

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the matter of:)
)
Petition for Reduction in)
Quarterly Particulate)
Emissions Compliance Testing,)
)
FLORIDA POWER & LIGHT COMPANY)
SANFORD PLANT UNIT NO. 4,)
)
Petitioner.)
_____)

OGC File No. 89-1454

RECEIVED

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ENV. PERMITTING

ORDER APPROVING REQUEST

FOR

REDUCTION IN QUARTERLY PARTICULATE EMISSIONS COMPLIANCE TESTING

Pursuant to Rule 17-2.600(5)(a)1, Florida Administrative Code (F.A.C.), Florida Power and Light Company, the Petitioner, submitted a request for reduction to quarterly particulate emissions compliance testing pursuant to Rule 17-2.600(5)(b)1, F.A.C., for the Sanford Plant Unit No. 4.

Having considered the Petitioner's written request and all supporting documentation, the following Findings of Fact, Conclusions of Law, and Order are entered:

FINDINGS OF FACT

1. On July 19, 1989, the Petitioner filed for reduction in quarterly particulate emissions compliance testing required by Rule 17-2.600(5)(b)1, F.A.C., for the fossil fuel fired steam generating unit at the Sanford Plant Unit No. 4.

2. Pursuant to Rule 17-2.600(5)(b)1, F.A.C., the Petitioner has conducted quarterly particulate emission

compliance tests.

3. The petition and supporting documentation submitted by the Petitioner indicate that the Petitioner demonstrated compliance during the third quarter of 1983, during 1984, 1986, 1987, and during 1988.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider the Petitioner's request pursuant to Section 403.061, Florida Statutes, and Rule 17-2.600(5)(a)(1), F.A.C.

2. Rule 17-2.600(5)(b)1, F.A.C., provides that the Department may reduce the frequency of particulate testing if the standard of 0.1 pounds per million Btu heat input has been regularly met.

ORDER

Having considered the Petitioner's written request and supporting documentation, it is hereby ordered that:

1. The Petitioner's request for a reduction in quarterly particulate emissions compliance testing is GRANTED, and that:
 - a. The Petitioner's generating unit Sanford Plant Unit No. 4 shall be required to conduct one steady-state particulate emission compliance test annually and one particulate emission compliance test while the source is operating under soot blowing conditions.
 - b. Sanford Plant Unit No. 4 shall be subject to a steady-state visible emission limiting standard of forty (40) percent opacity.
 - c. This order supercedes all conflicting conditions

relating to frequency of particulate emission compliance testing contained in the operating permit A064-132055 for Sanford Plant Unit No. 4. All other permit conditions of permit No. A064-132055 shall remain the same.

- d. The Department may require additional tests for particulate emissions pursuant to Rule 17-2.700(2)(b), F.A.C., if, after investigation, the Sanford Plant Unit No. 4 is believed to be violating applicable emission standards.

RIGHT TO APPEAL

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 of Appeal must be filed within 30 days from the date the Notice of Agency Action is filed with the Clerk of the Department.

PETITION FOR ADMINISTRATIVE REVIEW

1. A person whose substantial interests are affected by the Department's decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth

below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this Order. At the time of filing, Petitioner shall mail a copy of the petition to the applicant at Florida Power and Light Company, 9250 West Flagler Street, Miami, Florida 33152. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

2. The petition shall contain the following information:

(a) The name, address, and telephone number of each Petitioner, the applicant's name and address, and the Department File Number;

(b) A statement of how and when each Petitioner received notice of the Department's action or proposed action;

(c) A statement of how each Petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which Petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement of which rules or statutes Petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by Petitioner, stating

precisely the action Petitioner wants the Department to take with respect to the Department's action or proposed action.

3. If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Order. Persons whose substantial interests will be affected by any decision of the Department with regard to the applicant have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be on the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

4. This Order constitutes final agency action unless a petition is filed in accordance with the above paragraph or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this Order will not be effective until further Order of the Department.

DONE AND ORDERED this 26 day of Feb, 1990 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

Dale Twachtmann

DALE TWACHTMANN
Secretary
Twin Towers Office Building
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Tallahassee, Florida
32399-2400

(904) 488-4805

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Kathy Carter 3-1-90
Clerk Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been mailed, postage prepaid, to Florida Power and Light Company, 9250 West Flagler Street, Miami, Florida 33152, this 1st day of March, 1990.



GARY SMALLRIDGE
Assistant General Counsel

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

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