STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FORT PIERCE UTILITIES AUTHORITY Petitioner, vs. STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL REGULATION Respondent.	)	DOAH Case No. 91-6989 OGC Case No. 91-1610

SETTLEMENT AGREEMENT

In order to resolve the pending administrative proceedings in the above case, the parties jointly agree to the following:

1. Fort Pierce Utilities Authority shall withdraw its Petition for Formal Administrative Proceedings on the Notice of Permit Issuance dated May 24, 1991 (Permit No. A0 56-190275).

2. The Department of Environmental Regulation shall issue an air operation permit for Units 6, 7 and 8 at the H.D. King facility in accordance with the terms of the Notice of Permit Issuance dated May 14, 1991, with the changes indicated in Exhibit "A", which is attached hereto and incorporated by reference.

ENTERED this ____ day of June, 1992.

DEPARTMENT OF ENVIRONMENTAL REGULATION

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EXHIBIT "A"

I. Specific Condition 2:

FROM:

2. Emission limiting standards are as follows:

a) Units 6, 7, and 8

1. Visible emissions shall not exceed 5% opacity while firing natural gas.

2. The operating permits emission limits for this facility's existing boilers shall not exceed the following rates:

	Unit 6		Unit 7		Unit 8	
Parameter	lbs/hr	ton/yr	lbs/hr	tons/yr	lbs/hr	tons/yr
Part.	0.4	0.0024	0.568	0.382	0.945	3.018
SOx	12.38	0.0743	0.1199	0.0806	0.1917	0.617
NOx	1.31	0.007854	104.35	70.126	173.20	552.860
VOC	0.0236	0.000142	0.266	0.179	0.441	1.407
CO	0.15	0.0009	7.589	5.100	12.59	40.2
hrs/yr	12		1344		6384	

The operating permits emission limits for these boilers (units No. 6, 7, and 8) shall be modified as stated above.

3. Natural gas is the only permitted fuel for normal operation for Units 7 and 8. Unit 6 is allowed to burn natural gas with a No. 6 fuel oil (0.76% sulfur content) as the standby fuel. If the gas supply is curtailed or an emergency is declared, the facility shall obtain an emergency order for Units 7 and 8 to burn fuel oil. Visible emissions shall not exceed 15% opacity while burning fuel oil. If fuel oil usage exceeds 15 days per calendar year, the Department shall be notified and provision made for emissions testing within 30 days.

TO:

2. Emission limiting standards are as follow:

a) Units 6, 7, and 8

1. Visible emissions shall not exceed 5% opacity while firing natural gas.

For Units 6 and 7, visible emissions shall not exceed 20% opacity when the unit is burning fuel oil, except for one two-minute period per hour during which opacity shall not exceed 40%.

For Unit 8 visible emissions shall not exceed 20% opacity when the unit is burning fuel oil, except for one six-minute period per hour during which opacity shall not exceed 27%.

2.

A) The emission limits for UNITS 6, 7, and 8 shall not exceed the following rates:

Parameter	UNIT 6	UNIT 7	UNIT 8
	lb/hr	lb/hr	lb/hr
PM	0.4	0.568	0.945
SO_x	12.38	0.1199	0.1917
NO_x	1.31	104.35	173.20
VOC	0.236	0.266	0.441
CO	0.15	7.589	12.59

B) The total emissions from combined UNITS 6, 7, and 8 shall not exceed:

PARAMETER	TONS/YR
PM	16.0
SO_x	101.6
NO_x	622.0
VOC	2.3
CO	45.3

Total combined heat input for the Units 6, 7, and 8 shall not exceed 4,534,930 MBtu per year.

3. Natural gas is the only permitted fuel for normal operation for Units 6, 7, and 8. Units 6, 7, and 8 are allowed to burn natural gas with a No. 6 fuel oil (0.8 lbs/MBtu) as a standby fuel for up to a combined total of 400 hours per year, when necessary in order to avoid curtailing electric power service to its customers. FPUA must notify the DER within 24 hours after commencement of oil firing and furnish the following information:

a. Duration or projected duration of the event.

b. Quantity of fuel oil burned or projected to be burned.

c. A description of significant circumstances precipitating the event, which shall include;

i. Availability of power for purchase
ii. Availability of electric transmission capacity relating to power purchases.
iii. Availability of natural gas
iv. Availability of FPUA generation sources.

When burning fuel oil in Units 6, 7, and 8, the emission rates set forth in Specific Condition 2(a)2.A above shall not apply and the following rates shall apply to Units 6, 7, and 8:

PARAMETER	UNIT 6	UNIT 7	UNIT 8
	lb/MBTU	lb/MBTU	lb/MBTU
SOx	0.80	0.80	0.80
PM	n/a	0.1	0.1
VOC	n/a	n/a	n/a

II. Specific Condition 4:

FROM:

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

TO:

4. Testing of emissions should be conducted using the fuel and/or process input which are expected to result in the highest emissions and within ten percent (10%) of the rated capacity of the source, otherwise the Department may require the test to be repeated or require modification of the permit to reflect tested rates and/or fuels. However, testing on fuel oil in Units 6, 7, or 8 shall be required only if fuel oil usage for the units exceed 400 hours in any calendar year.

III. Specific Condition 7:

FROM:

7. Ambient monitoring for particulate and sulfur dioxide is required when fuel oil is used.

TO:

7. Ambient monitoring for particulate and sulfur dioxide is required if fuel oil usage exceeds 400 hours per calendar year.

IV. Specific Condition 10:

ADD:

10. The facility shall maintain unit logs reflecting the following information:

    a. Number of hours per day each unit burns gas
    b. Number of hours per day each unit burns fuel oil
    c. Amount of natural gas used per unit (MBTU/million cubic feet burned)
    d. Amount of fuel oil used per unit including sulfur and ash content and heat input rate (MBTU/1000 gallons).

GVP/FPUAterms