


Florida Department of Environmental Protection

Memorandum

TO: Joseph Kahn, Division of Air Resource Management
THROUGH: Trina Vielhauer, Bureau of Air Regulation 
FROM: David Read and Al Linero, Special Projects Section
DATE: November 17, 2008
SUBJECT: Extension of time to install Continuous Emissions Monitoring System (CEMS)
Curtis H. Stanton Energy Center Units 1
Project No. 0950137-026-AC
Modification of Air Permit 0950137-015-AC

Attached for your approval and signature is a modification to extend (until February 28, 2009) the time to install the carbon monoxide (CO-CEMS) required by permit No. 0950137-015-AC on Unit 1 and conduct the appropriate performance specification to certify the instruments following installation or upgrades of low NO_x burners (LNB) and overfire air (OFA) systems completed earlier this month.

For reference, the CO-CEMS has been installed on Unit 2 and that unit will be subject to a new BACT emission limit on December 31, 2008. The company requests additional time to tune the equipment on Unit 1 to continuously comply with the new BACT emission limit while simultaneously achieving low NO_x emissions.

Based on the circumstances and information provided, I recommend your approval and signature.

Attachments



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blairstone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor
Jeff Kottkamp
Lt. Governor
Michael W. Sole
Secretary

November 18, 2008

Electronically Sent – Received Receipt Requested.

Ms. Denise Stalls DStalls@ouc.com
Vice President Environmental Affairs
Orlando Utilities Commission (OUC)
500 South Orange Avenue
Post Office Box 3193
Orlando, Florida 32802

Re: DEP File No. 0950137-026-AC
Extension of time to install Continuous Emissions Monitoring System (CEMS)
Curtis H. Stanton Energy Center Unit 1
Low NO_x Burners (LNB) and Overfire Air (OFA) Project

Dear Ms. Stalls:

On November 6, 2008, OUC requested additional time to install the carbon monoxide (CO-CEMS) required by permit No. 0950137-015-AC on Unit 1 and conduct the appropriate performance specification to certify the instruments. The request is attached.

By letter dated November 10, 2008, Black and Veatch (attached) advised the Department that construction of the LNB/OFA project on Unit 1 was completed on November 7. OUC requests sufficient time to tune the equipment to meet the Department's best available control technology (BACT) determination for CO while meeting the objective of the LNB/OFA project, which was to make it possible to reduce nitrogen oxides (NO_x) emissions.

Based on the circumstances and information provided, the Department approves this request.

Determination:

The permit is hereby modified as shown below in ~~strikeout~~ and underline format.

Section III – Emissions Units Specific Conditions, Condition 10 is modified as follows:

EMISSIONS COMPLIANCE DEMONSTRATION

10. Continuous Compliance with CO limits: The applicant shall install a carbon monoxide (CO) continuous emissions monitor (CO-CEMS) and conduct the appropriate performance specification by ~~June 30, 2008~~ December 31, 2008, for Unit 2, and ~~December 31, 2008~~ February 28, 2009, for Unit 1, respectively. Upon certification of the CO-CEMS, compliance with the 30-operating day rolling average shall be demonstrated using data collected from the required CO-CEMS. See Specific Conditions **12.** and **15.** [Rule 62-4.070(3), F.A.C.]

Section IV – Appendices, Appendix CEMS, Condition 5 is modified as follows:

INSTALLATION, PERFORMANCE SPECIFICATIONS AND QUALITY ASSURANCE

5. Timelines: The owner or operator shall install the CO-CEMS required by this permit and conduct the appropriate performance specification for the CO-CEMS no later than December 31, 2008 for Unit 2, and February 28, 2009, for Unit 1, respectively.

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

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 Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

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 / Facsimile: 850/245-2303). Petitions must be filed within 14 days of receipt of this permit extension. 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 (in a proceeding initiated by another party) 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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; 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 designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this written notice. Persons 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.

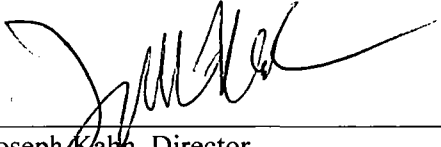
Mediation: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant

to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

Judicial Review: Any party to this permitting decision (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 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.



Joseph Kahn, Director
Division of Air Resource Management

JK/tlv/aal/dr

Enclosures

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Construction Permit package (including the Public Notice, the Technical Evaluation and Preliminary Determination, and the Draft Air Construction Permit) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 11/24/08 to the persons listed below.

Denise Stalls, OUC: dstalls@ouc.com
Jim Bradner, DEP CD: james.bradner@dep.state.fl.us
Lori Cunniff, Orange County EPD: lori.cunniff@ocfl.net
Heather Abrams, EPA Region 4: abrams.heather@epa.gov
Katy Forney, EPA Region 4: forney.kathleen@epa.gov
Larry Todd Newland, P.E., Black & Veatch: newlandlt@bv.com
Mike Halpin, DEP Siting: mike.halpin@dep.state.fl.us

Clerk Stamp

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



(Clerk)

11/24/08
(Date)

Orlando Utilities Commission
500 South Orange Avenue
P.O. Box 3193
Orlando Florida 32802
Phone: 407.423.9100
Administrative Fax: 407.236.9616
Purchasing Fax: 407.384.4141
Website: www.ouc.com



Via E-Mail

November 6, 2008

Ms. Trina L. Vielhauer, Bureau Chief
Bureau of Air Regulation
Division of Air Resources Management
Florida Dept. of Environmental Protection
2600 Blair Stone Road MS 5500
Tallahassee, Florida 32399-2400

Dear Ms. Vielhauer:

Subject: OUC- Stanton Energy Center Permit 0950137-015-AC
SEC Units 1 and 2
Low NOx Burners and Overfire Air Project

The Orlando Utilities Commission is in the process of completing installation of Low Nitrogen Oxides burners (LNB) and Over Fire Air System (OFA) at the Stanton energy Center's Unit 1. The installation is taking place during the unit's fall outage, scheduled to end on November 17th.

Section 3, condition 12 of the subject permit, requires that OUC conduct a compliance test within 60 days of the unit commencing operation, following the installation of LNB and OFA. Based on the experience of tuning Unit 2 after installation of LNB and OFA, OUC estimates that it will take at least that much time to tune the unit.

Section 3, condition 10, requires that OUC install and certify a CO CEMS by December 31, 2008. Upon certification of the CO CEMS, compliance with a 0.18 lb/MMbtu 30 day rolling average CO limit would be demonstrated by the CEMS.

Since the CO CEMS certification deadline is earlier than OUC could possibly tune the unit for optimal performance, we would find ourselves in the position of having to prove compliance via CEM, without the unit being tuned. To remedy this, OUC requests a time extension within to the subject permit issued by your office in February 2008.

In section 4, appendix CEMS, we request that the Unit 1 deadline in condition 5 timelines be extended. The suggested wording is "The owner or operator shall install the CO-CEMS required by this permit and conduct the appropriate performance specification for the CO-CEMS no later than February 28, 2009."

Sincerely,

Denise M. Stalls, Vice President
Environmental Affairs

cc: Al Linero, FDEP
David R. Baez,



BLACK & VEATCH
Building a world of difference.

Orlando Utilities Commission
Stanton Energy Center

B&V Project 143799
November 10, 2008

Mr. Joseph Kahn
Director, Division of Air Resource Management
Florida Department of Environmental Protection
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Subject: Notification of Completion of Construction

Dear Mr. Kahn:

On behalf of the Orlando Utilities Commission (OUC), I am pleased to notify your office that construction on the Stanton Unit 1 Low NOx Burner/Overfire Air System was completed on November 7, 2008. This notification satisfies a requirement of Section III Condition 8 of air construction permit No. 0950137-015-AC.

If you have any questions or concerns regarding this notice, please do not hesitate to contact me at (913) 458-7563 or Louis Brown of OUC at (407) 658-6444.

Very truly yours,

A handwritten signature in black ink that reads "Mike Soltys".

J. Michael Soltys
Site Certification Coordinator

cc: Louis Brown, OUC
John Davisson, B&V

Livingston, Sylvia

From: Livingston, Sylvia
Sent: Monday, November 24, 2008 4:06 PM
To: 'dstalls@ouc.com'
Cc: Bradner, James; 'lori.cunniff@ocfl.net'; 'abrams.heather@epa.gov'; 'forney.kathleen@epa.gov'; 'newlandlt@bv.com'; Halpin, Mike
Subject: OUC - STANTON ENERGY CENTER; 0950137-026-AC - Extension of time to install CEMS

Dear Sir/ Madam:

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/0950137.026.AC.F_pdf.zip

Owner/Company Name: ORLANDO UTILITIES COMMISSION
Facility Name: STANTON ENERGY CENTER
Project Number: 0950137-026-AC
Permit Status: FINAL
Permit Activity: CONSTRUCTION/ Modification of Air Permit 0950137-015-AC
Facility County: ORANGE
Processor: David Read/ Al Linero

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 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.



0950137-026-AC.p
df

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

Livingston, Sylvia

From: Stalls, Denise M. [DStalls@ouc.com]
Sent: Monday, November 24, 2008 4:14 PM
To: Livingston, Sylvia
Subject: RE: OUC - STANTON ENERGY CENTER; 0950137-026-AC - Extension of time to install CEMS

Received, thank you.

From: Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]
Sent: Monday, November 24, 2008 4:06 PM
To: Stalls, Denise M.
Cc: Bradner, James; lori.cunniff@ocfl.net; abrams.heather@epa.gov; forney.kathleen@epa.gov; newlandlt@bv.com; Halpin, Mike
Subject: OUC - STANTON ENERGY CENTER; 0950137-026-AC - Extension of time to install CEMS

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<<0950137-026-AC.pdf>>

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506

11/24/2008

Livingston, Sylvia

From: Newland, Larry T. (Todd) [NewlandLT@bv.com]
Sent: Tuesday, November 25, 2008 7:32 AM
To: Livingston, Sylvia
Subject: RE: OUC - STANTON ENERGY CENTER; 0950137-026-AC - Extension of time to install CEMS

Downloaded and read the documents.

From: Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]
Sent: Monday, November 24, 2008 4:06 PM
To: dstalls@ouc.com
Cc: Bradner, James; lori.cunniff@ocfl.net; abrams.heather@epa.gov; forney.kathleen@epa.gov; Newland, Larry T. (Todd); Halpin, Mike
Subject: OUC - STANTON ENERGY CENTER; 0950137-026-AC - Extension of time to install CEMS

Dear Sir/ Madam:

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: ORLANDO UTILITIES COMMISSION
Facility Name: STANTON ENERGY CENTER
Project Number: 0950137-026-AC
Permit Status: FINAL
Permit Activity: CONSTRUCTION/ Modification of Air Permit 0950137-015-AC
Facility County: ORANGE
Processor: David Read/ Al Linero

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Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)

11/25/2008