compliance Method
PM/PM <sub>10</sub>	0.013 lb/MMBtu filterable PM; 98 lb/hr equivalent	Annual Stack Test
Opacity	20% with up to 27% for 6-minutes per hour	COMS
CO	0.13 lb/MMBtu (coal only); 975 lb/hr equivalent 0.15 lb/MMBtu 30-day rolling average (all fuels); 1,125 lb/hr equivalent	Initial Stack Test (100% coal) CEMS (all fuels)
VOC	0.0034 lb/MMBtu; 16.7 lb/hr equivalent	Initial Test
HF	0.00023 lb/MMBtu; 1.72 lb/hr equivalent	Initial & T-5 Renewal Test
Pollutant	Non-BACT Established Emission Limits	Compliance Method
SO <sub>2</sub>	0.165 lb/MMBtu 24-hour rolling; 1,238 lb/hr equivalent	CEMS
SAM	0.005 lb/MMBtu; 37.5 lb/hr equivalent	Annual Test
NO <sub>x</sub>	0.07 lb/MMBtu; 525 lb/hr equivalent	CEMS
Hg	7.05 E-6 lb/MWh; 0.005 lb/hr equivalent	CEMS or sorbent traps
NH <sub>3</sub>	5 ppmvd corrected to 6% O <sub>2</sub>	Annual Stack Test

[Rules 62-4.070(3), 62-210.200 (BACT), and 62-212.400(PSD), F.A.C.]

11. Carbon Monoxide (CO): Emissions of CO from SGS Unit 3 shall not exceed the following BACT limits:
- Stack test: CO emissions shall not exceed 0.13 lb/MMBtu while firing 100% coal as determined by an initial stack test (average of 3 test runs) in accordance with EPA Method 25, 25A or 25B.
  - CEMS: CO emissions shall not exceed 0.15 lb/MMBtu as determined by CEMS on a 30-day rolling average, regardless of fuel type. Testing shall be according to EPA Method 10.

[Rules 62-4.070(3), 62-210.200 (BACT), and 62-212.400(PSD), F.A.C.]

12. Volatile Organic Compounds (VOCs): Emissions of VOC from SGS Unit 3 shall not exceed 0.0034 lb/MMBtu as determined by an initial stack test in accordance with EPA Method 25A and (optionally) EPA Method 18 (to deduct non-VOC methane emissions). Thereafter, compliance with the CO limits herein shall serve as a surrogate for the emissions of VOCs. [Rules 62-4.070(3), 62-210.200 (BACT), and 62-212.400(PSD), F.A.C.]
13. Sulfur Dioxide (SO<sub>2</sub>): Emissions of SO<sub>2</sub> from SGS Unit 3 shall not exceed 1.4 pounds per megawatt hour (lb/MW-hr) gross energy output nor 0.165 lb/MMBtu, based upon a 24-hour rolling average as determined by CEMS. In addition, SO<sub>2</sub> emissions shall not exceed 29074 tons per 12-month rolling period (facility-wide), based upon CEMS. [62-210.200 (Net Emissions Increase), and 62-212.400(12) (Source Obligation), F.A.C.]
14. Sulfuric Acid Mist (SAM): Emissions of Sulfuric Acid Mist from SGS Unit 3 shall not exceed 0.005 lb/MMBtu as determined by EPA Method 8A. In addition, SAM emissions shall not exceed 2129 tons per 12-month rolling period (facility-wide), based upon tack testing. The combined total shall be computed by measuring the lb/MMBtu emission rate on each unit, multiplying each unit's emission rate by its annual heat input (MMBtu) and adding the total lbs emitted, divided by 2000. [62-210.200 (Net Emissions Increase), and 62-212.400(12) (Source Obligation), F.A.C.]

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15. Particulate Matter (PM/PM<sub>10</sub>): Emissions of filterable Particulate Matter (PM and PM<sub>10</sub>) from SGS Unit 3 shall not exceed 0.013 lb/MMBtu while firing 100% coal as determined by EPA Method 5. Condensables shall be captured (from the impingers) and reported (only) in accordance with EPA Method 202. Additionally, opacity shall be limited to 20% except that one 6-minute period per hour may be up to 27%. For opacity, the method of compliance shall be COMS or EPA Method 9 when the COMS data is unavailable. [Rules 62-4.070(3), 62-210.200 (BACT), and 62-212.400(PSD)]
16. Ammonia: Ammonia slip shall not exceed 5 ppmvd @ 6% O<sub>2</sub> as determined by EPA Conditional Test Method CTM-027.
17. Mercury (Hg): Emissions of mercury from SGS unit 3 shall not exceed  $7.05 \times 10^{-6}$  lb/MWh based on a 12-month rolling average as determined by the methods and requirements specified in the NSPS Subpart Da provisions of 40 CFR 60.45(b) and 60.50(g). In addition, mercury emissions shall not exceed 0.059 tons per 12-month rolling period (combined for SGS Units 1, 2 and Unit 3), based upon a CEMS or sorbent trap monitoring system (when operational and certified). Testing of mercury emissions shall be required if installation/certification of the CEMS or sorbent trap monitoring system is delayed. [Rules 62-4.070(3), and 62-212.400(12)(PSD Avoidance), F.A.C., and 40 CFR 60.45Da (b) and 60.50Da(g)]
18. Nitrogen Oxides (NO<sub>x</sub>): Emissions of NO<sub>x</sub> from SGS Unit 3 shall not exceed 1.0 pounds per megawatt hour (lb/MW-hr) gross energy output nor 0.07 lb/MMBtu, based upon a 30-day rolling average as determined by CEMS. In addition, NO<sub>x</sub> emissions shall not exceed 23,289 tons per 12-month rolling period (facility-wide), based upon CEMS. [Rules 62-4.070(3), and 62-212.400(12)(PSD Avoidance), F.A.C., Applicant Request]  
  
*{Permitting Note: This project did not trigger PSD for SO<sub>2</sub>, SAM, Hg and NO<sub>x</sub> due to emissions caps taken on existing coal fired boiler steam electric generating Units 1 and Unit 2. The conditions herein establish the requirements for meeting the specified emission limitations for purposes of avoiding PSD preconstruction review. These requirements in no way supersede any federal requirement of applicable NSPS provisions.}*
19. Fluorides (HF): Emissions of fluorides from SGS Unit 3 shall not exceed 0.00023 lb/MMBtu as determined by an initial (and Title V renewal) stack test and in accordance with EPA Method 13A or 13B. [Rules 62-4.070(3), 62-210.200 (BACT), and 62-212.400(PSD), F.A.C.]
20. Unconfined Particulate Emissions: The following requirements shall be met to minimize fugitive dust emissions from the storage and handling facilities, including haul roads:
  - a. All conveyors and conveyor transfer points will be enclosed to the extent practical, so as to preclude PM emissions.
  - b. Water sprays or chemical wetting agents and stabilizers will be applied to storage piles, handling equipment, roadways, etc. as necessary to minimize opacity.[Rule 62-296.320(4)(c), F.A.C.]
21. Testing Requirements: Initial tests shall be conducted between 90% and 100% of permitted capacity; otherwise, this permit shall be modified to reflect the true maximum capacity as constructed. Subsequent annual tests shall be conducted between 90% and 100% of permitted capacity in accordance with the requirements of Rule 62-297.310(2), F.A.C. For each run during tests for visible emissions and ammonia slip, emissions of CO and NO<sub>x</sub> recorded by the CEMS shall also be reported. [Rule 62-297.310(7)(a), F.A.C.; 40 CFR 60.8]
22. Initial Compliance Demonstration: Initial tests when firing 100% coal shall be conducted to demonstrate compliance with the emissions standards for CO, PM, opacity, VOC, HF, SAM, Hg, and ammonia slip. Initial compliance stack tests shall be conducted within 60 days after achieving the maximum production

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rate at which SGS Unit 3 will be operated, but not later than 180 days after the initial startup. The initial CO emissions test when firing 100% coal is a one-time validation test. The permittee shall provide the Compliance Authority with any other emissions performance tests conducted to satisfy vendor guarantees. [Rules 62-4.070, 62-297.310(7)(a), F.A.C. and 40 CFR 60.8]

23. Subsequent Compliance Testing: During each federal fiscal year (October 1<sup>st</sup>, to September 30<sup>th</sup>), annual tests shall be conducted to demonstrate compliance with the emissions standards for PM, opacity, VOC, SAM, Hg, and ammonia slip. During the year prior to renewal of the Title V Air operation permit, tests shall be conducted to demonstrate compliance with the HF emissions standard. The Department may require additional testing for ammonia slip following catalyst replacement. [Rules 62-4.070, 62-210.200(BACT), and 62-297.310(7)(a)4, F.A.C., and 40 CFR 60.50]
24. Continuous Compliance: Continuous compliance with the permit standards for emissions of CO, Hg, NO<sub>x</sub>, and SO<sub>2</sub> shall be demonstrated with data collected from the required continuous monitoring systems. [Rules 62-4.070, and 62-210.200(BACT), F.A.C., 40 CFR 60.50Da]
25. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

#### EXCESS EMISSIONS

26. Operating Procedures: The Best Available Control Technology (BACT) determinations established by this permit rely on "good operating practices" to reduce emissions. Therefore, all operators and supervisors shall be properly trained to operate and ensure maintenance of the SGS unit 3 pollution control systems in accordance with the guidelines and procedures established by each manufacturer. The training shall include good operating practices as well as methods for minimizing excess emissions. [Rules 62-4.070(3) and 62-210.200(BACT), F.A.C.]
27. Definitions:
  - a. *Startup* is defined as the commencement of operation of any emissions unit which has shut down or ceased operation for a period of time sufficient to cause temperature, pressure, chemical or pollution control device imbalances, which result in excess emissions.
  - b. *Shutdown* is the cessation of the operation of an emissions unit for any purpose.
  - c. *Malfunction* is defined as any unavoidable mechanical and/or electrical failure of air pollution control equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner.[Rule 62-210.200(164, 241, and 257), F.A.C.]
28. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. All such preventable emissions shall be included in any compliance determinations based on CEMS data. [Rule 62-210.700(4), F.A.C.]
29. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown and malfunction of SGS Unit 3 shall be permitted providing:
  - a. Best operational practices to minimize emissions are adhered to, and

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- b. The duration of excess emissions from startup, shutdown and malfunction of SGA Unit 3 shall be minimized, but in no case exceed 60 hours during any calendar month.

{Permitting Note: Due to of the large size of this boiler and steam turbine, and the design necessity to minimize thermal stresses, unit start-ups are expected to be long in duration. As a result, this condition provides authorization of 2 hours per 24 hour period of excess emissions related to startup, shutdown, and malfunction to be averaged over a calendar month rather than fixed on a daily basis.} [Rule 62-210.700(5), F.A.C.]

30. Data Exclusion Procedures: Limited amounts of CEMS emissions data collected during startup, shutdown, and malfunction may be excluded from compliance demonstrations (not including annual emissions caps) as approved by the Compliance Authority, provided that best operational practices to minimize emissions are adhered to, they are authorized by this permit and the duration of data excluded is minimized. The startup and shutdown of Unit 3 will follow an established startup and shutdown procedure, which shall be submitted prior to the initial unit start-up, for the Department's review and acceptance. [Design; Rules 62-210.200(BACT), 62-212.400(PSD), and 62-210.700, F.A.C.]
31. Ammonia Injection: Ammonia injection shall begin as soon as the SCR achieves the operating parameters specified by the manufacturer. Such information shall be provided within the startup and shutdown protocol identified above. [Design; Rules 62-210.200(BACT), 62-212.400(PSD), and 62-210.700, F.A.C.]
32. Notification Requirements: The owner or operator shall notify the Compliance Authority within one working day of discovering any emissions that demonstrate non-compliance for a given averaging period. Within one working day of occurrence, the owner or operator shall notify the Compliance Authority of any malfunction resulting in the exclusion of CEMS data. [Rule 62-4.070, F.A.C.]

#### CONTINUOUS MONITORING REQUIREMENTS

33. CEM Systems: The permittee shall install, calibrate, operate, and maintain continuous emission monitoring systems (CEMS) to measure and record the emissions of CO, NO<sub>x</sub>, SO<sub>2</sub>, and Hg. Each monitoring system shall be installed, and functioning within the required performance specifications by the time of the initial compliance demonstration.
- a. CO Monitor: The CO monitor shall be installed pursuant to 40 CFR 60, Appendix B, Performance Specification 4 or 4A. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F. The RATA tests required for the CO monitor shall be performed using EPA Method 10 in Appendix A of 40 CFR 60 and shall be based on a continuous sampling train. The CO monitor span values shall be set appropriately, considering the allowable methods of operation and corresponding emission standards.
- b. NO<sub>x</sub> Monitor: A NO<sub>x</sub> monitor installed to meet the requirements of 40 CFR 75, and that is continuing to meet the ongoing requirements of Part 75, may be used to meet the requirements of this permit and 40 CFR 60.49(c), Subpart Da, except that the owner or operator shall also meet the requirements of 40 CFR 60.51 and the specific conditions of this permit. Data reported to meet the requirements of 40 CFR 60.51 and the limits of this permit shall not include data substituted using the missing data procedures in Subpart D of Part 75, nor shall the data have been bias adjusted according to Part 75. The RATA tests required for the NO<sub>x</sub> monitor shall be performed using EPA Method 7 or 7E in Appendix A of 40 CFR 60 or as allowed by Part 75.
- c. SO<sub>2</sub> Monitor: The SO<sub>2</sub> monitor shall be installed pursuant to 40 CFR 60, Appendix B, Performance Specification 2. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F. The RATA tests required for the SO<sub>2</sub> monitor shall be performed using EPA Method 6 or 6C in Appendix A of 40 CFR 60. The SO<sub>2</sub> monitor span value shall be set according to 40 CFR 60.49(i).

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- d. *Mercury Monitor:* Either a mercury CEMS shall be installed to measure mercury emissions pursuant to 40 CFR 60, Performance Specification 12A and to meet the requirements of 40 CFR 60.49(p); or a sorbent trap monitoring system shall be installed pursuant to 40 CFR Part 75, Appendix K.
  - e. *Diluent Monitor:* The oxygen (O<sub>2</sub>) or carbon dioxide (CO<sub>2</sub>) content of the flue gas shall be continuously monitored at the location where CO, NO<sub>x</sub>, and SO<sub>2</sub> are monitored. Each monitor shall comply with the performance and quality assurance requirements of 40 CFR 75.  
[Rules 62-4.070(3), 62-210.200(BACT), F.A.C., and 40 CFR 60.49 and Part 75]
34. Continuous Flow Monitor: A continuous flow monitor shall be installed to determine stack exhaust flow rate to be used in determining mass emission rates. The flow monitor shall be certified and operated according to the requirements of 40 CFR 75. As an alternative to the stack flow monitor, a fuel flow monitoring system certified and operated according to the requirements of Appendix D of 40 CFR Part 75 may be installed. [Rules 62-4.070(3), 62-210.200(BACT), F.A.C., and 40 CFR 60.49 and Part 75]
35. Wattmeter: A wattmeter (or meters) to continuously measure the gross electrical output of the unit in megawatt-hours must be installed, calibrated, maintained, and operated in accordance with the manufacturer's specifications. [40 CFR 60.49]
36. Moisture Correction: If necessary, the owner or operator shall install a system to determine the moisture content of the exhaust gas and develop an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). [Rules 62-4.070(3), 62-210.200(BACT), F.A.C.]
37. Ammonia Monitoring Requirements: In accordance with the manufacturer's specifications, the permittee shall install, calibrate, operate and maintain an ammonia flow meter to measure and record the ammonia injection rate to the SCR system prior to the initial compliance tests. The permittee shall document and periodically update the general range of ammonia flow rates required to meet permitted emissions levels over the range of load conditions allowed by this permit by comparing NO<sub>x</sub> emissions recorded by the CEM system with ammonia flow rates recorded using the ammonia flow meter. During NO<sub>x</sub> monitor downtimes or malfunctions, the permittee shall operate at the ammonia flow rate that is consistent with the documented flow rate for the load condition. [Rules 62-4.070(3) and 62-210.200(BACT), F.A.C.]
38. CEMS Data Requirements:
- a. *Data Collection:* Except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions shall be monitored and recorded during all operation including startup, shutdown, and malfunction.
  - b. *Operating Hours and Operating Days:* An hour is the 60-minute period beginning at the top of each hour. Any hour during which an emissions unit is in operation for more than 15 minutes is an operating hour for that emission unit. A day is the 24-hour period from midnight to midnight. Any day with at least one operating hour for an emissions unit is an operating day for that emission unit.
  - c. *Valid Hour:* Each CEMS shall be designed and operated to sample, analyze, and record data evenly spaced over the hour at a minimum of one measurement per minute. All valid measurements collected during an hour shall be used to calculate a 1-hour block average that begins at the top of each hour.
    - 1) Hours that are not operating hours are not valid hours.
    - 2) For each operating hour, the 1-hour block average shall be computed from at least two data points separated by a minimum of 15 minutes. If less than two such data points are available, there is insufficient data and the 1-hour block average is not valid.
  - d. *Rolling 24-Hour Average:* Compliance shall be determined after each valid hourly average is obtained by calculating the arithmetic average of that valid hourly average and the previous 23 valid hourly

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averages.

- e. *Rolling 30-day Average:* Compliance shall be determined after each operating day by calculating the arithmetic average of all the valid hourly averages from that operating day and the prior 29 operating days.
- f. *Rolling 12-month Period:* Compliance shall be determined after each calendar month by calculating the total emissions from that calendar month and the last 11 calendar months.
- g. *Missing Data/Bias Adjustments:* If the owner or operator has installed a CEMS to meet the requirements of Part 75, data reported to show compliance with any SIP-based limit shall not include data substituted using the missing data procedures in Subpart D of Part 75, nor shall the data have been bias adjusted according to the procedures of Part 75.
- h. *Data Exclusion:* Each CEMS shall monitor and record emissions during all operations including episodes of startup, shutdown and malfunction. Limited amounts of CEMS emissions data recorded during these events may be excluded from the corresponding compliance demonstration subject to the provisions of Condition 29 in this section. When authorized, excess emissions data shall be excluded as a continuous block attributable to the startup, shutdown and malfunction event. Valid data shall not be excluded from any annual emissions caps or other annual averages (i.e., mercury).
- i. *Availability:* Monitor availability for the Hg CEMS shall be 75% or greater, and for all other CEMS shall be 95% or greater in any calendar quarter. The quarterly excess emissions report shall be used to demonstrate monitor availability. In the event the applicable availability is not achieved, the permittee shall provide the Department with a report identifying the problems in achieving the required availability and a plan of corrective actions that will be taken to achieve 95% or 75% availability. The permittee shall implement the reported corrective actions within the next calendar quarter. Failure to take corrective actions or continued failure to achieve the minimum monitor availability shall be violations of this permit, except as otherwise authorized by the Department's Compliance Authority.

[Rules 62-4.070(3) and 62-210.200(BACT), F.A.C.]

#### REPORTING AND RECORD KEEPING REQUIREMENTS

- 39. Monthly Operations Summary: By the fifth calendar day of each month, the permittee shall record the following for each fuel in a written or electronic log for the previous month of operation: fuel consumption (tons or gallons as applicable), heat content of each fuel, hours of operation, and the updated 12-month rolling totals for each. Information recorded and stored as an electronic file shall be available for inspection and printing within at least three days of a request by the Department. The fuel consumption shall be monitored in accordance with the provisions of 40 CFR 75 Appendix D. [Rules 62-4.070(3) and 62-210.200(BACT), F.A.C.]
- 40. Emissions Performance Test Reports: A report indicating the results of any required emissions performance test shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.]
- 41. CEMS Data Assessment Report: The Data Assessment Report required by 40 CFR 60, Appendix F shall be submitted to the Compliance Authority on a quarterly basis for each CEMS required. Separate reporting may be required for CEMS installed for purposes of compliance with an NSPS limit, or Acid Rain.

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42. Excess Emissions Reporting:

- a. *Malfunction Notification:* If emissions in excess of a standard (subject to the specified averaging period) occur due to malfunction, the permittee shall notify the Compliance Authority within (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident.
- b. *Quarterly Report:* Within 30 days following the end of each calendar-quarter, the permittee shall submit a report to the Compliance Authority summarizing periods of any emissions in excess of the permit standards following the NSPS format in 40 CFR 60.7(c), Subpart A. The report shall include a summary of emissions data excluded from compliance calculations due to startup, shutdown, and malfunctions as well as the duration of each event. In addition, the report shall summarize the CO, NO<sub>x</sub>, SO<sub>2</sub>, and Hg CEMS systems monitor availability for the previous quarter.

[Rules 62-4.130, 62-204.800, 62-210.700(6), F.A.C., and 40 CFR 60.7, 60.51, and 60.4375]

43. CBO Configuration: Daily records shall be daily kept of the CBO operation and configuration, such that the permittee can demonstrate compliance with the emission limitations of the affected emissions units.



### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### B. ZLD Spray Dryers (EU 016)

ID	Emission Unit Description
016	Diesel-Fired Zero Liquid Discharge (ZLD) Spray Dryers (bank of 3)

#### APPLICABLE STANDARDS AND REGULATIONS

1. BACT Determinations: The emission unit addressed in this section is subject to a Best Available Control Technology (BACT) determination for carbon monoxide (CO), volatile organic compounds (VOC) and particulate matter (PM/PM<sub>10</sub>). [Rule 62-210.200 (BACT), F.A.C.]

#### EQUIPMENT SPECIFICATIONS

2. Equipment: The permittee is authorized to install, operate, and maintain one liquid spray dryer system consisting of a bank of three, diesel-fired liquid spray dryers. This system will be designed to remove the moisture from the wastewater treatment effluent, via a process which involves the atomization of concentrated wastewater into a spray of droplets and contacting the droplets with hot air in a drying chamber. The dryers will be fired by diesel fuel oil. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

#### PERFORMANCE REQUIREMENTS

3. Hours of Operation: The hours of operation are not restricted (8760 hours per year). [Applicant Request; Rule 62-210.200(PTE), F.A.C.]
4. Authorized Fuels: Only No.1 or No. 2 diesel fuel containing no more than 0.05% sulfur by weight shall be fired in the spray dryers. The maximum design heat input for the bank of spray dryers shall be limited to 50 MMBtu per hour. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]
5. Control Equipment: A baghouse will be used to limit PM/PM<sub>10</sub> emissions, having an efficiency of greater than 99.5 percent. The baghouse must be designed, operated, and maintained to achieve 0.3 lb/hr/dryer. As a work practice standard, an opacity limit of 5% is established. [Application; Rules 62-210.200 (PTE, and BACT) and 62-212.400 (PSD), F.A.C.]
6. Work Practice: Good combustion practices will be utilized at all times to ensure that CO (and VOC) emissions from the dryer system are minimized. The Best Available Control Technology (BACT) determinations established by this permit rely on "good operating practices" to reduce emissions. Therefore, all operators and supervisors shall be properly trained to operate and ensure maintenance of the ZLD Spray Dryers in accordance with the guidelines and procedures established by the manufacturer. The training shall include good operating practices as well as methods for minimizing excess emissions. [Rules 62-4.070(3) and 62-210.200(BACT), F.A.C.]

#### NOTIFICATION, REPORTING, AND RECORDS

7. Control Device Records: The permittee shall keep readily accessible records which demonstrate that the ZLD Spray Dyer baghouse is operating properly. Such records shall include documentation of daily observations by operators as well as maintenance records on the baghouse and bag replacements. [Rule 62-4.030, F.A.C.]
8. Fuel Records: The permittee shall keep records sufficient to determine the daily throughput of diesel fuel oil for use in ensuring compliance with the heat input limitation. [Rule 62-204.800(7)(b)16, F.A.C.]

### SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

#### C. SGS Unit 3 Cooling Tower (EU 015)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
015	SGS Unit 3 Mechanical Draft Cooling Tower – twenty six cells with a 200 HP cooling fan

#### APPLICABLE STANDARDS AND REGULATIONS

1. BACT Determinations: The emission unit addressed in this section is subject to a Best Available Control Technology (BACT) determination for particulate matter (PM/PM<sub>10</sub>). [Rule 62-210.200 (BACT), F.A.C.]

#### EQUIPMENT

2. Cooling Tower: The permittee is authorized to install one induced draft, counter-flow, rectangular in-line design mechanical draft cooling tower with the following nominal design characteristics: a circulating water flow rate of 360,352 gpm; a design air flow rate of 1,259,541 acfm per cell; drift eliminators; and a drift rate of no more than 0.0005 percent of the circulating water flow. [Application; Design]

#### EMISSIONS AND PERFORMANCE REQUIREMENTS

3. Drift Rate: Within 60 days of commencing commercial operation, the permittee shall certify that the cooling tower was constructed to achieve the specified drift rate of no more than 0.0005 percent of the circulating water flow rate. [Rule 62-210.200(BACT), F.A.C.]

*{Permitting Note: This work practice standard is established as BACT for PM/PM<sub>10</sub> emissions from the cooling tower. Based on these design criteria, potential emissions are estimated to be less than 10 tons of PM per year and less than 6 tons of PM<sub>10</sub> per year. Actual emissions are expected to be lower than these rates.}*

**APPENDIX GC**  
**GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]**

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- G.1 The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- G.2 This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- G.4 This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- G.5 This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- G.6 The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- G.7 The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- a) Have access to and copy and records that must be kept under the conditions of the permit;
  - b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
  - c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

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

- G.8 If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- a) A description of and cause of non-compliance; and
  - b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

**APPENDIX GC**  
**GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]**

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The permittee shall be responsible for any and all damages, which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

- G.9 In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- G.10 The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- a) Determination of Best Available Control Technology ( )
  - b) Determination of the applicability of Prevention of Significant Deterioration (X); and
  - c) Compliance with New Source Performance Standards (X).
- G.14 The permittee shall comply with the following:
- a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - c) Records of monitoring information shall include:
    - 1. The date, exact place, and time of sampling or measurements;
    - 2. The person responsible for performing the sampling or measurements;
    - 3. The dates analyses were performed;
    - 4. The person responsible for performing the analyses;
    - 5. The analytical techniques or methods used; and
    - 6. The results of such analyses.
- G.15 When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

STATE OF FLORIDA

County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

PUBLIC NOTICE OF INTENT TO IS

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

09/08/2006

RECEIVED

SEP 29 2006

BUREAU OF AIR REGULATION

The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice and/or advertisement.

Allison Waters

Sworn to and subscribed to before me this 8th day of September, 2006 by Allison Waters, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

Mary Kaye Wells

Mary Kaye Wells, Notary Public

My commission expires July 22, 2007

Notary Seal  
Seal of Office:



Personally known to me, or  
Produced identification:  
Did take an oath

PUBLIC NOTICE

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection  
Project No. 1070025-005-AC/  
Draft Air Permit No. PSD-FL-375  
Seminole Electric Cooperative, Inc. - Seminole Generating Station, Putnam County, Florida

Applicant: The applicant for this project is the Seminole Electric Cooperative, Inc. The applicant's authorized representative and mailing address is: James R. Frauen, Director SGS-3; Seminole Electric Cooperative, 16313 North Dale Mabry, Tampa, Florida 33618.

Facility Location: Seminole Electric Cooperative, Inc. operates the existing Seminole Generating Station (SGS), north of Palatka at 890 North U.S. Highway 17, north of Palatka, in Putnam County, Florida.

Project: The applicant proposes to construct a new supercritical coal-fired steam generating unit referred to as SGS Unit 3. Seminole proposes to integrate SGS Unit 3 into the existing, certified SGS Site located north of Palatka in Putnam County and will locate Unit 3 adjacent to the existing SGS Units 1 and 2. Seminole anticipates beginning commercial operation of Unit 3 in 2012. The addition of SGS Unit 3 will increase the total output capability of the SGS by almost 60 percent. The design of SGS Unit 3 will maximize the co-use of existing site facilities to the greatest extent possible, including fuel handling facilities (SGS Unit 3 proposes the same fuel slate as SGS Units 1 and 2.)

SGS Unit 3 will feature supercritical pulverized coal technology with modern emission controls. The Unit-3 air pollution control equipment will include wet Flue Gas Desulfurization (FDG) for SO<sub>2</sub> removal, selective catalytic reduction (SCR) for control of nitrogen oxides (NO<sub>x</sub>), electrostatic precipitator (ESP) for collection and removal of fine particles, a Wet ESP (WESP) for control of sulfuric acid mist (SAM), with fluoride (HF) and mercury (Hg) removal to be accomplished through co-benefits of the above technologies. Fuel (coal and petroleum coke) for SGS Unit 3 will be delivered by an existing rail system. Continuous Emission Monitoring Systems (CEMS) will be installed for SO<sub>2</sub>, NO<sub>x</sub>, CO and Hg.

Net environmental impacts associated with Unit 3, in combination with the Units 1 and 2 pollution controls upgrade Project No. 1070025-004-AC can be summarized as follows:

Preliminary BACT Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. A copy of the complete project file is also available at the Department's Northeast District Office located at 7825 Baymeadows Way, Suite 200B, Jacksonville, Florida 32256-7590. The District's telephone number is 904-807-3300.

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

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority at the above address before the close of business (5:00 p.m.) on or before the end of this 30-day period. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

different from the position taken by it in this Written Notice of Intent to Issue Air Permit. Person whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. For the purposes of judicial review, the Department may, when possible, consolidate a request for administrative hearing on this draft permit within a Power Plant Certification Hearing.

Mediation: Mediation is not available in this proceeding.

Legal No. 04521582  
9/8/06

1) No increase in facility-wide SO<sub>2</sub>, NO<sub>x</sub>, SAM and mercury when compared to historical (baseline) air emissions. The applicant has accepted facility-wide caps for each above pollutant eliminating the requirement for a PSD review.

2) PSD-significant increases in facility-wide PM/PM<sub>10</sub>, CO, VOC and fluoride air emissions.

3) reuse of FDG product, fly ash and bottom ash.

The maximum potential annual emissions increases in tons per year based on the draft permit are summarized below:

Pollutants:  
PM/PM<sub>10</sub>  
HF  
VOC  
CO

Maximum Potential Emissions (TPY)
429.3
7.6
73.2
4927.5

PSD Significant Emission Rate (TPY)
25/15
3
40
100

Based on the emissions increases shown above, the project is subject to preconstruction review for the Prevention of Significant Deterioration (PSD) for these pollutants (Rule 62-212.400, F.A.C.). The Draft Permit includes preliminary determinations of the best Available Control technology (BACT) for each PSD-significant pollutant. In addition, an air quality impact analysis was conducted. Maximum predicted impacts due to proposed emissions from the project are less than the applicable PSD Class I and Class II significant impact levels applicable to all PSD Class I and II areas and including the nearest PSD Class I area which is Okefenokee National Wildlife Area. Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or contribute to a violation of any state or federal ambient air quality standard.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and chapters 62-4, 62-210, and 61-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS# 5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by any person other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of this Public Notice or receipt of written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

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

Because the administrative hearing process is designated to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be



**Mike Roddy, M.S. M.P.H.**  
Manager of Environmental Affairs

16313 North Dale Mabry Highway, Tampa, Florida 33618  
P.O. Box 272000, Tampa, Florida 33688-2000  
813.739.1224 Fax 813.264.7906  
wmroddy@seminole-electric.com



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OCT 16 2006

BUREAU OF AIR REGULATION

October 11, 2006

Mr. Michael Halpin, Professional Engineer  
Department of Environmental Protection  
Division of Air Resource Management  
Bureau of Air Regulation  
2600 Blair Stone Road, MS 5505  
Tallahassee, FL 32399-2400

Re: Seminole Electric Cooperative, Inc.  
Seminole Generating Station Unit 3  
Response to Comment Letter

Dear Mike:

This letter is in response to the September 4, 2006 letter that Mr. Williams of Palatka, Florida sent to Governor Bush (and copied to many others) concerning Seminole's proposal to license an additional coal-fired unit at the existing Seminole Generating Station in Putnam County. As explained in more detail below (and in Seminole's pending Site Certification Application), Seminole is substantially modernizing its existing operations at the Seminole Generating Station, and is proposing a new Unit 3 which utilizes advanced technology and state of the art emission controls.

### **About Seminole**

Seminole is a non-profit generation and transmission cooperative that generates and transmits electric power for ten member cooperatives that provide electricity in 46 of Florida's 67 counties. Seminole was created under the federal Rural Electrification Act, which was passed in 1936 to provide affordable electricity in predominantly rural areas. Seminole and the network of Florida electric cooperatives reliably and efficiently serve approximately 1.6 million individuals and businesses in two-thirds of the counties in Florida.

### **The SGS Site**

Seminole Generating Station (SGS) Units 1 and 2, in Putnam County, originally were approved under the Power Plant Siting Act (PPSA) by the Governor and Cabinet, sitting as the Siting Board, in 1979. Both coal-fired units were in commercial operation by the end of 1984. The air emission limitations originally applicable to Units 1 and 2 were based on a Best Available Control Technology (BACT) demonstration pursuant to

the federal Clean Air Act Prevention of Significant Deterioration (PSD) program, and Subpart Da of the federal New Source Performance Standards. Over the years, Seminole has continued to undertake environmental improvements to both units and many of the site's common facilities.

Seminole's flue gas desulphurization (FGD) system conversion project, completed in 2000, is a prime example of Seminole's continuous improvement process. New equipment was added to Seminole's existing FGD system to force a chemical reaction in the process and convert a previously unusable waste product into a reusable material known as synthetic gypsum. Seminole successfully brought a new industry and an additional one-hundred jobs to Putnam County in the form of Lafarge Gypsum Corporation. Lafarge processes the synthetic gypsum into wallboard at a new multi-million dollar production facility located adjacent to the Seminole Generating Station. The final product is shipped to building industry customers and contractors at various locations across the eastern seaboard. Benefits to Seminole, our customers and citizens of the State of Florida include the elimination of more than 600,000 tons per year of material from entering the solid waste stream, enhanced power plant emission controls, and reduced operation costs which result in reduced electric rates for customers in two thirds of the counties in the state of Florida.

#### **Seminole's Recent Units 1 and 2 Pollutant Control Upgrade Application**

Earlier in 2006, Seminole requested and received approval to install several air pollution control upgrades and efficiency improvements on Units 1 and 2 to meet upcoming requirements under new federal air regulations through emission reductions. Several features of these upgrades were designed such that they can perform better than required under the new federal regulations that are now applicable. In fact, these air pollution control retrofits can and will be operated in a manner that achieve air emission reductions that more than offset air emission increases of NO<sub>x</sub>, SO<sub>2</sub>, mercury and sulfuric acid mist emitted by Unit 3. These improvements include the following:

- Installation of advanced design low NO<sub>x</sub> burner and modified overfire air systems on Units 1 and 2, to meet an annual average emission limitation of 0.46 lb/mmBtu, as applicable in 2008 pursuant to Title IV of the federal Clean Air Act and corresponding state regulations.
- Installation of a state-of-the-art, urea-based selective catalytic reduction (SCR) control systems on Units 1 and 2, designed to be capable of achieving substantial nitrogen oxides (NO<sub>x</sub>) reductions (to 0.07 lb/mmBtu).
- Upgrades to the flue gas desulfurization (FGD) systems for Units 1 and 2 to achieve up to 95% post-combustion SO<sub>2</sub> removal efficiency.
- Substantial reductions in mercury emissions from Units 1 and 2 due to the combined effect of the new SCRs and FGD upgrades.



- An alkali injection air pollution control system for Units 1 and 2 to control for potential SO<sub>3</sub> formation by the new SCR systems.
- A carbon burnout (CBO) system to produce a final fly ash product that will have substantially lower carbon and ammonia levels, and therefore be suitable for beneficial reuse, while also recovering energy to improve the heat rate of Units 1 and 2.

### **The SGS Unit 3 Project - - Environmental Enhancements**

Seminole has proposed to integrate SGS Unit 3 into the existing, certified SGS site. The addition of SGS Unit 3 will increase the total output capability of the SGS by almost 60 percent while also, due to the pollution control features of Unit 3 (in combination with significant pollution control upgrades to Units 1 and 2), result in several very significant improvements in overall SGS environmental performance.

SGS Unit 3 will feature advanced supercritical pulverized coal technology with state-of-the-art air emission controls. The Unit 3 air pollution control equipment will include wet FGD for SO<sub>2</sub> removal, selective catalytic reduction (SCR) for control of nitrogen oxides (NO<sub>x</sub>), electrostatic precipitator (ESP) for collection and removal of fine particles, a wet ESP for control of sulfuric acid mist (SAM), and mercury removal through application of the above technologies.

With Unit 3, most process wastewater streams from Units 1 and 2, as well as Unit 3, will be treated and recycled as make-up water to the FGD scrubber system. Wastewater from the two existing units and Unit 3 will be treated as necessary in a proposed zero liquid discharge (ZLD) system that will remove dissolved solids from the wastewater and maximize reuse. With Unit 3, the only SGS industrial wastewater proposed to be discharged to the St. Johns River from Units 1, 2, and 3 will be cooling tower blowdown, and as a result, there will be a substantial reduction in the mass loading of pollutants discharged into the Lower St. Johns River. Also, due to the enhanced reuse of wastewater, Seminole is not requesting an increase in the existing limitations on consumptive use of groundwater.

### **The SGS Unit 3 Project - - Technology Selection**

SGS Unit 3 will achieve superior performance by employing supercritical technology. This means that the boiler operates at very high temperatures and pressures; the boiler water readily converts directly to steam, and a steam drum is not required. The result is substantially improved plant efficiency, lower air emissions, and less fuel consumption. Recent advancements in designing components that can withstand the higher pressure and temperature inherent in supercritical technology now have made supercritical technology a reliable and highly efficient option. Coupled with the sophisticated pollution control equipment for Unit 3, and the extensive retrofits on Units

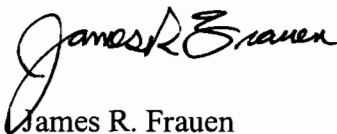
1 and 2, Seminole's Unit 3 project represents a very modern alternative to earlier generations of coal technology.

Seminole proposed the SGS Unit 3 configuration after an extensive consultation with a national engineering firm (Burns and McDonnell) that assisted in assessing available technologies, including nuclear, circulating fluidized bed (CFB), integrated gasification combined cycle, and other options. Seminole also issued an all source RFP that afforded tremendous flexibility for potential suppliers to propose all manner of technologies. Seminole proposed SGS Unit 3 only after undergoing this deliberative and thorough process.

Much of the technology suggested in Mr. Williams letter appears to be somewhat anecdotal and speculative in nature, as opposed to based on verifiable engineering principles. We are not aware of any experience in reliably and safely producing base load quantities of electric power in the manner suggested by Mr. Williams. However, his ideas appear to be somewhat related to a new technology being developed by Jupiter Oxygen Corporation known as Oxy-fuel Technology. I have attached a news article that references Jupiter Oxygen Corporations most recent developments. Review of the article indicates that the initial application of this system to a coal plant is being attempted as a retrofit to a 25 megawatt plant located in Orrville, Ohio. It should be noted that this system has not been installed to date, has not been tested in commercial operation and has not been scaled up in size to accommodate the 750 megawatt need currently required by Seminole. Due to its obligation to provide reliable electric power to its member cooperatives in the near term, Seminole at this time must proceed with technology that has undergone sophisticated engineering analysis that has demonstrated commercial viability. Of further note, the emission limits for regulated air pollutants proposed in Seminole's draft Unit 3 air permit, are very similar to the limits considered to be achievable by Jupiter's Oxy-fuel process. Therefore, by this measure, Seminole has already proposed a 21<sup>st</sup> Century Plant based on proven technology.

Seminole understands and appreciates public participation in the licensing process, and remains committed to thoughtfully evaluating all comments and suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Frauen". The signature is fluid and cursive, with the first name "James" being the most prominent.

James R. Frauen  
Project Director SGS3

Attachment – Jupiter Announces World's First Oxy-fuel Clean Coal Retrofit

9/25/2006: Press Release from Jupiter Oxygen

## **Jupiter Announces World's First Oxy-fuel Clean Coal Retrofit**

Ohio Power Plant to use Oxy-fuel Technology for Ultra Low Emissions

(CSRwire) CHICAGO--(BUSINESS WIRE)--Sept. 25, 2006--Jupiter Oxygen, with the Ohio Air Quality Development Authority and Orrville Utilities announced today that work will begin on the world's first oxy-fuel clean coal retrofit of an operating electric power plant. At the Orrville, Ohio 25 megawatt plant, Jupiter will utilize its patented Oxy-fuel technology combined with the National Energy Technology Laboratory's Integrated Pollutant Removal (IPR) technology to create the first-of-its-kind Oxy-fuel clean coal electric power plant. When the \$34 million retrofit is completed in 2008, the plant will meet FutureGen's 2020 goals for ultra-low emissions of mercury, NOx, SOx, and particulates, as well as be CO2 capture ready.

With a 250-year supply and 35% of the known reserves, the United States is essentially the Saudi Arabia of coal. Unfortunately, coal does not naturally burn cleanly, and it is difficult to attain permits for the construction of new coal-fired plants. This makes the development and use of clean coal technology important to America's drive to become energy independent. Jupiter Oxygen's combustion technology has been used commercially since 1997 and is now emerging as the most promising technology for use in coal-fired power plants. Unlike most clean coal technologies being developed, Jupiter's process can be designed into new plants, or used to retrofit the existing 600 coal fueled electric power plants in operation throughout the United States.

"This innovative technology promises great economic benefits by providing existing power plants the capacity to modernize and deliver clean and economical power to our country and helps reduce the need to construct costly new facilities," stated Ralph Regula (R-Ohio 16th).

"Developing a clean and cost effective way to convert coal to energy is vital to America's future. I am pleased to have been in a position to help secure the initial funding for this project."

"This is a major step in the advancement of clean coal technology and Jupiter's Oxy-fuel process," stated Dietrich Gross, CEO, Jupiter Oxygen. "We are confident that the Orrville retrofit project will show the nation that we can safely use coal to meet our country's need for electricity."

"We are excited to have had our plant chosen for this first of its kind Oxy-fuel clean coal power plant," stated Dan Preising, Director of Utilities, Orrville Utilities. "It is important to find a way to make our country's existing fleet of power plants cleaner and safer for our environment."

The good news for consumers is that not only will Jupiter's Oxy-fuel technology reduce greenhouse gas emissions from coal burning power plants, it will do so at a cost that will not affect them financially. In fact, the fuel savings and increased power plant efficiencies give Jupiter's technology a clear cost advantage over other clean coal technologies, especially coal gasification.

For new coal-fired power plants with carbon capture, the production cost for electricity is projected to be 1.7 cents per kwh. The total cost of electricity, including amortization and capital expenses, is projected to be only 5.1 cents per kwh. Each of these cost figures is lower than those of alternative clean coal technologies, which do not achieve the same results as Jupiter's Oxy-fuel/IPR hybrid technology.

Jupiter's patented process uses oxygen instead of air to burn the coal necessary to create the steam needed for power generation. Rather than reducing emissions of a single pollutant, the combined Jupiter Oxygen/IPR hybrid system combines technologies into a multi-pollutant control "package" that has been demonstrated to be an exceptionally effective environmental control system. In fact, testing shows that it is both practical and efficient to capture virtually all pollutants. The results indicated a 95% CO<sub>2</sub> capture rate, 90% removal of all mercury, 99+% sulfur removal, 99+% particulate capture including more than 80% of the PM 2.5 particulate and a combustion level for NO<sub>x</sub> of only .088 Lbs/ MMBtu.

Headquartered in Chicago, Illinois, Jupiter Oxygen is a privately held company that has developed a revolutionary technology that makes it practical and cost effective to operate environmental friendly coal and other fossil fueled electric power plants. Jupiter's technology is the innovative application of oxygen instead of air for fossil fuel combustion, which removes the barriers for carbon capture. Jupiter's Oxy-fuel technology is patented in the United States and many other countries, and patents are pending throughout the world. The technology has been successfully used in commercial furnaces since 1997. Additional information on Jupiter Oxygen can be found at [www.jupiteroxxygen.com](http://www.jupiteroxxygen.com).

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September 27, 2006

RECEIVED

OCT 02 2006

BUREAU OF AIR REGULATION

**VIA HAND DELIVERY**

Mr. Michael P. Halpin, P.E.  
Florida Department of Environmental Protection  
Division of Air Resource Management  
Bureau of Air Regulation  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

RE: Seminole Generating Station (SGS) Unit 3  
Draft Air Permit No. PSD-FL-375  
Project No. 1070025-005-AC

Dear Mr. Halpin:

Attached is Seminole Electric Cooperative, Inc.'s comments regarding Draft Air Permit No. PSD-FL-375.

Thank you for your attention to this matter, and please call me at your convenience if you wish to discuss these comments.

Sincerely,

James R. Frauen, Project Director SGS3  
Seminole Electric Cooperative, Inc.

RAM/kwf  
Enclosure:

cc: Trina Vielhauer  
Scott Osbourn, Golder  
Robert A. Manning, HGS

Seminole's Comments on Draft PSD Permit  
September 27, 2006

1. Project Description. Seminole requests the following edits to the last sentence of the second paragraph to clarify the use of No. 2 oil: *"No. 2 diesel fuel will be used for startup, shutdown, flame stabilization, limited supplemental load and emergency reserve during statewide capacity shortages, and for the firing the Zero Liquid Discharge (ZLD) Spray Dryers as well as an emergency generator (unregulated emissions unit)."* Also, note that the number of dryers in the ZLD spray dryer system (currently listed as a bank of three) and the number of cells in the mechanical draft cooling tower (currently 26) are based on the initial design of the project. These numbers could change in the final design as Seminole maximizes efficiency of the entire facility (see related discussion in following comment No. 3). The emission impacts associated with any design changes, however, will not exceed those provided in Seminole's application and approved in this permit authorization.

**Unit 3 Boiler**

2. Condition 2, PSD Netting. The Unit 3 project is not triggering PSD for SO<sub>2</sub>, NO<sub>x</sub> and SAM because it is accepting limits to ensure that (future) projected actual emissions do not exceed the (past) baseline actual emissions. For mercury, however, PSD is not triggered because Unit 3's future potential emissions are below the PSD significance threshold – a limit is not needed to "net-out." Nonetheless, Seminole is voluntarily accepting a facility-wide mercury limit to show that even with the Unit 3 project, facility-wide mercury emissions will decrease at least ten percent below the baseline. Seminole requests that this condition be revised accordingly (and other references to the specific pollutants for which netting is required), as well as revising the authority for Condition 17 from "PSD Avoidance" to "Applicant Request."
3. Condition 5, Capacity. There is no need for a condition or limit on the megawatt (MW) capacity of Unit 3. Environmental impacts (including air emissions) are correlated with heat input, not MW generated, and Condition 4 requires that Unit 3 be designed with a maximum heat input of 7500 MMBtu/hr. As the unit design progresses, Seminole will be looking to maximize the efficiency of the unit (generate more MW with the same amount of fuel). At a minimum, Seminole requests that the unit be referred to as a *"net nominal 750 MW-class unit"* to ensure that the MW rating is not construed as a limit.
4. Condition 9, Authorized Fuels. There is no need for a quantity (tonnage or gallons) limitation on fuel burned. As long as Unit 3 does not exceed 7,500 lb/MMBtu heat input and the specific emission limits, the fuel quantity should not be an issue. Accordingly, Seminole requests that this condition be deleted. At a minimum, the maximum coal process rate could be described as 357 tons per hour, rather than the 318 tons per hour listed in the draft permit, but this number

should not be a limit. This value corresponds to the maximum heat input rating (7,500 MMBtu/hr) and the minimum heating value of the fuel (10,500 Btu/lb). This minimum fuel heating value is representative of Southern Illinois- Indiana bituminous coal, as was presented in Table 2-1 of the air application.

5. Condition 10, Emission Limits. The opacity limit should be moved to the "Non-BACT" limits section because it is not a PSD pollutant. Also, Seminole understands (and requests that the chart be revised to clarify) that the lb/hr "equivalency" numbers are not limits, but rather are included for informational purposes only – Conditions 11 through 19 provide the specific limits. Therefore, it is requested that these values be footnoted with a phrase such as "*for informational purposes only.*" Also, the lb/hr number for VOC should be 25.5 rather than 16.7.
6. Condition 11, CO limit. Subparagraph a. should reference EPA Method 10, rather than Methods 25, 25A or 25B.
7. Condition 12, VOC limit. Seminole proposed a BACT limit of 0.004 lb/MMBtu because it was within the range of recent BACT determinations and represented the lowest rate expected for a vendor guarantee. DEP has proposed a lower BACT limit of 0.0034 lbs/MMBtu. DEP's basis for lowering the VOC limit was that of the 14 VOC BACT determinations reviewed, "more than 2/3 of them" resulted in levels less than 0.004 lbs/MMBtu and that the WFGD and WESP planned for Seminole are "well suited for removing large percentages of HAPs and VOCs." Seminole does not agree that a VOC limit less than 0.004 lbs/MMBtu represents BACT for this project.

First, out of the 14 VOC determinations listed in the Technical Evaluation and Preliminary Determination, only one-half (7) had VOC emission limitations lower than 0.004 lbs/MMBtu. More importantly, out of these seven determinations, all but one facility will fire substantially different fuels than have been proposed for Seminole Unit 3. These six facilities are planning to fire PRB (sub-bituminous) or other western fuels. VOC emissions are highly dependent on the type of coal, and it is not reasonable to conclude that similar VOC emissions can be achieved for bituminous coal than can be achieved for sub-bituminous coal. The BACT determinations referenced above are segregated by fuel type below:

Facility	Size/Name of Unit	Emission Rate for Coal	Permit Date	Fuel
Louisiana Generating LLC	675MW Big Cajun II Unit 4	0.0150 lb/MMBtu	Aug. 2005	PRB
PSC Colorado	750MW Comanche Unit 3	0.0035 lb/MMBtu	Jul-05	PRB
Montana Dakota Utilities	220MW Gascoyne Greenfield	0.005 lb/MMBtu	Jun-05	CFB/Lignite
Newmont Nevada	200MW TS Plant Greenfield	NA	May-05	Sub Bit.
Omaha Public Power	660MW Nebraska City Unit 2	0.0034 lb/MMBtu	Mar-05	PRB
Wisconsin Public Service	500MW Weston Greenfield	0.0036 lb/MMBtu	Oct-04	PRB

Utah Intermountain PSC	950MW Intermountain Unit 3	0.0027 lb/MMBtu	Oct-04	PRB/West
West Virginia Longview	600MW Monongahela Greenfield	0.0040 lb/MMBtu	Mar-04	Bit.
S. Carolina Santee Cooper	570MW Cross Units 2 and 3	0.0024 lb/MMBtu (LAER)	Feb-04	Bit./Petcoke
Arkansas Plum Point	800MW Greenfield Unit 1	0.02 lb/MMBtu	Aug-03	PRB
Iowa MidAmerican	765MW MidAmerican Greenfield	0.0036 lb/MMBtu	Jun-03	PRB
Kentucky Thoroughbred	750MW Greenfield Units 1 and 2	0.0072 lb/MMBtu	Oct-02	HS Bit.
Kansas Sand Sage	660MW Holcomb Unit 2	0.0035 lb/MMBtu	Oct-02	PRB
Wyoming Black Hills	500MW Wygen Unit 2	0.01 lb/MMBtu	Sept. 2002	PRB
Pa. AES Beaver Valley	215MW Greenfield	0.0068 lb/MMBtu	Nov. 2001	Bit.

As this shows, there are three facilities that propose to fire bituminous coal and one that proposes a blend of bituminous coal and pet coke. Of these, the most recent determination for the bituminous coal only (West Virginia Longview) was issued in March 2004, at a limit equal to that proposed for Seminole's Unit 3. The other two bituminous coal determinations were higher than proposed for Seminole Unit 3. One facility proposed to fire a blend of bituminous coal and pet coke -- Santee Cooper's Cross Units -- and the proposed VOC limit of 0.0024 lbs/MMBtu represents LAER, not BACT. Further, a review of this application and permit indicated that the limit was based entirely on an AP-42 calculation and an initial test to demonstrate compliance with the limit. (Note--this unit has not yet begun operation and testing, so it is unknown whether this proposed limit is achievable). Seminole does not believe that AP-42 emission factors are a proper basis to establish a VOC BACT limit for a new coal-fired boiler. The AP-42 factors are based on historical test data from older facilities that do not include all the combustion controls required to limit NO<sub>x</sub> emissions from a new boiler. It is well established that controlling boiler NO<sub>x</sub> emissions has a negative impact on VOC (and CO) emissions.

The second criteria provided by DEP to lower the VOC limit was that the WFGD and WESP would provide substantial VOC (and HAP) control. Seminole has assumed a relatively high level of control in arriving at our proposed BACT limit of 0.004 lb/MMBtu, based on boiler design and combustion characteristics, rather than post-combustion controls. Seminole has asked the Department to provide the source for its statement that "wet FGD's and WESP's are well suited for removing large percentages of HAPs and VOCs" so that we can understand and analyze the assumed (or demonstrated) removal efficiencies.

Finally, Seminole contacted IHI, a potential supplier of combustion and emission control equipment that could be potentially used on Seminole Unit 3. Their response was that VOC emission levels below 0.004 lbs/MMBtu may not be achievable and that they would not offer a guarantee below that level. Based on all of the above, it is Seminole's position that the VOC BACT limit for Unit 3 should be established at 0.004 lbs/MMBtu.



8. Condition 13, SO<sub>2</sub>. To clarify the SO<sub>2</sub> limits, Seminole requests the following edits: *"Emissions of SO<sub>2</sub> from SGS Unit 3 shall not exceed 1.4 pounds per megawatt hour (lb/MW-hr) gross energy output or 95 % reduction on a 30-day rolling average basis, nor 0.165 lb/mmBtu, based upon a 24-hour rolling average". This clarification is consistent with the recent revisions to the NSPS promulgated on February 27, 2006 (71 FR 9866).*
9. Condition 14, SAM. For clarification, Seminole requests the following edit: *"Emissions of Sulfuric Acid Mist from SGS Unit 3 shall not exceed 0.005 lb/MMBtu as determined by EPA Method 8A, or another method approved by the Administrator."*
10. Condition 15, PM/PM<sub>10</sub>. The requirement to test and report condensables should only apply during the initial test, not annually. Also, for clarification, Seminole requests the following edits: *"Emissions of filterable Particulate Matter (PM and PM<sub>10</sub>) from SGS Unit 3 shall not exceed 0.013 lb/MMBtu while firing 100 percent coal as determined by EPA Method 5, or another method approved by the Administrator. Condensables shall be captured (from the impingers) and reported (only) in accordance with EPA Method 202, or another method approved by the Administrator. . . . For opacity, the method of compliance shall be COMS or EPA Method 9 ~~when the COMS data is unavailable.~~"*
11. Condition 16, Ammonia. For clarification, Seminole requests the following edit: *"Ammonia slip shall not exceed 5 ppmvd @ 6% O<sub>2</sub> as determined by EPA Conditional Test Method CTM-027, or another method approved by the Administrator."*
12. Condition 19, Fluorides. The testing requirement should only apply initially, not every five years (which is also referenced in Condition 23), and should also allow for Test Method 26A as well as 13A or 13B.
13. Condition 20, Unconfined Particulate Emissions. Seminole requests the following clarification: *"All conveyors and conveyor transfer points will be enclosed to the extent practical, or utilize covers and wind skirts, so as to ~~preclude~~ minimize PM emissions".*
14. Condition 23, Subsequent Testing. Unit 3 will have a CEMS for mercury and a COMS for opacity, so an annual test should not be necessary for these parameters. The required QA/QC (e.g., RATA) should be sufficient.
15. Condition 24. Opacity should be added to this list of constituents that are monitored by continuous methods.

16. Condition 27, Definitions. The rule cites should be corrected to Rule 62-210.200(165, 242 and 258), F.A.C.
17. Condition 29, Excess Emissions. Since this Condition is based on the state rule, Seminole requests the addition of the following phrase from Rule 62-210.700: *"unless specifically authorized by the Department for longer duration."*
18. Condition 30, Data Exclusion Procedures. For clarification, Seminole requests the following edit to this condition: *"Limited amounts of CEMS emissions data collected during startup, shutdown, and malfunction may be excluded from compliance demonstrations (not including annual emissions caps) as approved by the Compliance Authority, provided that best operational practices to minimize emissions are adhered to, they are authorized by this permit and the duration of data excluded is minimized."*
19. Condition 31, Ammonia Injection. Because BACT is not triggered for NOx (or ammonia), Seminole requests that the authority for this condition be edited as follows: *"(Design; Rules 62-4.070(3) ~~Rules 62-210.200(BACT), 62-212.400(PSD), and 62-210.700, F.A.C.~~*
20. Condition 34, Continuous Flow Monitor. Seminole understands that the third sentence refers to the ability, under Appendix D of Part 75, to utilize a fuel flow meter when burning oil.
21. Condition 37, Ammonia Monitoring Requirements. For clarification, Seminole requests the following edit to the last sentence: *"During NOx monitor downtimes or malfunctions, the permittee shall operate at the ammonia flow rate that is consistent with the documented flow rate for the load condition that shows compliance."*

### **Cooling Tower**

22. Condition 2, Cooling Tower. Seminole understands that the parameters referenced in this condition represent design values, not limits -- the actual operating values may be higher or lower.

### **Technical Evaluation and Preliminary Determination**

The comments above should also be reflected in the Department's Technical Evaluation and Preliminary BACT Determination. In addition, the following specific comments are offered:

23. Page 2 -- Units 1 and 2 are regulated under Acid Rain, Phase II, not Phase I.

24. Pages 5-6 – The PSD application, Table 3-3, listed the mercury baseline and projections as .066 tons per year, and the TEPBD lists it as .065.
25. Page 11 – The discussion of the CAIR program should be updated to reflect recent developments;
26. Page 11 – Because a state's CAIR allowance allocation does not represent an emission limit, please delete the word "limits" in the title of the chart;

27. Page 18, Section 6.1 -- Air quality impacts were required by the Department as listed except for the analyses for PSD increment and AAQS. These were required for SO<sub>2</sub> only. Therefore, the analyses should be listed as follows:

The air quality impact analyses required by the Department regulations for this project include:

- An analysis of existing air quality for PM<sub>10</sub>, CO, HF and VOC;
- A significant impact analysis for PM<sub>10</sub>, CO, NO<sub>x</sub> and VOC;
- A PSD increment analysis for SO<sub>2</sub>;
- An Ambient Air Quality Standards (AAQS) analysis for SO<sub>2</sub>;
- An analysis of impacts on soils, vegetation, and visibility and growth-related impacts to air quality.

28. Page 19, Section 6.2 -- In the table, the annual SO<sub>2</sub> background concentration is listed correctly. The 24-hour and 3-hour average SO<sub>2</sub> concentrations are listed as 28 and 134 ug/m<sup>3</sup>, respectively, which are incorrect. The 24-hour and 3-hour average background concentrations should be listed as 34 and 128 ug/m<sup>3</sup>, respectively.
29. Page 19, Section 6.3.1 -- Comment to be inserted between 1<sup>st</sup> and 2<sup>nd</sup> paragraphs:

The air modeling analyses that were included in the permit application submitted in February 2006 demonstrated that the project's impacts were predicted to be less than PSD Class II significant impact levels and in compliance with the SO<sub>2</sub> AAQS and PSD Class II increments in the area of Seminole Generating Station using meteorological data from the Jacksonville International Airport from 1986 to 1990. These data were the recommended dataset by the Department at the time of the analyses. In May 2006, the Department developed meteorological data for the Jacksonville International Airport for 2001 to 2005 to be used for AERMOD applications. These meteorological data were subsequently used in the air modeling analyses in the response to the Department's request for additional information to confirm that the project's maximum predicted impacts were less

than the significant impact levels and in compliance with the SO<sub>2</sub> AAQS and PSD Class II increments.

30. Page 20, Section 6.3.2 -- Comment to be inserted in 2<sup>nd</sup> paragraph after 3<sup>rd</sup> sentence:

The air modeling analyses that were included in the permit application submitted in February 2006 demonstrated that the project's impacts were predicted to be less than PSD Class I significant impact levels at the PSD Class I areas using meteorological data for 1990, 1992, and 1996. These data were the recommended dataset by the Department at the time of the analyses. In April 2006, CALMET data were made available by Visibility Improvement State and Tribal Association of the Southeast (VISTAS) for 2001 to 2003 as part of the modeling that the Department is requiring for Best Available Retrofit Technology (BART) evaluations. These meteorological data were subsequently used in the air modeling analyses in the response to the Department's request for additional information to confirm that the cumulative SO<sub>2</sub> impacts from PSD sources are in compliance with the SO<sub>2</sub> PSD Class I increments.

31. Page 20 – Change the word "mill" to "project".
32. Page 21, Section 6.4 -- In the table that summarizes the maximum predicted project impacts in the PSD Class I areas for comparison to the PSD Class I significant impact levels, the maximum predicted PM<sub>10</sub> impact for the 24-hour averaging period is 0.14 ug/m<sup>3</sup>, instead of 0.09 ug/m<sup>3</sup>.

[illegible]

## Gibson, Victoria

---

**From:** Vielhauer, Trina  
**Sent:** Monday, October 16, 2006 3:27 PM  
**To:** Halpin, Mike; Comer, Patricia  
**Cc:** Koerner, Jeff; Crandall, Lea; Gibson, Victoria; Chisolm, Jack; Kahn, Joseph  
**Subject:** RE: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

Yes, it is not timely. Please deny this request.

---

**From:** Halpin, Mike  
**Sent:** Monday, October 16, 2006 1:53 PM  
**To:** Comer, Patricia  
**Cc:** Vielhauer, Trina; Koerner, Jeff; Crandall, Lea; Gibson, Victoria; Chisolm, Jack  
**Subject:** RE: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

Pat -

Can you assist with this (as we have discussed). It is not timely by a long shot (see attached) and I am fairly certain that we do not wish to accept it.

Mike

<< File: Proof of Pub.pdf >>

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**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 1:47 PM  
**To:** Chisolm, Jack; Gingery, Betsy; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

FYI, a Request for Extension of Time & Petition for Admin. Hearing was rec'd. from Sierra Club re: 1070025-005-AC - Seminole Electric Coop.

Thanks,  
Lea

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Monday, October 16, 2006 2:13 PM  
**To:** Gingery, Betsy  
**Subject:** FW: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

**Attachments:** Proof of Pub.pdf

FYI,

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
DEP/Bureau of Air Regulation  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

---

**From:** Halpin, Mike  
**Sent:** Monday, October 16, 2006 1:53 PM  
**To:** Comer, Patricia  
**Cc:** Vielhauer, Trina; Koerner, Jeff; Crandall, Lea; Gibson, Victoria; Chisolm, Jack  
**Subject:** RE: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

Pat -

Can you assist with this (as we have discussed). It is not timely by a long shot (see attached) and I am fairly certain that we do not wish to accept it.

Mike



Proof of Pub.pdf  
(228 KB)

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**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 1:47 PM  
**To:** Chisolm, Jack; Gingery, Betsy; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

FYI, a Request for Extension of Time & Petition for Admin. Hearing was rec'd. from Sierra Club re: 1070025-005-AC - Seminole Electric Coop.

Thanks,  
Lea

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

# STATE OF FLORIDA

## County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

### PUBLIC NOTICE OF INTENT TO ISS

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

09/08/2006

The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice and/or advertisement.

*Allison Waters*

Sworn to and subscribed to before me this 8th day of September, 2006 by Allison Waters, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

*Mary Kaye Wells*

Mary Kaye Wells, Notary Public

My commission expires July 22, 2007

Notary Seal  
Seal of Office:

Personally known to me, or  
Produced identification:  
Did take an oath



### PUBLIC NOTICE

#### PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection  
Project No. 1070025-005-AC/  
Draft Air Permit No.  
PSD-FL-375  
Seminole Electric Cooperative, Inc. - Seminole Generating Station, Putnam County, Florida

Applicant: The applicant for this project is the Seminole Electric Cooperative, Inc. The applicant's authorized representative and mailing address is: James R. Frauen, Director SGS-3; Seminole Electric Cooperative, 16313 North Dale Mabry, Tampa, Florida 33618.

Facility Location: Seminole Electric Cooperative, Inc. operates the existing Seminole Generating Station (SGS), north of Palatka at 890 North U.S. Highway 17, north of Palatka, in Putnam County, Florida.

Project: The applicant proposes to construct a new supercritical coal-fired steam generating unit referred to as SGS Unit 3. Seminole proposes to integrate SGS Unit 3 into the existing, certified SGS Site located north of Palatka in Putnam County and will locate Unit 3 adjacent to the existing SGS Units 1 and 2. Seminole anticipates beginning commercial operation of Unit 3 in 2012. The addition of SGS Unit 3 will increase the total output capability of the SGS by almost 60 percent. The design of SGS Unit 3 will maximize the co-use of existing site facilities to the greatest extent possible, including fuel handling facilities (SGS Unit 3 proposes the same fuel slate as SGS Units 1 and 2.)

SGS Unit 3 will feature supercritical pulverized coal technology with modern emission controls. The Unit 3 air pollution control equipment will include wet Flue Gas Desulfurization (FDG) for SO2 removal, selective catalytic reduction (SCR) for control of nitrogen oxides (NOx), electrostatic precipitator (ESP) for collection and removal of fine particles, a Wet ESP (WESP) for control of sulfuric acid mist (SAM), with fluoride (HF) and mercury (Hg) removal to be accomplished through co-benefits of the above technologies. Fuel (coal and petroleum coke) for SGS Unit 3 will be delivered by an existing rail system. Continuous Emission Monitoring Systems (CEMS) will be installed for SO2, NOx, CO and Hg.

Net environmental impacts associated with Unit 3, in combination with the Units 1 and 2 pollution controls upgrade, Project No. 1070025-004-AC can be summarized as follows:

1) No increase in facility-wide SO2, NOx, SAM and mercury when compared to historical (baseline) air emissions. The applicant has accepted facility-wide caps for each above pollutant eliminating the requirement for a PSD review.

2) PSD-significant increases in facility-wide PM10, CO, VOC, and fluoride air emissions.

3) reuse of FDG product, fly ash and bottom ash.

The maximum potential annual emissions increases in tons per year based on the draft permit are summarized below:

Pollutants:  
PM10  
HF  
VOC

Preliminary BACT Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. A copy of the complete project file is also available at the Department's Northeast District Office located at 7825 Baymeadows Way, Suite 200B, Jacksonville, Florida 32256-7590. The Districts telephone number is 904-807-3300.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-295, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority at the above address before the close of business (5:00 p.m.) on or before the end of this 30-day period. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by any person other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of this Public Notice or receipt of written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for a

different from the public taken by it in this Written Notice of Intent to Issue Air Permit. Person whose substantial interests will be affected by any such final decision, the Permitting Authority of the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. For the purposes of judicial review, if Department may, when possible, consolidate a request for administrative hearing on the draft permit within a Power Plant Certification Hearing.

Legal Notice 04521582  
9/8/06



Maximum Emissions (TPY)	Potential	Emissions
429.3		
7.6		
73.2		
4827.5		

PSD Significant Rate (TPY)	Emission
25/15	
3	
40	
100	

Based on the emissions increases shown above, the project is subject to preconstruction review for the Prevention of Significant Deterioration (PSD) for these pollutants (Rule 62-212.400, F.A.C.). The Draft Permit includes preliminary determinations of the best Available Control technology (BACT) for each PSD-significant pollutant. In addition, an air quality impact analysis was conducted. Maximum predicted impacts due to proposed emissions from the project are less than the applicable PSD Class I and Class II significant impact levels applicable to all PSD Class I and II areas and including the nearest PSD Class I area which is Okefenokee National Wildlife Area. Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or contribute to a violation of any state or federal ambient air quality standard.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS# 5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and

a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

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

Because the administrative hearing process is designated to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be

## Gibson, Victoria

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**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 2:47 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

**Attachments:** Sierra Club's Moiton for Ext. of Time & Petition.pdf

Okay, let's try this one more time!

Thanks!



Sierra Club's Moiton  
for Ext. ...

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

-----Original Message-----

**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 2:15 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

Here is the document!

Thanks,  
Lea

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

-----Original Message-----

**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 1:47 PM  
**To:** Chisolm, Jack; Gingery, Betsy; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

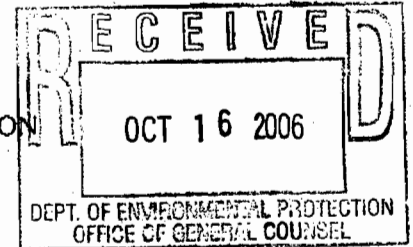
FYI, a Request for Extension of Time & Petition for Admin. Hearing was rec'd. from Sierra Club re: 1070025-005-AC - Seminole Electric Coop.

Thanks,  
Lea

**Lea Crandall**

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



SIERRA CLUB,

Petitioner,

v.

Case No.:

FDEP File No. 1070025-005-AC  
(PSD-FL-375)

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

And

SEMINOLE ELECTRIC COOPERATIVE, INC.,

Respondents.

SIERRA CLUB'S MOTION FOR ENLARGMENT OF TIME  
AND PETITION FOR ADMINISTRATIVE HEARING

Petitioner, Sierra Club, a non-profit corporation, on behalf of its more than 33,000 Florida members, hereby files this Motion for Enlargement of Time and Petition for Administrative Hearing challenging the Florida Department of Environmental Protection's ("DEP") Intent to Issue Air Permit for Permit No. 1070025-005-AC (PSD-FL-375) ("Draft Permit") to Seminole Electric Cooperative, Inc. ("Seminole"). The Air Permit would allow the construction of a seven hundred fifty (750) megawatt pulverized coal-fired supercritical steam generating unit ("Seminole 3") at the existing Seminole Generating Station, 890 North U.S. Highway 17, approximately seven miles north of Palatka, in Putnam County, Florida. As grounds for this Enlargement of Time and Administrative Hearing, the Sierra Club states:

1. The Sierra Club is a non-profit corporation with over 750,000 members.

The Sierra Club's Florida Chapter has over 33,000 members, with 105 and 520 members

in Putnam and St. Johns Counties, respectively. The Sierra Club's Florida offices are located at 111 Second Avenue N.E., St. Petersburg, Florida 33701. The Sierra Club has its national headquarters at 85 Second Street, Second Floor, San Francisco, California, 94105.

2. The DEP is the permitting authority in this proceeding and has its offices located at 111 S. Magnolia Drive, Suite 4, Tallahassee, Florida 32301. (The mailing address for the DEP's Bureau of Air Regulation is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida, 32399-2400.)

3. Petitioners are represented in this proceeding by David Guest, Earthjustice, 111 South Martin Luther King Jr. Boulevard, Tallahassee, Florida 32301, (850) 681-0031, (850) 681-0020 (facsimile).

4. Seminole Electric Cooperative, Inc., has its offices located at 16313 North Dale Mabry, Tampa, Florida, 33618.

#### SUBSTANTIAL INTEREST

5. The Florida Chapter of the Sierra Club has over 33,000 members, with 105 and 520 members in Putnam and St. Johns Counties, respectively. Many Sierra Club members are Florida citizens who live in the area that will be adversely affected by Seminole 3, and whose property, recreational, aesthetic, business and/or environmental interests will be harmed. The Sierra Club and its members therefore have a substantial interest in this proceeding.

6. A substantial number of Sierra Club members own property in the region that will be affected by air pollution from Seminole 3. Air pollution from Seminole 3 will adversely affect the rights of Sierra Club members to use and enjoy their property.

7. As acknowledged by the Public Notice of Intent to Issue Air Permit, the Permit would authorize the emissions of particulate matter (PM), carbon monoxide (CO), volatile organic compounds (VOCs), and fluorides (HF) in quantities that exceed the levels that the State of Florida has established as significant under its Prevention of Significant Deterioration (PSD) regulations. In addition, Seminole 3 will emit sulfur dioxide (SO<sub>2</sub>), sulfuric acid mist (SAM), nitrogen oxides (NO<sub>x</sub>) and mercury (Hg), all pollutants that are harmful to human health and the environment. Draft Permit, p. 8. The substantial interests of the Sierra Club's Florida members, particularly those in the vicinity of the Seminole Generating Station, will be affected by these harmful emissions from Seminole 3.

8. The emissions limits in the Draft Permit rely on erroneous and incomplete technical information, as well as incorrect legal analysis. These errors and omissions will allow Seminole to emit excess harmful air pollutants, adversely affecting the interests of Sierra Club members.

9. Sierra Club members use and enjoy the outdoors throughout the state of Florida, including areas that will be affected by pollution from Seminole 3, for outdoor recreation and scientific study of various kinds, including nature study, bird-watching, photography, backpacking, camping, solitude, and a variety of other activities.

10. As confirmed by Seminole's Air Permit Application, three Class I areas are located within 200 kilometers of Seminole 3: the Okefenokce, Wolf Island, and Chassahowitzka National Wilderness Areas ("NWA"). Seminole Application at 59. The nearest Class I area is the Okefenokee National Wildlife Area, which includes the Okefenokee Wildlife Refuge within its borders, located approximately 108 kilometers

north of the Seminole Generating Station. The Chassahowitzka National Wildlife Refuge is located 137 kilometers to the southeast of the Seminole Generating Station, and the Wolf Island National Wildlife Refuge is located 186 kilometers to the north. Sierra Club members use these Class I areas for outdoor recreation and scientific study of various kinds.

11. The emissions from the proposed unit will degrade regional air quality. The air in a region has limited carrying capacity, defined as the increment between current air quality and ambient air quality standards or significant impact levels. Each new facility that locates in a region and emits pollutants will consume part of this carrying capacity. The Draft Air Permit relies on a flawed and illegal analysis to demonstrate compliance with Class I increment requirements for SO<sub>2</sub>. Seminole's failure to comply with Class I increment requirements will adversely affect the ability of Sierra Club members to use and enjoy these Class I areas.

12. The DEP, by failing to compel new power plants to comply with federal and state pollution control laws, unlawfully allows regional air quality to be degraded.

13. Florida Chapter members of the Sierra Club have a substantial interest in protecting the regional air quality. The interests of the Sierra Club members in the region affected by pollution from Seminole 3 are substantial enough to support standing for those members individually. The Sierra Club appears here as an association to represent the interests of these members.

14. The Sierra Club's purpose encompasses protecting the substantial interests of its members in clean and healthy air. The Sierra Club is dedicated to the protection and preservation of the natural and human environment, including protecting public

health. One of the Sierra Club's national priorities is the Smart Energy Solutions Conservation Initiative, which tackles the pressing problems of global warming, air pollution, and our national dependence on dirty, non-renewable energy sources such as nuclear power, oil and coal.

15. The organizational purposes of the Sierra Club and the substantial interests of Sierra Club's Florida Chapter members are within the zone of interest that the Clean Air Act and the Florida statutes and regulations implementing it, including the provisions allowing hearings on air permits, are designed to protect.

#### BACKGROUND

16. Seminole is proposing to construct, own and operate a seven hundred and fifty megawatt (750 MW) pulverized coal-fired supercritical steam generating unit located adjacent to the existing Units 1 and 2 at the Seminole Generating Station. The primary fuels will be eastern U.S. bituminous coals and petroleum coke with coals, and the unit will have a maximum capacity of approximately 2.8 million tons/year of fuel.

17. On March 9, 2006, Seminole submitted to the DEP its application to construct Seminole 3.

18. With a letter dated August 24, 2006, the DEP transmitted to Seminole its Public Notice of Intent to Issue Air Permit ("Notice").

19. The Notice fails to inform the public of violations of PSD Class I increment requirements. It states:

Maximum predicted impacts due to proposed emissions from the project are less than the applicable PSD Class I and Class II significant impact levels applicable to all PSD Class I and II areas and including the nearest PSD Class I area which is the Okefenokee National Wildlife Area. Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or contribute to a violation of any state or federal ambient air quality standard.



Contrary to this statement, the analysis of the plant's impact on Class I areas is flawed, and the modeling data shows that plant will exceed the allowable increment for sulfur dioxide in the Okefenokee and Chassahowitzka National Wildlife Refuges.

20. The Notice also misinforms the public with regard to emissions of SO<sub>2</sub>, NO<sub>x</sub>, SAM and mercury. It states:

No increase in facility-wide SO<sub>2</sub>, NO<sub>x</sub>, SAM and mercury when compared to historical (Baseline) air emissions. The applicant has accepted facility-wide caps for each above pollutant eliminating the requirement for a PSD review.

The emissions caps to which the notice refers are not enforceable as a practical matter, so the Notice fails to provide adequate and correct information regarding the potential impact of the Seminole 3 permitting decision.

21. On or about September 5, 2006, counsel for the Sierra Club spoke with a DEP staff person by telephone and learned that DEP has sent to Seminole a Notice of Intent to Issue Air Permit for Seminole Unit 3. The staff person stated that he did not know whether Seminole had published the Notice or in what publication the Notice would appear. He stated that Seminole was required to provide proof of publication to the DEP, and that the DEP would post the publication date on its website when it received that information.

22. On information and belief, Seminole published the Notice in the Palatka Daily News on September 8, 2006. Neither counsel for the Sierra Club nor Sierra Club members working on other issues related to the Seminole Generating Station saw the Notice in the Palatka Daily News.

23. Over the next four weeks, counsel for the Sierra Club checked the DEP website frequently, but never saw any indication that Seminole had published the notice.

On information and belief, the website still does not include a proof of publication or any information regarding the publication of the Notice, including the date on which it was published.

24. On or about October 6, 2006, counsel for the Sierra Club spoke with DEP staff and was told that the Notice had been published in the Palatka Daily News on September 8, 2006, that the deadline for filing a petition for an administrative hearing was on September 22, 2006, and that the deadline for comments was on October 9, 2006.

25. The Sierra Club filed comments on the Draft Permit on October 9, 2006.

#### **ENLARGEMENT OF TIME**

26. The Sierra Club seeks an enlargement of time for filing a petition for hearing on the proposed Permit pursuant to 62 F.A.C. § 62-110.106(4), which states, in relevant part:

For good cause shown, the Secretary of the Department (or the Secretary's designee) may grant an enlargement of time for the doing of any act required or allowed to be done . . . even if the period has expired, upon motion showing that the failure to act was the result of excusable neglect.

#### **I. THE SIERRA CLUB'S DELAY IN FILING A PETITION FOR HEARING IS EXCUSABLE AND SEMINOLE WILL NOT BE PREJUDICED BY ALLOWING THE SIERRA CLUB TO FILE THIS PETITION.**

27. The Sierra Club has been actively participating in the administrative hearing on Seminole's Unit 3 Power Plant Siting Application (Case No. 06-0929EPP). As a non-profit, public interest organization, the Sierra Club has limited resources to dedicate to even the most important environmental issues. Because the Florida Chapter has already committed a significant amount of resources to the hearing on the Siting Application, it did not have the additional resources available to evaluate the Draft Air Permit.

28. Neither Sierra Club's counsel in the Siting Application proceeding nor Sierra Club members active in challenging the Seminole expansion saw the Public Notice of Intent to Issue Air Permit that was apparently published on September 8, 2006, in the Palatka Daily News.

29. In early September, 2006, staff attorneys at the Sierra Club's San Francisco headquarters became involved in the Seminole permitting process. Because the Florida Chapter was focusing its resources on the Siting Application, Sierra Club staff attorneys offered to help the Chapter to review the Air Permit and submit comments if appropriate. While Sierra Club staff attorneys have substantial experience related to permits issued under the PSD provisions of the Clean Air Act, they have no prior experience working in Florida administrative proceedings, or in any other state where the administrative scheme requires a hearing petition on a PSD permit to be filed before the deadline for submitting comments on the draft permit.

30. Sierra Club attorneys diligently sought and eventually retained expert witnesses who could assist the attorneys in reviewing the Draft Permit and its supporting technical documents. Due to prior commitments, the Sierra Club's lead expert was not available to review the Draft Permit and supporting documents until October 5, 2006. At that time, she began her review and discovered serious deficiencies in the technical analysis that supported the Draft Permit.

31. On or about October 6, 2006, a Sierra Club staff attorney based in San Francisco had a telephone conversation with DEP staff, who stated that the Notice had been published on September 8, 2006, that the deadline for filing a petition for hearing on

Seminole 3 had passed, and that comments were due on October 9, 2006. The Sierra Club submitted timely comments on the Draft Permit. See Exhibit A.

32. Equitable tolling is a defense to the untimely filing of a petition for hearing on a decision that affects substantial interests. F.S.A. § 120.569(2)(c). In this case, the equities favor granting the Sierra Club's motion for enlargement of time. Sierra Club attorneys contacted DEP staff as soon as the Sierra Club's expert had the opportunity to review the Draft Permit and identify serious flaws. The Sierra Club submitted timely comments on the Draft Permit and is submitting this petition within fewer than 14 days after discovering the issues that warrant a hearing.

33. It seems unreasonable to expect Florida citizens and public interest, non-profit organizations with limited resources to be able to find and retain experts, review the air permit and supporting technical documents, ascertain the disputed issues of material fact, analyze potential legal claims, and draft and file a petition in a mere fourteen days after publication of the Notice, particularly in comparison with the many months that the project applicant and DEP have to develop and evaluate the permit information.

34. Granting the Sierra Club's request for an extension will not result in prejudice to Seminole. Because the Sierra Club is a party in the siting hearing for Seminole 3, Seminole is aware of the Sierra Club's opposition to the proposed project and will not suffer prejudice from a brief delay in filing a petition.

35. The public interest will be harmed if this request for an extension is denied. The Draft Permit suffers from serious flaws that render some of the limits it imposes inadequate and some unenforceable. The issuance of this flawed permit with no

opportunity for a hearing will mean that serious concerns regarding public health and the environment will be ignored.

**II. REGULATIONS INDICATE THAT A REQUEST FOR HEARING IS  
TIMELY IF FILED WITHIN FOURTEEN DAYS AFTER NOTICE OF  
THE FINAL DETERMINATION TO APPROVE THE PERMIT.**

36. Although the Notice states that a petition for an administrative hearing must be filed within fourteen days of publication of the Notice, the regulations are ambiguous and confusing regarding the timeframe for filing a petition. The ambiguity arises in the language used to describe the action being contested. The language in 62 F.A.C. § 62-110.106(2) indicates that a person with substantial interests can file a petition on either an "actual or proposed action of the Department." The rule creates a distinction between "intended agency action" (which seems to be synonymous with "proposed action") and "actual agency action," but states that "notice of agency action" includes notice of both. Id. The rule creates the impression that a person with substantial interests can choose whether to petition for a hearing on either the actual action or the intended action.

37. This impression is corroborated by the language and scheme in 62 F.A.C. § 62-210.350, dealing with public notice and comment on agency action. That regulation seems to use the phrases "final agency action" and "final determination" synonymously. Compare 62 F.A.C. § 62-210.350(a) with 62 F.A.C. § 62-210.350(f). It requires the Department to consider public comments submitted on the proposed agency action in making its "final determination." 62 F.A.C. § 62-210.350(f). Presumably, that "final determination" is the "actual agency action" referred to in 62 F.A.C. § 62-110.106(2). Until a person with substantial interests knows what the "final determination" will be,

and whether the Department will modify the proposed action in response to comments, it would seem premature to petition for a hearing.

### III. THE PUBLIC NOTICE IS DEFICIENT.

38. Florida's Clean Air regulations require DEP to provide public notice of "the degree of PSD increment consumption expected" as a result of the proposed Seminole 3. 62 F.A.C. § 62-210.350(2)(a)(3). DEP violated this requirement because it failed to provide public notice of the actual impact of the Seminole 3's sulfur dioxide pollution on the Local Air Quality Standard in the nearby Okefenokee and Chassahowitzka NWA Class I Areas.

39. The analysis of the impact of the Seminole plant's emissions on the Air-Quality Standards suffers serious flaws. In demonstrating the impacts of Seminole Units 1 and 2 on the Local Air Quality Standard for sulfur dioxide at nearby Okefenokee and Chassahowitzka National Wildlife Refuges, Seminole arbitrarily excluded all sources except the power plant itself – despite the acknowledged absence of any technical or legal basis to so limit the analysis. Seminole Electric Cooperative Request for Modification for Seminole Units 1 and 2, Appendix C, Air Quality Modeling Analysis. Even without those additional sources of air pollution, the analysis indicated that the increment would almost be exceeded for the Units 1 and 2 modification. See Table 3-6 (the Class I increment for sulfur dioxide for the 24-hour concentration is  $5.00 \mu\text{g}/\text{m}^3$  and the Seminole plant will contribute  $4.99 \mu\text{g}/\text{m}^3$ ). This would leave only  $0.01 \mu\text{g}/\text{m}^3$  for all future development in the area, including the new Unit 3. The Class I increment analysis for Seminole 3 relied upon these erroneous calculations related to Seminole 1 and 2.

40. The Class I increment analysis for Seminole 3 also relied on an arbitrary and unenforceable emissions rate from Seminole 1 and 2. The modeling was based on an annual cap for sulfur dioxide that assumed an emissions rate of 0.38 lb/MMBtu for both Seminole 1 and 2. This annual cap, however, is not an enforceable emissions limit, and is dramatically lower than the rate allowed by the draft permit for Seminole 1 and 2 (0.67 lb/MMBtu). Thus, Seminole failed to demonstrate compliance with Class I increment requirements, because it based its modeling on a completely unenforceable emission limit, left to be implemented at the discretion of the permittee.

41. Because the DEP failed to provide adequate notice to the public regarding increment consumption, the Notice violates Florida regulations requiring disclosure of the "degree of PSD increment consumption expected." 62 F.A.C. § 62-210.350(2)(a)(3). The Notice is legally flawed and must be reissued. In the Matter of: Hudson Power 14 - Buena Vista, 4 E.A.D., 258, 271-72 (E.A.B. 1992).

#### DISPUTED ISSUES OF MATERIAL FACT

42. Whether DEP conducted an adequate analysis to determine the Best Available Control Technology ("BACT") for CO, VOCs, fluoride, particulate matter, and mercury.

43. Whether a BACT analysis is required for mercury and sulfuric acid mist.

44. Whether the emissions limits in the Draft Permit reflect BACT for CO, VOCs, fluoride, particulate matter, sulfuric acid mist, mercury, and opacity.

45. Whether the analysis supporting the Draft Permit included appropriate modeling of SO<sub>2</sub> emissions with regard to their impact on Class I areas.

46. Whether the analysis supporting the Draft Permit included an adequate assessment of how emissions from Seminole 3 may impair soils and vegetation.
47. Whether DEP must include consideration of Integrated Gasification Combined Cycle ("IGCC") technology as BACT.
48. Whether the Draft Permit limits for VOCs, fluorides, PM, SAM, NH<sub>3</sub>, and mercury are enforceable.
49. Whether the permit limits for Seminole Units 1 and 2 are enforceable such that they support emissions credits for Seminole Unit 3.
50. Whether the startup and shutdown exemption in the Draft Permit were appropriately modeled.
51. Whether the startup and shutdown exemption in the Draft Permit reflect BACT.
52. Whether Seminole conducted adequate pre-construction monitoring.
53. Whether DEP considered reasonable alternatives to Seminole 3.
54. Whether the Draft Permit limits will adequately protect public health.
55. Whether the construction of Seminole 3 will have a disproportionate impact on minority or economically disadvantaged communities.

#### ULTIMATE FACTS WARRANTING REVERSAL

56. The Draft Permit would allow Seminole 3 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.

#### STATUTES AND RULES VIOLATED BY THE PERMIT

The Draft Permit violates the following statutes and rules:



57. The Clean Air Act's Prevention of Significant Deterioration ("PSD") provisions, which govern construction of new major sources of air pollution in regions that attain the national ambient air quality standards ("NAAQS"). 42 U.S.C. § 7475.

58. The PSD rules codified at 40 CFR Part 52 and incorporated as a Florida State Implementation Plan ("SIP") approved program into 62 F.A.C. § 62-212.400. See 62 F.A.C. § 62-204.800. These rules require that applicants reduce their emissions by employing the "best available control technology" ("BACT") for pollutants that would be emitted in levels that exceed the PSD significance thresholds, see 62 F.A.C. § 62-210.200(264), 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 62 F.A.C. §§ 62-212.400, 62-204.200, 62-204.220, 62-204.260.

59. The regulation defining BACT 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, 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 BACT determinations of Florida and any other state;

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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.

60. F.A.C. § 62-210.200(39). See also 42 U.S.C. § 7479(3); 40 C.F.R. § 52.21(b)(12). Specifically, the Draft Air Permit violates Florida's Prevention of Significant Deterioration ("PSD") provisions, 62 F.A.C. § 62-212.400, by failing to

require Seminole to use the Best Available Control Technology ("BACT") for CO, VOCs, PM, SAM, Hg, and visible emissions. The technical analyses regarding the BACT decisions for these pollutants suffer from serious flaws. In some cases, DEP failed to require a BACT analysis even though pollution levels allowed by the permit exceed the PSD significance thresholds. In other cases, the technology selected as BACT is not in fact BACT-level technology.

61. The regulations requiring an assessment of the "impairment to \* \* \* soils and vegetation that would occur as a result of the source" before issuing a PSD permit. 40 C.F.R. § 52.21(o); 62 F.A.C. § 62-212.720(8)(a).

62. The Clean Air Act requirement that an emission limitation apply to emissions of air pollutants "on a continuous basis." 42 U.S.C. § 7602(k).

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

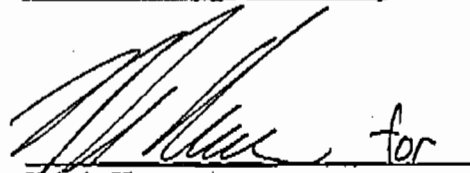
#### RELIEF SOUGHT

Petitioners respectfully request that the Motion for Enlargement of Time be granted and that this Petition be forwarded to the Division of Administrative Hearings to conduct a formal administrative hearing, and that DEP issue a final order denying Permit No. 1070025-005-AC (PSD-FL-375).

Respectfully submitted this 16th day of October, 2006.

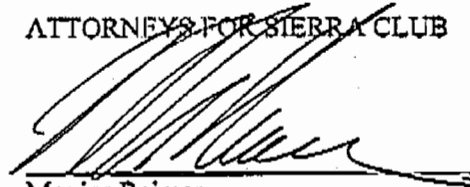


Joanne Spalding  
85 Second Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94115  
(415) 977-5725  
(415) 977-5793  
[joanne.spalding@sierraclub.org](mailto:joanne.spalding@sierraclub.org)



Kristin Henry  
85 Second Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94115  
(415) 977-5716  
(415) 977-5793  
[kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org)

ATTORNEYS FOR SIERRA CLUB



Monica Reimer  
Florida Bar No. 0090069  
Earthjustice  
111 South Martin Luther King Jr. Boulevard  
Tallahassee, Florida 32301  
(850) 681-0031  
(850) 681-0020 (facsimile)

LOCAL COUNSEL

CERTIFICATE OF SERVICE

I, Monica K. Reimer, certify and declare as follows:

My business address is 111 South Martin Luther King Jr. Boulevard, Tallahassee, Florida 32301 which is located in the county where the mailing described below took place.

On October 16, 2006, I served a copy of the Sierra Club's Motion for Enlargement of Time and Petition for Administrative Hearing on the recipients listed below via regular U.S. mail and facsimile.

Department's Agency Clerk  
Office of General Counsel  
Department of Environmental Protection  
3900 Commonwealth Boulevard  
Mail Station #35  
Tallahassee, FL 32399-3000  
(850) 245-2241 (Telephone)  
(850) 245-2303 (Facsimile)

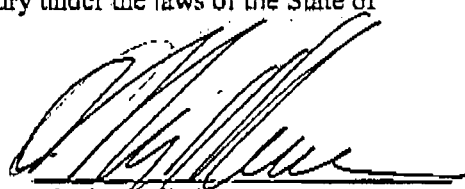
On October 16, 2006, I served a copy of the Sierra Club's Motion for Enlargement of Time and Petition for Administrative Hearing on the recipients listed below via regular U.S. mail.

*Authorized Representative:*  
James R. Frauen  
Project Director, SGS -3  
Seminole Electric Cooperative, Inc.  
16313 North Dale Mabry  
Tampa, Florida, 33618

Trina Vielhauer  
Florida Dept. of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
MS #5505  
Tallahassee, FL 32399-2400

I certify and declare under penalty of perjury under the laws of the State of Florida that the foregoing is true and correct.

Executed on October 16, 2006.

  
Monica K. Reimer

## Gibson, Victoria

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**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 2:15 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

**Attachments:** Seminole's Responses to Sierra Club's Amended Exceptions.pdf

Here is the document!

Thanks,  
Lea



Seminole's  
Responses to Sierra.

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

-----Original Message-----

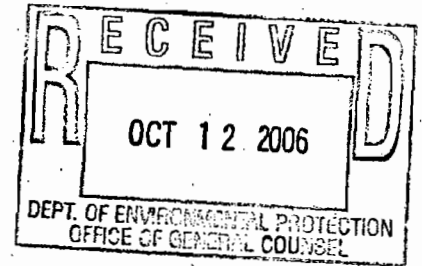
**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 1:47 PM  
**To:** Chisolm, Jack; Gingery, Betsy; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

FYI, a Request for Extension of Time & Petition for Admin. Hearing was rec'd. from Sierra Club re: 1070025-005-AC - Seminole Electric Coop.

Thanks,  
Lea

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

THE STATE OF FLORIDA  
THE SITING BOARD

In Re: Seminole Electric Cooperative )  
Seminole Generating Station Unit 3 )  
Power Plant Siting Application )  
No. PA 78-10A2. )

DOAH CASE NO. 06-0929EPP

**SEMINOLE ELECTRIC COOPERATIVE, INC.'S**  
**RESPONSES TO SIERRA CLUB, INC.'S**  
**AMENDED EXCEPTIONS TO RECOMMENDED ORDER**  
**ON LAND USE AND ZONING**

Seminole Electric Cooperative, Inc. (Seminole Electric), by and through its undersigned counsel submits the following Responses to the Amended Exceptions to Recommended Order on Land Use and Zoning filed by Sierra Club, Inc. (Sierra Club) on September 28, 2006.

**Background**

As recited in the Administrative Law Judge's (ALJ) Recommended Order on Land Use and Zoning (Recommended Order), Seminole Electric proposes to build a new, third unit at Seminole's existing power plant site located in the unincorporated area of Putnam County, Florida. That existing site contains Units 1 and 2, representing a 1300 megawatt (MW) coal-fired facility which began operation in 1984. Seminole proposes to add a new third unit of 750 megawatts at that site which will be much like the existing facilities. See Findings of Fact 3, 4, and 10.

The site for the existing and proposed unit is approximately 2000 acres in size. The site is comprised of a larger parcel, which contains the existing two units, and a smaller 4.5 acre parcel along the St. Johns River which contains an intake pump house. The smaller parcel is connected to the larger parcel by an existing privately-granted easement that contains underground water pipelines to supply water to the generating units and a duct bank containing electrical conduit. Facilities for the new Unit 3 will be located adjacent to and integrated with,

the existing facilities within the larger parcel and a new pipeline and a new duct bank will be added in the existing pipeline easement. Pumps within the existing pump house will be upgraded but no changes will be made to the pump house building itself. See Findings of Fact 4, 6, 10 and 12.

The site for the existing and proposed units was certified under the Florida Electrical Power Plant Siting Act (PPSA) in 1979. In its final Order Relating to Land Use and Zoning, dated March 21, 1979, the Siting Board determined that the site for the two now-existing units was "consistent and in compliance with the land use plans and zoning regulations [of Putnam County] in effect at that time." The Siting Board also ordered that the "responsible zoning and planning authorities [are] to refrain from hereafter changing such land use plans or zoning ordinances so as to affect the proposed site." See In Re: Seminole Electric Cooperative, Inc., Application for Power Plant Site Certification, Putnam County, DOAH Case No. 78-1388, 1979 Fla. ENV LEXIS 10 Siting Board, March 21, 1979, which is Seminole Exhibit 1. Sierra Club was a party to that 1979 site certification proceeding in which the site was determined to be consistent and in compliance with Putnam County's land use plans and zoning ordinances. See Findings of Fact 7, 8 and 9.

In 1978, Putnam County had adopted PUD zoning for the Seminole Electric plant site. Putnam County did not have an adopted comprehensive plan or future land use map (FLUM) when the site was first certified in 1979. See Finding of Fact 7.

Putnam County subsequently adopted a comprehensive plan and future land use map, which designated the larger parcel of the site where the existing units are located as "Industrial" and designated the parcel containing the pump house as part "Rural Residential" and part

"Agricultural II". The lands occupied by the pipeline easement were designated "Agricultural II". See Findings of Fact 18, 19 and 20.

On January 10, 2006, the Putnam County Board of County Commissioners adopted an ordinance that amended the PUD zoning for both parcels of the site to accommodate the construction of the proposed Unit 3. In making its decision to amend the PUD zoning, the County Commission determined the Unit 3 project and its proposed site are consistent with the County's Comprehensive Plan and met the requirements of the County's land development code. Sierra Club participated in the County's public hearing on January 10, 2006 and did not object to or appeal the County's decision to amend the PUD zoning for the proposed Unit 3. See Findings of Fact 22, 23, 24 and 25.

All of the Sierra Club's exceptions relate only to the portions of the Recommended Order that address the existing pump house and pipeline/duct bank easement. These are particularly benign features of the Unit 3 Project. The only changes will be upgraded pumps inside the pump house, and the additional installations, beneath the land surface of the existing easement, of pipes and conduit similar to that already located in that easement. Unrebutted testimony demonstrated that there would be no adverse impacts on adjacent land uses from these activities. (Zwolak, Tr. II, pp. 12-13) The record demonstrates that Putnam County explicitly considered these features of the Unit 3 Project to be consistent and in compliance with applicable land use plans and zoning laws when the County adopted its amended PUD ordinance for the Project site.

#### Standards Of Administrative Review

In reviewing a recommended order such as the one now before the Siting Board, the findings of fact entered by the administrative law judge may not be rejected or modified by a reviewing agency "unless the agency first determines from a review of the entire record, and



states with particularity in the order, that the findings of fact are not based on competent substantial evidence". Subsection 120.57(1)(b)(I), F.S.; Dunham v. Highlands County School Board, 652 So.2d 894 (Fla. 2d DCA 1995). An agency reviewing a recommended order from an administrative law judge may not reweigh the evidence, resolve conflicts therein, or judge the credibility of witnesses, as those are evidentiary matters within the province of the administrative law judge as the trier of fact. Belleau v. Dept. of Environmental Protection, 695 So.2d 1305, 1307 (Fla. 1st DCA 1997); Maynard v. Unemployment Appeals Commission, 609 So.2d 143, 145 (Fla. 4th DCA 1992). Furthermore, an agency reviewing a recommended order has no authority to make independent or supplemental findings of fact in its final order. North Port, Fla. v. Consolidated Minerals, Inc., 645 So.2d 485 (Fla. 2d DCA 1994).

The scope of agency review of a DOAH recommended order involves ascertaining whether the administrative law judge's findings of fact are supported by competent substantial evidence of record. North Port, 645 So.2d at 487. Competent substantial evidence is such evidence that it is sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. Perdue v. T.J. Palm Associates, Ltd., 755 So. 2d 660 (Fla. 4<sup>th</sup> DCA 1999); De Groot v. Sheffield, 95 So. 2d 912, 916 (Fla. 1957).

Interpretations of its own ordinances and regulations by an agency such as Putnam County are entitled to great deference and should not be overturned, unless "clearly erroneous." Falk v. Beard, 614 So.2d 1086, 1089 (Fla. 1993); State Contracting & Engineering Corp. v. Dept. of Transportation, 709 So.2d 607, 610 (Fla. 1st DCA 1998). An agency's interpretation of statutes, ordinances and rules within its regulatory jurisdiction does not have to be the only reasonable interpretation. It is enough if such agency interpretations are "permissible" ones. Falk

v. Beard, 614 So.2d 1086, 1089 (Fla. 1993); Suddath Van Lines, Inc. v. Dept. of Environmental Protection, 668 So.2d 209, 212 (Fla. 1st DCA 1996).

On administrative review, an agency is not bound by the labels affixed by an administrative law judge designating various portions of a recommended order as "findings of fact" or "conclusions of law." Battaglia Properties v. Land and Water Adjudicatory Commission, 629 So.2d 161, 168 (Fla. 5th DCA 1993). Thus, the labeling of a finding of fact as a conclusion of law in a recommended order will be treated either as harmless error or as a mixed finding of fact and conclusion of law.

#### Seminole Electric's Responses to Sierra Club's Exceptions

Addressing the substance of Sierra Club's four exceptions to the ALJ's Recommended Order on Land Use and Zoning, Seminole offers the following.<sup>1</sup>

##### Preliminary Considerations

As a preliminary matter, two issues should be addressed. The Siting Board's March 21, 1979 Order Relating to Land Use and Zoning is a significant legal precedent that bound and otherwise restricted the subsequent land use and zoning decisions of Putnam County as those decisions related to the certified site for the Seminole Electric power plant in Putnam County. The ALJ in this case found in the August 31, 2006, Recommended Order, that Putnam County "has assigned future land use categories to all of the properties occupied by SECI's facilities,

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<sup>1</sup> Sierra Club did not number its individual exceptions but instead referenced individual numbered Findings of Fact or Conclusions of Law in its exceptions. In this response, Seminole will address the Sierra Club's exceptions in numerical order. The first response will be addressed to the exception to Finding of Fact 19; the second response addresses the Sierra Club's exception to Finding of Fact 32; Seminole's third response addresses Sierra Club's exception to Conclusion of Law 40 and 42, and; Seminole's fourth response addresses Sierra Club's exception to Conclusion of Law 43.

including the electrical generating Units 1 and 2, the pump house and the pipeline easement, that are consistent with the Siting Board's Order relating to land use and zoning and do not affect the use of those properties for such uses." The ALJ further found that "Putnam County has not taken any subsequent land use or zoning action which affect the continued use of the site for electrical generating facilities." See Conclusions of Law 37 and 38, (which constitute mixed Findings of Fact and Conclusions of Law.) The Sierra Club has not taken exception to those significant factual findings and legal conclusions concerning the effect of the March 21, 1979 Siting Board Order Relating to Land Use and Zoning. In its exceptions, Sierra Club does not acknowledge that prior 1979 Order of the Siting Board relating to the site for the existing and proposed units. The Sierra Club would apparently have the Siting Board ignore its own express directive to local officials to not affect the use of the site in the future in adopting land use plans or zoning. Based on this omission by Sierra Club, to take exception to these key factual findings regarding the effect of the Siting Board's 1979 Order and the County's land use and zoning decisions in accord with that Order, the Sierra Club's more limited exceptions would not change the outcome recommended by the ALJ.

Additionally, as the ALJ found in Finding of Fact 9, Sierra Club was a party to the original site certification proceeding and is bound by the Siting Board's determination of the consistency of the existing site with the County's land use plans and zoning ordinances. Further, in Finding of Fact 25, the ALJ found that Sierra Club also participated in the Putnam County Commission's public hearing on January 10, 2006 at which the existing PUD zoning for the site was amended to accommodate the placement of Unit 3 and its related facilities. At that hearing, the Putnam County Commission also determined that the Unit 3 project was consistent with the County's comprehensive plan and land development code. The ALJ found that the Sierra Club

did not object to the adoption of the amended PUD zoning ordinance and that no one appealed the County's amended PUD zoning ordinance. Therefore, the ALJ found in Finding of Fact 25, that "Sierra Club is now bound by the determinations of land-use and zoning consistency in these prior proceedings, as well as in the original site certification proceeding." Sierra Club has not filed exceptions to Findings of Fact No. 9 and 25 that found Sierra Club is bound by these prior proceedings; Sierra Club has not attempted to explain why it should not be bound by the determinations from the prior proceedings in which it participated. State, Dept. of Revenue v. Bridger, 935 So.2d 536 (Fla., 3rd DCA 2006); Wendel v. Wendel, 852 So.2d 277 (Fla. 2<sup>nd</sup> DCA2003) ("Under the law of the case doctrine, questions of law that have actually been decided on appeal must govern the case in the same court and in the trial court through all subsequent stages of the proceedings); Advisory Opinion to Attorney General re Referenda Required For Adoption and Amendment of Local Government Comprehensive Land Use --- So.2d ---, 2006 WL 1699568 (Fla. 2006) ("Res judicata bars the litigation of issues that were raised or could have been raised in a prior proceeding between the same parties.") Sierra Club thus has no basis to take exception to issues that have been resolved in prior proceedings in which it participated. Again, the Sierra Club has filed exceptions to a small handful of limited issues, but has not taken issues with critical factual findings and conclusions that are outcome determinative in this matter related to its prior conduct.

Sierra Club provided no evidence in support of its allegations during the land use and zoning hearing. Seminole provided expert testimony, in addition to a number of exhibits, to support its position. Sierra Club made no effort to rebut the testimony of Seminole's experts and cannot do so now by questioning the propriety of the ALJ's findings of fact. So long as the

ALJ's Findings of Fact are supported by competent substantial evidence, and Sierra Club having provided no evidence to the contrary, the Siting Board must reject Sierra Club's exceptions.

Response to Exception No. 1

In its first exception, related to Finding of Fact 19, Sierra Club takes exception to the portion of the ALJ's finding that the "existing pump house and underground water pipes and electrical duct bank are allowed uses in both the Agricultural II and in the Rural Residential future land use districts as a Type 2 community facility." Sierra Club cites to provisions of the County's comprehensive plan in support of this contention, as well as arguing for supplemental evidentiary findings on the incompatibility of such facilities to support this exception. Sierra Club provided no evidence to the contrary at the hearing.

First, these future land use categories for the parcel containing the pump house and for the pipeline and duct bank easement must be considered in light of the March 21, 1979 Siting Board Order Relating to Land Use and Zoning for the Seminole Electric site, which included this pump house parcel and the pipeline easement. To now find, as the Sierra Club's exception would require, that the existing pump house and water pipelines are not allowed uses in those future land use districts, would be inconsistent with the Siting Board's directive that the Seminole site not be affected by a change in land use plans or zoning ordinances subsequent to that 1979 Order. Sierra Club's interpretation would mean the existing pump house and pipelines are not consistent and in compliance with Putnam County's land use plans and zoning regulations. To find that the pump house and pipeline and duct bank are now not consistent with the County's land use plans would also mean that Putnam County has acted contrary to the Siting Board's 1979 order by affecting the use of these lands in an adverse way.

The ALJ correctly concluded that "Putnam County has assigned future land use categories to all of the properties occupied by SECI's facilities, including the electrical generating Units 1 and 2, the pump house and the pipeline easement, that are consistent with the Siting Board's Order Relating to Land Use and Zoning and do not affect the use of those properties for such uses." Sierra Club has taken no exception to these findings as to the County's actions which were taken in accordance with the Siting Board's 1979 directive. In the face of these findings to which it did not take exception, Sierra Club's exception to Finding of Fact 19 is untenable.

Further, Sierra Club's exception to Finding of Fact 19 involves re-argument of the evidence presented to the ALJ, and is an improper attempt to have the Siting Board make supplemental findings of fact. The County's comprehensive plan defines a Type 2 Community Facility as "light infrastructure facilities, including but not limited to, water wells, water tanks, sewage pump stations, electrical substations, and water and wastewater treatment plants with a capacity of less than 500,000 gallons per day." Type 2 Community Facilities are allowed in all eleven of Putnam County's Future Land Use categories. See Finding of Fact 30. The expert planning witness testified without any rebuttal testimony, that the pump house and water pipeline met this County definition for a Type 2 Community Facility. (Zwolak, Tr. II, p. 28). Thus, there is competent substantial evidence to support this Finding of Fact.

Contrary to the Sierra Club's argument on incompatibility, the ALJ found in Finding of Fact 17 (to which Sierra Club took no exception) that the addition of the proposed Unit 3, which includes the existing pump house and new water pipeline, "would be compatible with the existing land uses at and near the Site" and that the "new Unit 3 will be able to co-exist with existing land uses in that the new Unit 3 is not expected to have a significant adverse impact to

nearby residential development." [Emphasis added] This finding was based on the expert planning testimony of Seminole Electric's witness Richard Zwolak. (Zwolak, Tr. II, p. 12-13) Thus, the requirements of the cited comprehensive plan policy A.1.9.3.A.4.e are fulfilled, that Type 2 Community Facilities such as the pump house and pipeline be compatible with the overall character of the existing and future development of the area. Sierra Club provided no evidence to the contrary and cannot do so now through the filing of exceptions.

Sierra Club would also have the Siting Board engage in supplemental fact finding related to land use compatibility and interpretations of the County's comprehensive plan in granting this exception. Sierra Club seeks to have the Siting Board make a finding of fact that those facilities are not compatible with surrounding land uses, when the ALJ's Finding of Fact 17 finds that they are and will be compatible. The ALJ has made those factual findings contrary to Sierra Club's assertions. The Siting Board may not engage in supplemental fact finding on this issue. North Port, Fla. v. Consolidated Minerals, 645 So.2d 485 (Fla. 2d DCA 1994)

Sierra Club also cites to Putnam County Comprehensive Plan Policy A.1.9.3.A.10.c for the proposition that "a Type 2 community facility must 'be directly related to Agricultural uses.'" However, a reading of that cited policy, found in Seminole Exhibit 10A at page AA-29, reveals that Sierra Club has misquoted the policy in a manner to incorrectly represent that Type 2 Community Facilities are not allowed in areas designated Agricultural II if those facilities are not "directly related to agricultural uses." First, the comprehensive plan policy cited by Sierra Club relates to Industrial Uses and not to Type 2 Community Facilities. Second, Policy A.1.9.3.A.10.c, which Sierra Club cites to, instead provides that "Industrial Uses that are directly related to Agricultural uses shall be located on sites within the area that they are designed to serve and are accessible by one or more transportation facilities. . . ." That same cited policy

goes on to provide that "Other Industrial uses larger than 10 acres . . . may be permitted [in Agricultural II areas] through a PUD. . . ." Thus, there is simply no prohibition on either Type 2 Community Facilities or Industrial Uses including electrical power plants in Agricultural II areas when properly sited and zoned in accordance with the County's comprehensive plan and other regulations.

The correct comprehensive policy for Type 2 Community Facilities located in Agricultural II areas is found in Putnam County Comprehensive Plan Policy A.1.9.3.A.10.d , which immediately follows the policy to which Sierra Club cites. Policy A.1.9.3.A.10.d provides that

d. Community Facilities and Services Types 1, 2, and 3 are permitted subject to compliance with standards provided in the land development code. Community Facilities and Services shall be located on sites that are accessible to their intended service area and do not require significant non-residential vehicular traffic to pass through established neighborhoods. The location, scale and intensity of Community Facilities and Services Types 1, 2 and 3 shall be compatible with the overall character of the existing and future development of the area. Community Facilities and Services acreage in each distinct Agriculture II area shall not exceed 5 percent of its total land area without a comprehensive plan amendment to designate the area as Public Facilities future land use.

See Seminole Ex. 10A at page AA-29. There is simply no restriction or limitation in the relevant Putnam County comprehensive plan policy that requires that Type 2 community facilities in Agricultural II areas "must be directly related to Agricultural uses" as Sierra Club would now have the Siting Board find.

Sierra Club offers no citation to the Recommended Order or the record evidence to support its claim that "Industrial activities by their nature and classification are incompatible with residential uses. . . ." In fact, the Recommended Order in Finding of Fact 17 finds that the proposed Seminole Unit 3 is compatible with nearby residential development. That finding was



based on record evidence and the expert planning testimony of Mr. Zwolak. (Zwolak, Tr. II, pp. 12-13) There is no basis in the record evidence or the law to accept the Sierra Club's assertion that the proposed power plant at this location is incompatible with nearby residential development. Nor is there any basis for concluding that the pump house or pipeline/duct bank easement would be incompatible with nearby development. The record demonstrates that there will be no visible changes to the pump house or the easement. The Sierra Club has not linked any of its contentions to an ascertainable rationale related to land use policy.

Sierra Club in its exception fails to cite to any record evidence to support its proposition that the pumps in the existing pump house are not Type 2 Community Facilities and instead constitute heavy industrial activities. One need only consider that when it adopted its comprehensive plan, Putnam County did not designate the pump house and water pipeline easement as Industrial as would have been the case if Putnam County believed the pump house, and the pipelines are Industrial facilities. Putnam County did designate the portion of the site containing the two existing electrical generating units as Industrial when it adopted its comprehensive plan.

The Sierra Club's proffered factual finding that "pumps are not Type 2 Community Facilities as defined by the comprehensive plan's glossary because they are not 'light infrastructure facilities'" is expressly contrary to the ALJ's Finding of Fact 30 and contrary to the un rebutted evidence and expert testimony in the case as noted by the ALJ in Finding of Fact 30. Thus, even if it were legally permissible to do so, there is no evidentiary basis to make the Sierra Club's proffered supplemental factual finding that the pump is "part and parcel of the heavy industrial activities associated with electrical production" in a way that would make them ineligible to be a Type 2 Community Facility. North Port, 645 So.2d at 485.

Sierra Club's reference to the "definition of electrical power plant" in section 403.503(12), Florida Statutes (F.S.) is not explicated or understandable in the context of this exception. To the extent necessary, this issue is addressed in the response to Sierra Club's second exception. For the foregoing reasons, Sierra Club's first exception should be denied.

Response to Exception No. 2

In its second exception, Sierra Club challenges Finding of Fact 32, in which the ALJ found that Sierra Club offered no contradictory evidence of the County's interpretation of its plan, offered no evidence as to how the community could be adversely affected by the continued use of the pump house, and offered no evidence that these facilities constituted industrial uses under the Putnam County land use plans and zoning regulations.

Sierra Club erroneously argues that this finding "misplaces the burden of proof and creates evidentiary requirements that do not exist." However, Sierra Club's argument on this issue is contrary to the holding in Department of Transportation v. J.W.C. Co., Inc., 396 So. 2d 778 (Fla. 1<sup>st</sup> DCA 1981). Under the burden shifting nature of an administrative hearing, J.W.C. stands for the proposition that Seminole Electric, as the applicant, had the initial burden to demonstrate that in this circumstance that the site for its proposed Unit 3 project was consistent and in compliance with the adopted land use plans and zoning ordinances of Putnam County, in accordance with section 403.508(2), F.S. (2005). Seminole made that showing through evidence including the expert testimony of Mr. Richard Zwolak, a land use planner, to support that conclusion. Under J.W.C., the burden then shifted to the Sierra Club, as the opponent on land use issues, to offer "contrary evidence of equivalent quality" to contradict Putnam County's interpretation of its comprehensive plan, and to counter Seminole Electric's competent substantial evidence that the community would not be adversely affected by the continued use of

the pump house and that the pump house and pipeline are not an industrial use under the County's comprehensive plan. The ALJ did not misplace the burden of proof and did not create new evidentiary requirements for Sierra Club.

In this exception, Sierra Club also asserts that "Seminole's contention that the pump house is not an industrial facility contradicts the statutory definition of electrical power plant, which makes no such distinction and instead, specifically includes 'associated facilities which directly support the operation of the plant,'" citing to section 403.503(12), F.S. Sierra Club offers no additional analysis beyond this simple assertion to explain its notion that the PPSA's definition of "electrical power plant" compels the conclusion that a pump house must be regulated as an industrial facility under local government land use plans and zoning regulations. Nothing in the Power Plant Siting Act or the cited PPSA definition of "electrical power plant" stands for the proposition that all parts of a power plant must be considered to be "industrial" and therefore designated industrial or zoned industrial in a county's future land use plans or zoning laws, respectively. Nothing in the Power Plant Siting Act says that Seminole had to demonstrate that all of the associated facilities of the Unit 3 project, including the pump house and pipeline, were placed in an industrial future land use designation or an industrial zoning category.

Further, under Sierra Club's logic that all components of a power plant must be designated or zoned "industrial" if they are related to the operation of the plant, is impractical. That analysis would suggest that every potable water line, sewer line, roadway, and transmission line that supports a power plant as an associated facility would have to be designated or zoned "industrial" on that basis. This would be an outcome that lacks a rationale and would usurp the authority of local governments on land use and zoning issues. Further, there is no precedent in 30 years of cases under the PPSA in Florida to support such a conclusion.

Response to Exception No. 3

In its third exception, Sierra Club challenges the ALJ's Conclusions of Law 40 and 42 that Putnam County's definition of "development" in its adopted land development code exempts from that definition "work by any utility or other persons engaged in the distribution or transmission of gas or water for the purpose of inspecting, repairing, renewing or construction on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like." This exception involves the issue of whether the installation of a new pipeline within the existing pipeline easement established by Seminole Electric in 1979 is exempt from the definition of "development" which is subject to the County's comprehensive plan. The record evidence at this hearing clearly demonstrates that the installation of a pipeline and a duct bank in that long-established pipeline easement is exempt from the County's definition of "development."<sup>2</sup>

This exception by Sierra Club also reflects a fundamental misunderstanding of the Power Plant Siting Act and the manner in which local comprehensive plans are considered. Under the Power Plant Siting Act, a local comprehensive plan is addressed at two stages of the proceeding. First, the future land use element and future land use map are considered at the land use hearing to determine if the proposed site for an electrical power plant is consistent and in compliance with the land use plans and zoning ordinances of the jurisdictional local government. See Section 403.508(2), F.S. (2005). At the land use hearing stage of the proceeding, only a limited portion of the County's comprehensive plan is at issue, specifically the future land use element

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<sup>2</sup> Sierra Club cites a similar exemption for agricultural activities from the State's definition of "development" found in Section 380.04(3)(e), F.S. Sierra then cites to agricultural-related policies in the County's comprehensive plan. However, the Florida Department of Community Affairs has concluded that "agricultural activities are exempt from the definition of "development" which applies to comprehensive plan [sic]. Sections 163.3164(6) and 380.04(4), Florida Statutes." McSherry v. Alachua County and Department of Community Affairs, 27 FALR 2686, (Fla. Dept. of Community Affairs 2004) (See page 27 FALR 2774, at paragraph 237.)

and future land use map as they relate to a determination of whether the proposed site is an allowed use under the County's comprehensive plan and zoning regulations. See Conclusion of Law 35, in which the ALJ concluded that the "applicable land use plan" is the Future Land Use Element of the Putnam County Comprehensive Plan and the accompanying FLUM" or Future Land Use Map.

The balance of the County's comprehensive plan beyond the land use element and the balance of the land development code beyond zoning regulations are addressed at the later site certification hearing stage of the proceeding. Under Section 403.507(2)(a)4., F.S. (2005), the jurisdictional local government, in this case Putnam County, may address issues related to the "adopted local comprehensive plans and land development regulations" in its agency report submitted under that provision of the PPSA. Thus, any other policies that may be contained in the Putnam County comprehensive plan beyond consistency and compliance with the future land use map and zoning regulations of the County can be addressed at this second phase of the site certification hearing. Any policies of the County's comprehensive plan that were not at issue in the land use hearing can be considered at this later stage of the proceeding.

In this third exception, Sierra Club also excepts to Conclusion of Law 42 in which the ALJ concludes, if the new water pipeline within the existing easement is not exempt from the County's definition of "development", then the pipeline and duct bank would be Type 2 Community Facilities under the County's comprehensive plan. Sierra Club then recites to its earlier exception to the Finding of Fact 19, as to whether the pipeline constitutes a Type 2 Community Facility. In a similar fashion, Seminole Electric adopts its response to that first exception by Sierra Club to Finding of Fact 19. For the foregoing reasons, Sierra Club's third exception should be denied.

Response to Exception No. 4

In its fourth exception, Sierra Club takes exceptions to the ultimate Conclusion of Law in paragraph 43 that "competent, substantial evidence received at the hearing demonstrates that the site and the Unit 3 project, including the pump house and additional underground water pipe and electrical duct banks, are consistent and in compliance with Putnam County's land use plans."

Sierra Club makes no effort to show that this conclusion is not supported by competent substantial evidence. Instead, in this exception, Sierra Club seeks to induce the Siting Board to engage in supplemental fact finding concerning whether the pumping of water to and from the River are "industrial activities conducted on land designated for residential or agricultural uses." To the contrary, the expert testimony established that the pump house and pipeline are not industrial activities under the County's comprehensive plan. (Zwolak, Tr. II, pp. 27-28, 41-42) Significantly, Putnam County specifically acknowledged and approved these activities within these land use categories and zoning districts when the County amended the PUD zoning for the Project site in January, 2006. In this proceeding, the County's unchallenged interpretation of its Comprehensive Plan is entitled to deference unless shown to be "clearly erroneous." Falk v. Beard, 614 So.2d 1086, 1089 (Fla. 1993); Suddath Van Lines, Inc. v. Dept. of Environmental Protection, 668 So.2d 209 (Fla. 1st DCA 1996).

The record is devoid of any evidence to support the Sierra Club's proposition that the activity of pumping water is "industrial" under the County's comprehensive plan, while the record evidence supports the ALJ's conclusions. Sierra Club offered no evidence to support this position and is unable to cite to any record evidence to support this proposition or to show that the County's interpretation of its own adopted comprehensive plan is "clearly erroneous." Falk v. Beard, 614 So.2d at 1086.

Similarly in this exception, Sierra Club seeks to have the Siting Board render a factual finding that the pump house is "not compatible with surrounding residential uses." But the Sierra Club produced no evidence whatsoever to support such a finding. Seminole, on the other hand, produced substantial competent evidence supporting the ALJ's finding of fact that the pump house was compatible with surrounding residential uses. See Finding of Fact 17 and Seminole Electric's response to Sierra Club's first exception above. Based on the foregoing, Sierra Club's fourth exception should be denied.

For the foregoing reasons, each of the four exceptions filed by Sierra Club should be rejected and the Siting Board should enter a final order adopting the ALJ's Recommended Order.

Respectfully submitted this 12<sup>th</sup> day of October, 2006.

HOPPING GREEN & SAMS, P.A.

By: 

James S. Alves

Fla. Bar No. 0443750

Douglas S. Roberts

Fla. Bar No. 0559466

P.O. Box 6526

Tallahassee, FL 32314

(850) 222-7500

Attorneys for SEMINOLE ELECTRIC COOPERATIVE,  
INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of the foregoing have been furnished to the following by U.S. Mail on this 12<sup>th</sup> day of October, 2006:

Scott A. Goorland, Esq.  
Senior Assistant General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000

James V. Antista, Esq.  
Fish and Wildlife Conservation Commission  
620 South Meridian Street  
Tallahassee, FL 32399-1600

Kelly A. Martinson, Esq.  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Sheauching Yu, Esq.  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street, MS 58  
Tallahassee, FL 32399-0450

Martha Carter Brown, Esq.  
Florida Public Service Commission  
Gerald Gunter Building  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Gordon B. Johnston, Esq.  
County Attorney  
601 Southeast 25<sup>th</sup> Avenue  
Ocala, FL 34471

Mark Scruby, Esq.  
Clay County Attorney  
Post Office Box 1366  
Green Cove Springs, FL 32043

  
Attorney

Vance W. Kidder, Esq.  
St. Johns River Water Management District  
4049 Reid Street  
Palatka, FL 32177

Charles Justice  
North Central Florida Regional Planning  
Council  
2009 Northwest 67<sup>th</sup> Place, Suite A  
Gainesville, FL 32653

Hamilton S. Oven, P.E.  
Office of Siting Coordination  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399

Russell D. Castleberry, Esq.  
Post Office Box 758  
Palatka, FL 32178

Patrick Gilligan  
Attorney for City of Ocala  
1531 SE 36 Avenue  
Ocala, FL 34471

Wayne Smith  
Union County Board of County Comm.  
15 Northeast First Street  
Lake Butler, FL 32054

Ronald Williams  
Columbia County Board of County Comm.  
Post Office Drawer 1529  
Lake City, FL 32058

Timothy Keyser, Esq.  
Sierra Club  
Post Office Box 62  
Interlachen, FL 32148-0092



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**SEMINOLE ELECTRIC COOPERATIVE, INC.,**

Petitioner,

v.

OGC No. 06-1976

**DEP Permit No. 1070025-005-AC**

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

**ORDER GRANTING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING**

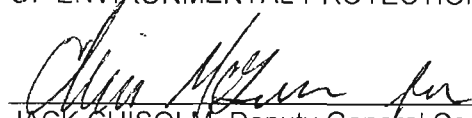
This cause has come before the Florida Department of Environmental Protection (FDEP) upon receipt of a request made by Petitioner, Seminole Electric Cooperative, Inc., to grant an extension of time to file a petition for administrative hearing challenging the Intent to Issue DEP Permit No. 1070025-005-AC. If granted this extension will allow time to discuss with FDEP several specific permit conditions for its facility in Putnam County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **October 23, 2006**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 12<sup>th</sup> day of September, 2006, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

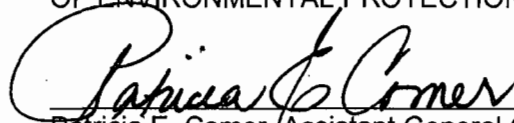
  
\_\_\_\_\_  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
850-245-2242 facsimile 850-245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via  
U. S. Mail this 18<sup>th</sup> day of September, 2006, to:

Robert A. Manning  
HOPPING GREEN & SAMS, P.A.  
Post Office Box 6526  
Tallahassee, FL 32314

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Patricia E. Comer, Assistant General Counsel  
FL Bar 0224146

Department of Environmental Protection  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
Telephone: (850) 245-2288  
Facsimile: (850) 245-2302

with courtesy copies via electronic mail to:

Jeff Koerner, FDEP – BAR, Air Permitting North

## Gibson, Victoria

---

**From:** Miskelley, Valerie  
**Sent:** Monday, September 18, 2006 10:23 AM  
**To:** Koerner, Jeff; Gibson, Victoria  
**Subject:** Seminole 1070025-005-AC

**Attachments:** Ord to Grant on Seminole Electric 06-1976.PDF

Here is the Order Granting on Seminole Electric (OGC Case No. 06-1976).



Ord to Grant on  
Seminole Elect...

Thanks,  
Valerie Miskelley  
Administrative Secretary  
FDEP Office of General Counsel  
3900 Commonwealth Blvd. MS 35  
Tallahassee, FL 32399-3000  
(850) 245-2260 SC 205-2260  
Fax: (850) 245-2302  
Valerie.Miskelley@dep.state.fl.us

## Gibson, Victoria

---

**From:** Koerner, Jeff  
**Sent:** Thursday, September 14, 2006 12:24 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Seminole Unit 3 - Extension Request

Sorry ... forgot to copy you on this.

Jeff

---

**From:** Koerner, Jeff  
**Sent:** Thursday, September 14, 2006 11:12 AM  
**To:** Miskelley, Valerie  
**Cc:** Halpin, Mike  
**Subject:** FW: Seminole Unit 3 - Extension Request

Valerie,

I spoke with Trina yesterday and we have no problem with a 30-day extension.

Thanks!

Jeff Koerner, BAR - Air Permitting North  
Florida Department of Environmental Protection  
850/921-9536

---

**From:** Koerner, Jeff  
**Sent:** Tuesday, September 12, 2006 1:49 PM  
**To:** Miskelley, Valerie  
**Cc:** Halpin, Mike  
**Subject:** Seminole Unit 3 - Extension Request

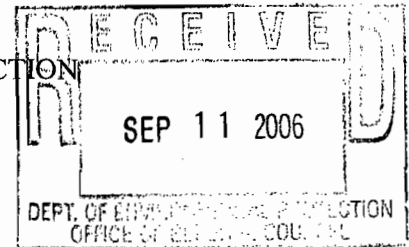
Valerie,

I would like to discuss this with Trina Vielhauer before we agree to the extension. She's out today, but will be back tomorrow. We'll give you call then.

Thanks!

Jeff Koerner, BAR - Air Permitting North  
Florida Department of Environmental Protection  
850/921-9536

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an  
Application for Permit by:

FDEP Draft Permit No.: PSD-FL-375  
Project No.: 1070025-005-AC  
Siting No. PA78-10A2

Seminole Electric Cooperative, Inc.  
Seminole Power Plant  
Putnam County, Florida

---

**REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Seminole Electric Cooperative, Inc., (Seminole Electric) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including October 23, 2006, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Seminole Electric states the following:

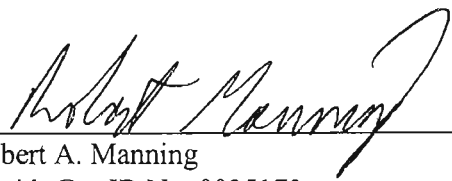
1. On or about August 28, 2006, Seminole Electric Cooperative, Inc. (Seminole) received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit," (Draft Permit No.1070025-005-AC), to add a new Unit 3 at the Seminole Generating Station, located in Putnum County, Florida.
2. Based on Seminole's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections. Seminole will be filing comments shortly and meeting with the Department to work towards a resolution.

3. This request is filed simply as a protective measure to avoid waiver of Seminole's right to challenge certain conditions contained in the Draft Air Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing. Seminole will promptly withdraw this request after its comments are resolved, and the 30-day public comment period is passed.

WHEREFORE, Seminole Electric Cooperative, Inc. respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.1070025-005-AC be formally extended to and including October 23, 2006.

RESPECTFULLY SUBMITTED this 11 day of September, 2006.

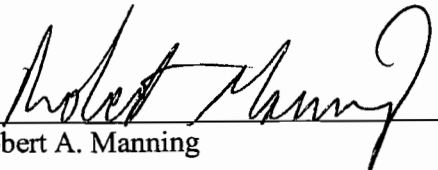
By: \_\_\_\_\_

  
Robert A. Manning  
Florida Bar ID No. 0035173  
Hopping Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, Florida 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

Attorneys for Seminole Electric Cooperative, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Leigh Crandell, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Mike Halpin, Florida Department of Environmental Protection, Program Administrator, 2600 Blair Stone Road, Room 625, Tallahassee, Florida 32399, this 11 day of September, 2006.

  
Robert A. Manning

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Tuesday, September 12, 2006 9:31 AM  
**To:** Halpin, Mike; Koerner, Jeff  
**Subject:** FW: Request for Extension of Time rec'd. - 1070025-005-AC - Seminole Electric Cooperative, Inc.

**Attachments:** Di4700609110343.PDF

FYI,

Let me know if Pat Comer will be granting or denying this request for you.

Thanks.

Vickie

---

**From:** Crandall, Lea  
**Sent:** Tuesday, September 12, 2006 8:32 AM  
**To:** Gibson, Victoria  
**Subject:** FW: Request for Extension of Time rec'd. - 1070025-005-AC - Seminole Electric Cooperative, Inc.

Good Morning,

Attached is a copy of the Request.

Thanks,  
Lea



Di4700609110343.  
PDF (486 KB)

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

-----Original Message-----

**From:** Crandall, Lea  
**Sent:** Monday, September 11, 2006 4:28 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time rec'd. - 1070025-005-AC - Seminole Electric Cooperative, Inc.

FYI, a Request for Extension of Time was rec'd. today re: 1070025-005-AC - Seminole Electric Cooperative, Inc.

Thanks,  
Lea

**Lea Crandall**  
Agency Clerk



Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Monday, September 11, 2006 4:32 PM  
**To:** Koerner, Jeff; Vielhauer, Trina  
**Subject:** FW: Request for Extension of Time rec'd. - 1070025-005-AC - Seminole Electric Cooperative, Inc.

FYI,

Vickie

---

**From:** Crandall, Lea  
**Sent:** Monday, September 11, 2006 4:28 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time rec'd. - 1070025-005-AC - Seminole Electric Cooperative, Inc.

FYI, a Request for Extension of Time was rec'd. today re: 1070025-005-AC - Seminole Electric Cooperative, Inc.

Thanks,  
Lea

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

10/31/2006 12:36:40

## Chronology of Activities

OGC Number **06 1976 54 AC** District **NORTHEAST** County **PUTNAM**  
Style of Case **SEMINOLE ELECTRIC COOPERATIVE, INC. VS. DEP**  
Program Area **AIR CONSTRUCT** Mode **ADMINISTRATIVE**  
Lead Attorney **PATRICIA E COMER** Status **CLOSED**  
Forum Name  Forum Case Number   
Permit Appl **1070025-005-AC** Final Order Number

Date *	Code	Activity Description
09/11/2006	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
09/11/2006	ACO	ADMIN. CASE OPENED IN OGC
09/11/2006	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
09/12/2006	AR	RE-ASSIGNED TO LEAD ATTORNEY PATRICIA E COMER
09/18/2006		ORD GRANTING REQ FOR EXT OF TIME - UNTIL 10/23/06
10/30/2006		NO ADDITIONAL REQ FOR EXT OF TIME OR PET REC'D
10/30/2006	CC	CASE CLOSED IN OGC



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

September 19, 2008

Mr. Michael Opalinski  
VP Technical Services  
Seminole Electric Cooperative, Inc.  
16313 North Dale Mabry Highway  
Tampa, FL 33688-2000

RE: Seminole Electric Cooperative, Inc.  
Unit 3, Seminole Generating Station

Dear Mr. Opalinski:

TO: Elizabeth BAR  
  
Trina said send this  
to you to follow  
protocol. @

I am in receipt of a letter from Mr. James Alves, Esquire, written on behalf of Seminole Electric Cooperative, Inc. to Mr. Jack Chisolm, Esquire, dated September 2, 2008, requesting that the Department of Environmental Protection (the Department) add the settlement agreement between Sierra Club and Seminole to the construction permit. Based upon this letter, the Department has opened a permit revision project to include the settlement agreement.

In addition, because the U.S. Court of Appeals for the District Court of Columbia has vacated the Clean Air Mercury Rule, the Department is required to establish a case-by-case determination of maximum achievable control technology for unit 3 and it will do so as part of this same permit revision project. The Department requests that you submit a proposal for a case-by-case determination in accordance with the requirements of 40 CFR 63.53 as soon as possible so your proposal can be considered in the Department's determination.

If you have any questions, please contact Ms. Trina Vielhauer of my staff at 850/488-0114.

Sincerely,

Joseph Kahn, Director  
Division of Air Resource Management

JK/tvf

**Livingston, Sylvia**

---

**From:** Mike Opalinski [MOpalinski@seminole-electric.com]  
**Sent:** Monday, September 22, 2008 4:47 PM  
**To:** Livingston, Sylvia  
**Subject:** Re: Seminole Electric Cooperative, Inc. Unit 3 SeminoleGenerating Station

Received.

>>> "Livingston, Sylvia" <Sylvia.Livingston@dep.state.fl.us> 9/22/2008 4:43 PM >>>

Dear Mr. Opalinski:

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible.

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software, *noting that you can view the documents*, and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The Division of Air Resource Management is sending electronic documents rather than sending documents Return Receipt Requested via the US Postal service. Your "receipt confirmation" reply serves the same purpose as tracking the receipt of the signed "Return Receipt" card from the US Postal Service.

Thank you,

Sylvia Livingston  
Bureau of Air Regulation  
Division of Air Resource Management (DARM)  
850/921-0771  
sylvia.livingston@dep.state.fl.us

**Note:** The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <<http://www.adobe.com/products/acrobat/readstep.html>> .

<<Seminole Electric Cooperatintive Inc.pdf>>

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey. Thank you in advance for completing the survey.*

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**\*\* NOTICE \*\***

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9/22/2008