

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Clarence Rowe
418 Pennsylvania Avenue
Rockledge, Florida 32955

Re: Oleander Power Project

Dear Mr. Rowe:

Thank you for your input on the Oleander project. I have been asked by Mr. Fancy to respond to your letter addressed to him concerning comments on the Notice of Intent to Issue Air Construction Permit for the Oleander Power Project in Brevard County. Your comments appear to fall within three categories and I will attempt to address them herein.

1. Your first comment deals with the point that several presenters at the March 3rd public meeting had requested pre-construction ozone monitoring to be completed before approval of the plant. The Department was asked to consider this issue in the approval process. In response to the request, the Department provided its analysis in the "Technical Evaluation and Preliminary Determination", a copy of which was previously forwarded to you. In summary, the existing rules authorize an exemption to this requirement, if the project emissions fall below "de Minimus" values, which this project does. Therefore, the Department does not have the authority to require the monitoring, but has asked the applicant to consider, as a good corporate citizen, the installation and operation of a station in the neighborhood to provide the citizens with requested information about air quality in the area.
2. Your second comment notes that regional water bodies such as the St. Johns River and the Indian River Lagoon will be affected by the pollution from the proposed project. Our authority to issue Air Construction permits is based upon the project's impact on the ambient air quality standards. This project meets those criteria for issuance of a permit.
3. Your third comment deals with the concept of environmental justice and refers to Executive Order 12898. As noted, you had raised this issue in a prior letter, to which Mr. Linero had responded. Our Office of General Counsel (OGC) is of the opinion that review of this project is limited to the applicable rules and statutes and these do not address the issue of so-called "environmental fairness". I believe that this is the extent to which I can review this issue for you. Should you need to speak with someone else, the appropriate person would be Douglas Beason in the Office of General Counsel, at 850/921-9624.

Thank you for your comments and your interest in this project.

Sincerely,

Michael P. Halpin
New Source Review Section

/mph
cc: Douglas Beason
Clair Fancy

INTEROFFICE MEMORANDUM

Date: 15-Apr-1999 04:59pm
From: Aspbb
Aspbb@AOL.COM@PMDF@EPIC66
Dept:
Tel No:

To: LINERO_A (LINERO_A@A1@DER)
To: HALPIN_M (HALPIN_M@A1@DER)
CC: gkamaras (gkamaras@lewisweb.net@PMDF@EPIC66)

Subject: Oleander Power Project

Dear Mr. Linero and Mr. Halpin:

Have the potential impacts of the Oleander Power Project on protected migratory birds been carefully scrutinized during the application and review process? I am referring to the very hot (1,114 degree F.), very fast (212 feet per second) invisible gases coming out of (5) 22' wide stacks situated in a row and going east and west. Peninsular Florida is well known as a major migratory corridor for many species of small songbirds, all of which are Federally protected by the Migratory Bird Treaty Act.

If so, what conclusions has the Florida Department of the Environment come to as regards this issue?
Or what mitigation to minimize deaths of migratory birds has the department been able to obtain?

Thank-you for your time,
M. Adams

INTEROFFICE MEMORANDUM

Date: 19-Apr-1999 04:05pm
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Aspbb (Aspbb@AOL.COM@PMD@EPIC66)
CC: Alvaro Linero TAL (LINERO_A)

Subject: Re: Oleander Power Project

Dear Ms. Adams -

I have left your response below for reference. As a matter of routine, we forward applications to the National Park Service for comments. The U.S. Fish and Wildlife Service's Air Quality Branch is closely associated with the National Park Service's Air Resources Division. Their "permit review" comments regarding sources near Chassahowitzka, Okefenokee, or St. Marks wildernesses are written on U.S. Fish and Wildlife Service (FWS) letterhead, for instance. The NPS, on the other hand, deals with sources near Everglades NP. The review we received on this project was from the Air Quality Branch of the Fish and Wildlife Service and they did not identify the issue you have raised.

I hope that this is helpful to you.

Sincerely,
Michael P. Halpin

Dear Mr. Linero and Mr. Halpin:

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If so, what conclusions has the Florida Department of the Environment come to as regards this issue?

Or what mitigation to minimize deaths of migratory birds has the department been able to obtain?

Thank-you for your time,

INTEROFFICE MEMORANDUM

Sensitivity: PRIVATE

Date: 16-Apr-1999 10:18am

From: Mike Halpin TAL
HALPIN_M

Dept: Air Resources Management

Tel No: 850/488-0114

To: Ellen_Porter@nps.gov@in

Subject: Migratory Birds

Ellen -

I work for Al Linero in the Florida DEP, Air resources Management (New Source Review) and he suggested that I contact you for some assistance.

Recently, a question arose with respect to an application which deals with migratory birds. The specific question asks "Have the potential impacts of the project [the hot (>1000 degree F.) and fast invisible gases coming out of (5) 22' wide 60' high stacks situated in a row and going east and west] on protected migratory birds been carefully scrutinized during the application and review process?"

She is referring to Peninsular Florida being known as a migratory corridor for many species of small songbirds, which are Federally protected by the Migratory Bird Treaty Act.

I am unaware of any studies which draw conclusions (or consensus opinions) and was hoping that you could provide some insight. Any help is appreciated.

Sincerely,

Michael P. Halpin

Florida DEP

Air Resources Management/New Source Review

Tallahassee, Florida

850/921-9530

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 16-Apr-1999 08:46am

From: Mike Halpin TAL
HALPIN_M

Dept: Air Resources Management

Tel No: 850/488-0114

To: John_R_Sauer@usgs.gov@in

Subject: Migratory birds

Mr. Sauer -

I am an engineer with the Florida Department of Environmental Protection and my primary job is to review applications for permits to construct power plants. Recently, a question arose with respect to an application which deals with migratory birds.

The specific question asks "Have the potential impacts of the project [the hot (>1000 degree F.) and fast invisible gases coming out of (5) 22' wide 60' high stacks situated in a row and going east and west] on protected migratory birds been carefully scrutinized during the application and review process?" She is referring to Peninsular Florida being known as a migratory corridor for many species of small songbirds, which are Federally protected by the Migratory Bird Treaty Act.

I am unaware of any studies which draw conclusions (or consensus conclusions) and was hoping that you could provide some insight. Any help is appreciated.

Sincerely,

Michael P. Halpin

Florida DEP

Air Resources Management/New Source Review

Tallahassee, Florida

850/921-9530

INTEROFFICE MEMORANDUM

Date: 16-Apr-1999 09:09am
From: John_R_Sauer
John_R_Sauer@usgs.gov@PMDf@EPIC66
Dept:
Tel No:

To: Mike Halpin TAL 850/488-0114 (HALPIN_M@A1@DER)

Subject: Re: Migratory birds

Hi:

I do not know of any studies that specifically address this issue. However, the issue of towers (especially lighted towers) and their impacts on migrating birds is a present topic of controversy due to the recent burst of construction of cellular phone towers.

I will pass your message along to some of my colleagues, and see if any of them have encountered any information regarding the question.

Sincerely,
John Sauer

Reply Separator

Subject: Migratory birds
Author: Mike Halpin TAL 850/488-0114 <HALPIN_M@dep.state.fl.us> at
NBS-Internet-Gateway
Date: 4/16/99 8:46 AM

Mr. Sauer -

I am an engineer with the Florida Department of Environmental Protection and my primary job is to review applications for permits to construct power plants. Recently, a question arose with respect to an application which deals with migratory birds.

The specific question asks "Have the potential impacts of the project [the hot (>1000 degree F.) and fast invisible gases coming out of (5) 22' wide 60' high stacks situated in a row and going east and west] on protected migratory birds been carefully scrutinized during the application and review process?" She is referring to Peninsular Florida being known as a migratory corridor for many species of small songbirds, which are Federally protected by the Migratory Bird Treaty Act.

I am unaware of any studies which draw conclusions (or consensus conclusions) and was hoping that you could provide some insight. Any help is appreciated.

Sincerely,
Michael P. Halpin

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 22-Apr-1999 09:43am
From: Drew Leslie TAL
LESLIE_D@EPIC5A1@DER
Dept:
Tel No:

To: Mike Halpin TAL (HALPIN_M@A1@DER)

Subject: FWD: Re: Fwd:Migratory Birds

Hi Mike. Got your note forwarded by Linda Lyon USFWS. I forwarded to Jim Cox FL GFC. This is his reply.

Regards,
Drew

INTEROFFICE MEMORANDUM

Date: 21-Apr-1999 07:27pm
From: necox
necox@nettally.com@PMDF@EPIC66
Dept:
Tel No:

Subject: Re: Fwd:Migratory Birds

Hi Drew:

I'm am not at all sure about this, but I will forward this to some birding list-servers that I know. My guess is the hot gasses may not be invisible to most birds since they see broader part of the spectrum than we do.

All the best,
Jim

From: Drew Leslie TAL 850/487-2600 [SMTP:LESLIE_D@epic5.dep.state.fl.us]
Sent: Tuesday, April 20, 1999 9:59 AM
To: Jim Cox
Subject: FWD: Fwd:Migratory Birds

Can y'all help?

<<Message: Fwd:Migratory Birds>>

INTEROFFICE MEMORANDUM

Date: 28-Apr-1999 03:01pm
From: john_trapp
john_trapp@mail.fws.gov@PMDf@EPIC66
Dept:
Tel No:

To: See Below
Subject: Re: Fwd:Migratory Birds

See attached text item (9223 bytes)

John L. Trapp

Any thoughts to pass on?

This is a new one on me.

----- Forwarded by Cyndi Perry/ARW/R9/FWS/DOI
on 04/27/99 10:20 PM -----

Linda Lyon
04/20/99 12:36 PM

To: fws-ec-tech@www.fws.gov
cc: Leslie_D@epic5.dep.state.fl.us, Cyndi
Perry/ARW/R9/FWS/DOI@FWS, mcmo@gnv.ifas.ufl.edu

Subject: Fwd:Migratory Birds

If any of you have relevant information, please respond to Mike Halpin, with CCs to me and Ellen. (Ellen is w/ the Division of Refuges Air Quality Branch in Denver.)

Thanks.

L Lyon, RF-WO, 703-358-2043

----- Forwarded by Linda Lyon/ARW/R9/FWS/DOI
on 04/20/99 12:33 PM -----

From: <Ellen_Porter@nps.gov (Ellen Porter)> AT ~INTERNET on
04/19/99 09:41 AM MDT

To: Linda Lyon/ARW/R9/FWS/DOI
cc:

Subject: Fwd:Migratory Birds

Distribution:

To: halpin_m (halpin_m@A1@DER)
To: ellen_porter (ellen_porter@nps.gov@PMDf@EPIC66)
To: albert_manville (albert_manville@mail.fws.gov@PMDf@EPIC66)
To: george_t_allen (george_t_allen@mail.fws.gov@PMDf@EPIC66)
To: cyndi_perry (cyndi_perry@mail.fws.gov@PMDf@EPIC66)
To: Ellen_Porter (Ellen_Porter@nps.gov@PMDf@EPIC66)
To: linda_lyon (linda_lyon@mail.fws.gov@PMDf@EPIC66)
To: chuck_hunter (chuck_hunter@mail.fws.gov@PMDf@EPIC66)

Mike:

Your request for information about the effects of hot smokestack emissions on migratory birds found their way to my computer by a circuitous route fashion, but I may be able to provide some help.

I believe that I had some e-mail correspondence earlier this month with the woman who posed this question. In my response to her, I provided the following information:

"Thank you for your inquiry about the potential impacts on migratory birds of a power plant near West Cocoa, Florida."

"In general, I am not aware of any particular concerns that have been expressed about the impacts of power plant cooling towers on migratory birds. The relatively short height of the stacks should minimize bird collisions. I am more concerned with the possible risks imposed by the hot gases emitted by the stacks. I don't have specific information on the presence of endangered species in the vicinity of West Cocoa, but peninsular Florida is well known as a major migratory corridor for many species of small songbirds, all of which are Federally protected by the Migratory Bird Treaty Act."

"I have appended three annotated citations relating to the impacts of industrial structures on migratory birds; the first of these may be the most relevant to your situation."

"I suggest that you call the U.S. Fish and Wildlife Service's Ecological Services Field Office in Jacksonville (phone: 904/232-2580). There may be someone in the office who has specific knowledge about this particular project."

"Bjorge, R. R. 1987. Bird kill at an oil industry flare stack in northwest Alberta. *Canadian Field-Nat.* 101: 346-350. Approximately 3,000 individuals of at least 26 species were found dead within 75 m of a 104-m flare stack in late May 1980. Warblers of 12 species accounted for 77% of all identified birds, with Yellow Warbler and Blackpoll Warbler the most abundant. The presence of pulmonary congestion and edema in specimens examined suggests that death may have been related to stack emissions. Death from striking the tower or guy wires was unlikely for the majority of casualties."

"Marsden, J. E., T. C. Williams, V. Krauthamer, and H. Krauthamer. 1980. Effects of nuclear power plant lights on migrants. *J. Field Ornithol.* 51: 315-318. The lights associated with the Pilgrim Nuclear Power Station, Plymouth, Massachusetts, did not appear to regularly disrupt the orientation of nocturnal passerine migrants, as headings and tracks of birds passing the Station (as determined by radar) differed significantly from a control area on only 1 of 9 nights, 20-20 May 1976."

"McCrary, M. D., R. L. McKernan, R. W. Schreiber, W. D. Wagner, and T. C. Sciarrotta. 1986. Avian mortality at a solar energy power plant. *J. Field Ornithol.* 135-141. Over a 40-week period (May-June 1982 and September 1982-May 1983), a total of 70 individuals of 26 species were found dead at Solar One (the

world's largest solar energy power plant), located in the Mojave Desert, San Bernardino County, California. Most (81%) of the birds died from collisions with physical structures. The impact of this mortality on the local bird population was considered minimal (0.6-0.7%/week)."

I believe that the paper by Bjorge is particularly relevant to the Florida power plant, and indicates at least the potential for significant bird mortality associated with the operation of the plant.

In followup correspondence, I provided the following additional information:

"In the situation you described (i.e., if hot gases from a power plant caused the death of migratory birds), that would indeed constitute a violation of the Migratory Bird Treaty Act. But there are thousands violations of the MBTA daily (e.g., birds killed by cars, agricultural activities, oil spills, etc.) that are not prosecuted."

"There are many cases (such as birds killed due to pesticide application or birds killed in oil pits) in which companies have been fined for illegal take of migratory birds. In other instances, the Service often prefers to work with industry to minimize or mitigate such losses."

"At the very least, I would recommend that the potential impacts of the power plant on migratory birds be carefully scrutinized during the application and review process."

I hope that this information is helpful. Please feel free to contact me if you need additional information.

John L. Trapp
U.S. Fish and Wildlife Service
Office of Migratory Bird Management
Arlington, Virginia USA
john_trapp@fws.gov
(703) 358-1965

Reply Separator

Subject: Fwd:Migratory Birds

Author: Cyndi Perry at FWS

Date: 04/27/99 10:17 PM

Linda, can you help out on this one or refer me to someone who might have info on this subject? The question, as you'll see, regards the effects of smokestack emissions on migratory birds. I cannot think of any studies that I'm familiar with that have dealt with this issue.

Ellen

Forward Header

Subject:

Migratory Birds

Author: Mike Halpin TAL 850/488-0114 <HALPIN_M@dep.state.fl.us>
Date: 04/16/1999 10:18 AM

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Sincerely,

Michael P. Halpin

Florida DEP

Air Resources Management/New Source Review Tallahassee, Florida
850/921-9530

Received: from epic66.dep.state.fl.us (199.73.128.6) by
ccmail.itd.nps.gov with
SMTP

(IMA Internet Exchange 2.12 Enterprise) id 001C2552; Sat, 17
Apr 99 21:34:08

-0400

Received: from mr.dep.state.fl.us by EPIC66.DEP.STATE.FL.US
(PMDF V5.1-4 #7204) id

<01JA3IRE59UO007WBU@EPIC66.DEP.STATE.FL.US> for

Ellen_Porter@nps.gov; Fri,

16 Apr 1999 10:19:37 EDT

Received: with PMDF-MR; Fri, 16 Apr 1999 10:18:58 -0400 (EDT)

MR-Received: by mta DER1; Relayed; Fri, 16 Apr 1999 10:18:58

-0400

MR-Received: by mta EPIC66; Relayed; Fri, 16 Apr 1999 10:18:58

-0400

Alternate-recipient: prohibited

Date: Fri, 16 Apr 1999 10:18:51 -0400 (EDT)

From: Mike Halpin TAL 850/488-0114 <HALPIN_M@dep.state.fl.us>

Subject: Migratory Birds

To: Ellen_Porter@nps.gov

Message-id: <A1317IWM28CH2*/R=A1/R=DER/U=HALPIN_M/@MHS>

MIME-version: 1.0

Content-type: TEXT/PLAIN; CHARSET=US-ASCII Posting-date: Fri, 16
Apr 1999 10:18:56 -0400 (EDT) Importance: normal

Priority: urgent

Sensitivity: Private

UA-content-id: A1317IWM28CH2

X400-MTS-identifier: [;85810161409991/3472691@DER] A1-type: MAIL

Hop-count: 2

INTEROFFICE MEMORANDUM

Date: 03-May-1999 08:26am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: john_trapp (john_trapp@mail.fws.gov@PMDF@EPIC66)

Subject: Re: Fwd:Migratory Birds

John -

Thanks for the reply. I've left it below for reference. Given that within Florida we have shorter smokestacks with similar exit temperatures, would you have reason to believe that the West Cocoa plant would be likely to impact the migratory birds in a different fashion (i.e. to a greater or lesser extent than the other existing smokestacks)?

Thanks
Mike Halpin

Mike:

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"I have appended three annotated citations relating to the

impacts of industrial structures on migratory birds; the first of these may be the most relevant to your situation."

"I suggest that you call the U.S. Fish and Wildlife Service's Ecological Services Field Office in Jacksonville (phone: 904/232-2580). There may be someone in the office who has specific knowledge about this particular project."

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U.S. Fish and Wildlife Service
Office of Migratory Bird Management
Arlington, Virginia USA
john_trapp@fws.gov
(703) 358-1965

_____ Reply Separator

_____ Subject: Fwd:Migratory Birds

Author: Cyndi Perry at FWS
Date: 04/27/99 10:17 PM

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Ellen

_____ Forward Header _____

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Migratory Birds
Author: Mike Halpin TAL 850/488-0114 <HALPIN_M@dep.state.fl.us>
Date: 04/16/1999 10:18 AM

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Sincerely,

Michael P. Halpin

Florida DEP

Air Resources Management/New Source Review Tallahassee, Florida
850/921-9530

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Alternate-recipient: prohibited

Date: Fri, 16 Apr 1999 10:18:51 -0400 (EDT)

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Subject: Migratory Birds

To: Ellen_Porter@nps.gov

Message-id: <A1317IWM28CH2*/R=A1/R=DER/U=HALPIN_M/@MHS>

MIME-version: 1.0

Content-type: TEXT/PLAIN; CHARSET=US-ASCII Posting-date: Fri, 16
Apr 1999 10:18:56 -0400 (EDT) Importance: normal

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Sensitivity: Private

UA-content-id: A1317IWM28CH2

X400-MTS-identifier: [;85810161409991/3472691@DER] A1-type: MAIL
Hop-count: 2

INTEROFFICE MEMORANDUM

Date: 03-May-1999 10:57am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Ellen_Porter@nps.gov@in

Subject: FWD: Re: Fwd:Migratory Birds

Ellen -

I have received a response from a Mr. John Trapp, although I am having trouble e-mailing him. I've enclosed what I had wanted to pass along to him and was hoping that you could assist.

Thanks
Mike Halpin

John -

Thanks for the reply. I've left it below for reference. Given that within Florida we have shorter smokestacks with similar exit temperatures, would you have reason to believe that the West Cocoa plant would be likely to impact the migratory birds in a different fashion (i.e. to a greater or lesser extent than the other existing Florida smokestacks)? Also, I cannot locate the paper you've referenced below. Can you assist with that in any way? Lastly, you wrote: "At the very least, I would recommend that the potential impacts of the power plant on migratory birds be carefully scrutinized during the application and review process." Can you advise on who might be the best resource for the recommended type of review?

Thanks
Mike Halpin

Mike:

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"I have appended three annotated citations relating to the impacts of industrial structures on migratory birds; the first of these may be the most relevant to your situation."

"I suggest that you call the U.S. Fish and Wildlife Service's Ecological Services Field Office in Jacksonville (phone: 904/232-2580). There may be someone in the office who has specific knowledge about this particular project."

"Bjorge, R. R. 1987. Bird kill at an oil industry flare stack in northwest Alberta. *Canadian Field-Nat.* 101: 346-350. Approximately 3,000 individuals of at least 26 species were found dead within 75 m of a 104-m flare stack in late May 1980. Warblers of 12 species accounted for 77% of all identified birds, with Yellow Warbler and Blackpoll Warbler the most abundant. The presence of pulmonary congestion and edema in specimens examined suggests that death may have been related to stack emissions. Death from striking the tower or guy wires was unlikely for the majority of casualties."

"Marsden, J. E., T. C. Williams, V. Krauthamer, and H. Krauthamer. 1980. Effects of nuclear power plant lights on migrants. *J. Field Ornithol.* 51: 315-318. The lights associated with the Pilgrim Nuclear Power Station, Plymouth, Massachusetts, did not appear to regularly disrupt the orientation of nocturnal passerine migrants, as headings and tracks of birds passing the Station (as determined by radar) differed significantly from a control area on only 1 of 9 nights, 20-20 May 1976."

"McCrary, M. D., R. L. McKernan, R. W. Schreiber, W. D. Wagner, and T. C. Sciarrotta. 1986. Avian mortality at a solar energy power plant. *J. Field Ornithol.* 135-141. Over a 40-week period (May-June 1982 and September 1982-May 1983), a total of 70 individuals of 26 species were found dead at Solar One (the world's largest solar energy power plant), located in the Mojave

Desert, San Bernardino County, California. Most (81%) of the birds died from collisions with physical structures. The impact of this mortality on the local bird population was considered minimal (0.6-0.7%/week)."

I believe that the paper by Bjorge is particularly relevant to the Florida power plant, and indicates at least the potential for significant bird mortality associated with the operation of the plant.

In followup correspondence, I provided the following additional information:

"In the situation you described (i.e., if hot gases from a power plant caused the death of migratory birds), that would indeed constitute a violation of the Migratory Bird Treaty Act. But there are thousands violations of the MBTA daily (e.g., birds killed by cars, agricultural activities, oil spills, etc.) that are not prosecuted."

"There are many cases (such as birds killed due to pesticide application or birds killed in oil pits) in which companies have been fined for illegal take of migratory birds. In other instances, the Service often prefers to work with industry to minimize or mitigate such losses."

"At the very least, I would recommend that the potential impacts of the power plant on migratory birds be carefully scrutinized during the application and review process."

I hope that this information is helpful. Please feel free to contact me if you need additional information.

John L. Trapp
U.S. Fish and Wildlife Service
Office of Migratory Bird Management
Arlington, Virginia USA
john_trapp@fws.gov
(703) 358-1965

Reply Separator

Subject: Fwd:Migratory Birds

Author: Cyndi Perry at FWS
Date: 04/27/99 10:17 PM

Linda, can you help out on this one or refer me to someone who might have info on this subject? The question, as you'll see,

regards the effects of smokestack emissions on migratory birds. I cannot think of any studies that I'm familiar with that have dealt with this issue.

Ellen

Forward Header

Subject:

Migratory Birds

Author: Mike Halpin TAL 850/488-0114 <HALPIN_M@dep.state.fl.us>

Date: 04/16/1999 10:18 AM

Ellen -

I work for Al Linero in the Florida DEP, Air resources Management (New Source Review) and he suggested that I contact you for some assistance.

Recently, a question arose with respect to an application which deals with migratory birds. The specific question asks "Have the potential impacts of the project [the hot (>1000 degree F.) and fast invisible gases coming out of (5) 22' wide 60' high stacks situated in a row and going east and west] on protected migratory birds been carefully scrutinized during the application and review process?"

She is referring to Peninsular Florida being known as a migratory corridor for many species of small songbirds, which are Federally protected by the Migratory Bird Treaty Act.

I am unaware of any studies which draw conclusions (or consensus opinions) and was hoping that you could provide some insight. Any help is appreciated.

Sincerely,

Michael P. Halpin

Florida DEP

Air Resources Management/New Source Review Tallahassee, Florida
850/921-9530

Received: from epic66.dep.state.fl.us (199.73.128.6) by
ccmail.itd.nps.gov with
SMTP

(IMA Internet Exchange 2.12 Enterprise) id 001C2552; Sat, 17
Apr 99 21:34:08

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(PMDF V5.1-4 #7204) id
<01JA3IRE59UO007WBU@EPIC66.DEP.STATE.FL.US> for

Ellen_Porter@nps.gov; Fri,
16 Apr 1999 10:19:37 EDT

Received: with PMDF-MR; Fri, 16 Apr 1999 10:18:58 -0400 (EDT)

MR-Received: by mta DER1; Relayed; Fri, 16 Apr 1999 10:18:58

INTEROFFICE MEMORANDUM

Date: 05-May-1999 10:08am

From: Mike Halpin TAL
HALPIN_M

Dept:

Tel No:

To: Mike Halpin TAL (HALPIN_M)

Subject: memo to file - FWS?

I received a call yesterday (5/4) at around 11am from John Valade who (I believe) was with either the FGC or FWS in the Jacksonville office. [904-232-2580 ext. 118] He asked a number of questions about the Oleander project, most of which were related to areas outside of our authority (wetlands, animal habitats, etc.). I indicated that our authority rested with ambient air quality and that this project satisfied the requirements. He stated that he had received several calls (which seemed to be prompted by the attached e-mail) about migratory birds and was following up as a result of that.

At conclusion he indicated that he would encourage each concerned citizen to follow the process and make their concerns known to the proper authorities.

mph

INTEROFFICE MEMORANDUM

Date: 06-May-1999 05:45pm

From: Bob McCann
BMcCann@GOLDER.com

Dept:

Tel No:

To: HALPIN_M

(HALPIN_M@A1)

Subject: Oleander Power Project- Migrating Birds

Mike

attached is letter prepared by Jim Newman discussing issue. this was submitted today to Brevard County Commissioners as part of record for their review and possible discussion at upcoming Commission meeting next Tuesday 5/11.

Any questions, please call.

Bob

May 5, 1999

9839514-0300

Dean, Mead, Spielvogel, Goldman & Boyd
101 South Courtney Parkway
Merritt Island, FL 32952-4855

Attention: Mr. Leonard Spielvogel

RE: Oleander Power Project, Oleander Power Project, L.P.
Potential Impacts to Birds from the Thermal Plume of the Oleander Power
Plant

Dear Mr. Spielvogel:

I have reviewed the site location and predicted thermal conditions associated with the proposed Oleander Power plant. It is my professional opinion that there will be minimal, if any, risk from thermal emissions to birds flying near the stack. There will be no significant adverse effects to bird populations including migratory bird populations in the region from the proposed thermal emissions. These conclusions are based on more than 28 years in studying the effects of air pollution on birds (See attached resume) and the site conditions themselves.

First, the plant site is located in an industrial/commercial landscape that is not conducive for bird foraging or nesting. Second, the site itself is not in a reported migratory pathway nor does it divide recognized feeding or nesting habitats. Several miles west of the site is the St. Johns River system including Lake Poinsett. Important avian habitat is found in this area. Bird usage including migratory birds would tend to be north and south along the drainage. Significant inland bird flight routes from east to west are not likely. Similarly, to the east are the Indian River and Banana River that are used by migratory and other birds. These birds would also tend to fly north and south along these river systems. Significant east-west movement especially over the site is not likely to occur.

Finally, if individual birds were near the plant they would avoid the heated air as they approached it. Modeling analysis has shown that the thermal plume would have its highest temperatures in the center of the plume and would decrease to ambient levels approximately 300 meters from the center of the plume. Any birds flying in the vicinity of the plume would sense an increase in temperature and avoid the plume when it became uncomfortable. The plume would not block bird movement in any direction, nor would birds become trapped in the plume. In contrast to some gaseous emissions that might not be perceived by birds until acute levels are reached such as carbon monoxide, birds are thermally sensitive and adjust their behavior accordingly.

A review of the air pollution literature (See Newman, 1980. Effects of Air

Emission on Wildlife Resources. US Fish and Wildlife Service FWS/OBS-80/40.1) revealed no reported effects from thermal emissions. Gaseous emissions such as hydrogen sulfide have caused bird die off when birds have been suddenly trapped in a plume. Historically, gaseous emissions, significantly above levels allowable by US EPA and Florida Department of Environmental Protection (DEP), have resulted in lower nesting density for those species that were sensitive (See Newman et al. 1985. Influence of Air Emission on the Nesting Ecology of the House Martin, *Delichon urbica*, in Czechoslovakia. Biological Conservation 31:229-248). In another words, birds tended to avoid areas with high ambient concentrations of air pollutants such as SO₂. These conditions will not occur at this facility due to stringent emission controls guaranteed by the equipment vendor and regulated by the Florida DEP.

In regards to butterflies, except for genetic studies (i.e., Industrial Melanism) reported in the 1960s and 70s in England, there are no known reports of the effects of air pollution on butterfly populations. The industrial site conditions are not conducive to attacking butterflies. No significant adverse effects to butterfly populations are anticipated from the proposed project.

Please contact me if you have any questions.

Sincerely,

GOLDER ASSOCIATES INC.

James R. Newman, Ph.D.
Principal Scientist

JRN/arz

cc: R. Wolfinger, Oleander Power Project
R.A. Zwolak, GAI
K.F. Kosky, GAI
R.C. McCann, Jr., GAI

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 31-Mar-1999 07:12pm

From: Alvaro Linero TAL
LINERO_A

Dept:

Tel No:

To: Mike Halpin TAL

(HALPIN_M)

Subject: FWD: Oleander & Public Input

Mike. F.Y.I. Let's discuss sometime soon, but not right away. Thanks. Al.

INTEROFFICE MEMORANDUM

Date: 31-Mar-1999 06:10pm
From: Aspbb
Aspbb@aol.com@PMDf@EPIC66
Dept:
Tel No:

Subject: Oleander & Public Input

Mr. Linero,

Mike Halpin recently wrote the following:

As noted in the "Technical Evaluation and Preliminary Determination", the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations.

Please be advised that (as requested) a public meeting is planned for May 13th at 7:00pm at the same location as the March 3rd meeting (Brevard County Agricultural Center) and is so stated in the intent document noted above.

I understand that Oleander's proposal meets the State and Federal guidelines for an air permit. Where does public input fit into the decision making process?

I have asked this question before and have never really received an answer to it. You have held a public meeting on March 3, 1999 and have received multiple letters, almost 2,000 signatures on petitions against this plant and many comments from the public over here in Brevard County. Plus an article in our local paper stated that DEP would take public comments for another 30 days. And now you are having another hearing in May, because it was requested.

Exactly how does public input have any impact on FDEP's decision on whether or not to issue an air permit?? What is the purpose for getting public input if DEP does not take it into consideration when making its decision?

At the last hearing, there was not one individual who spoke in favor of a new major source of pollution being placed in the middle of hundreds of residents (I estimate between 500 and 1,000 homes or more in a 3.2 km radius). Especially a power plant that will not service the residents nor does it appear will EVER service these residents because of the nature of their operation being very expensive, wholesale, "peaking" power. Why should these residents be burdened with the additional pollution in their neighborhood (even if it is "cleaner" pollution)?

This county already has three power plants situated triangularly around it. Only one of which (FPL) services the residents here. The only time this area

gets a break from emissions, is when the wind comes out of the South. I have seen a smog line in our sunsets many times west of Brevard County along the St. Johns River. Also, Brevard County's ozone readings have jumped up a lot this past year. Some blame the wildfires. Some blame vehicle emissions. Can you explain why Miami's ozone readings are much lower than Brevard County's? Can you explain why Volusia County's and West Palm Beach County's readings are lower than Brevard County's? Volusia County was one of the hardest hit with wildfires last year and the wildfires in Brevard were primarily in the far north end, near Volusia. Are there more vehicle emissions in Brevard County than there are in the Miami area???

A power plant of this type "to provide" high peak demands, should be placed where the shortage is happening. I do not recall having ever experienced a brownout or outage, because of high demand, in this area. I have heard that the west coast and north Florida are the ones with shortages of electricity. Is that true?

Also, with the reviewing and permitting that appears to be going on at FDEP, the State of Florida does not appear to be in an emergency situation to provide 8,000 MW of future energy needs in this state by the year 2006. You recently wrote to me indicating that 7,520 MW of power was being reviewed, permitted, or proposed excluding the Oleander Project.

In addition to this, are the 100's of residents surrounding the proposed site considered "insignificant" in FDEP's consideration of such a proposal? Is that because many of them are manufactured homes? Or mobile homes? Or generally economically depressed neighborhoods?

What is the magic number of homes in a 3.2 km. radius that FDEP considers significant? I realize that there are 1,000's of homes near the FPL and OUC plants. However, having been in this area since 1974, I do know that most of those homes were built after the plants were already here. The proposed site that Oleander wants to build on is already surrounded by 100's of residents and is just over 1/4 mile from a playground/ballfield where many outdoor school activities are held. In addition, the site is adjoining a tourism zoning area with a motel and restaurant just to the southeast of it. Residents here feel it is not fair for them to receive added pollution and the possible massive use of natural resources when it appears this plant will do little to benefit them.

Thank-you for your time and thoughtful consideration.
M. Adams

INTEROFFICE MEMORANDUM

Date: 01-Apr-1999 11:17am

From: Mike Halpin TAL
HALPIN_M

Dept:

Tel No:

To: Alvaro Linero TAL (LINERO_A)

Subject: FWD: Re: Application for Air Construction Permit - Oleander Po

Al -

Thanks for forwarding me Ms. Adams' note. I have placed it below and attached my previous e-mail to her dated 2/26, attempting to answer her question on the purpose of the public meeting. Apparently, my 2/26 response was inadequate and she seems to be specifically asking whether or not the public sentiment is a factor in determining whether to approve or deny this project.

I would like to try again and have written a response below in that effort. I would appreciate your feedback.

To Ms. Adams -

Thank you for your input regarding the Oleander project. You have asked several questions and I am itemizing them below with my response:

1) I understand that Oleander's proposal meets the State and Federal guidelines for an air permit. Where does public input fit into the decision making process? Exactly how does public input have any impact on FDEP's decision on whether or not to issue an air permit?? What is the purpose for getting public input if DEP does not take it into consideration when making its decision?

ANSWER - Public input is used in order to increase the Department's familiarity with the local issues and to ensure that we have considered all applicable rules and regulations. The Department does not have the authority to approve or deny a project based upon public sentiment, presuming that the project complies with all state and federal rules and regulations. However, public input does have a purpose and can lead to specific issues being addressed. One example (in this project) is that a permit condition has been written to require the applicant to maintain the fuel oil consumption to be less than the natural gas consumption. This resulted from many public comments directed at a concern that the plant may burn oil most (or all) of the time.

2) Why should these residents be burdened with the additional pollution in their neighborhood (even if it is "cleaner" pollution)?

ANSWER - The Department does not have jurisdiction over the placement of a power plant. The Department looks at whether the selected location, together with the proposed emissions and controls is likely to cause exceedances of ambient air quality standards. This was addressed at the March 3rd public

meeting.

3) Can you explain why Miami's ozone readings are much lower than Brevard County's? Can you explain why Volusia County's and West Palm Beach County's readings are lower than Brevard County's? Volusia County was one of the hardest hit with wildfires last year and the wildfires in Brevard were primarily in the far north end, near Volusia. Are there more vehicle emissions

in Brevard County than there are in the Miami area???

ANSWER - We will specifically address ozone-related issues at the public meeting on May 13th.

4) A power plant of this type "to provide" high peak demands, should be placed where the shortage is happening. I do not recall having ever experienced a brownout or outage, because of high demand, in this area. I have heard that the west coast and north Florida are the ones with shortages of electricity. Is that true?

ANSWER - This question appears to be related to the placement of the plant and

thus has the same answer as 2) above. Concerning the issue of shortages, we have no authority to utilize that information in our decision-making process.

5) In addition to this, are the 100's of residents surrounding the proposed site considered "insignificant" in FDEP's consideration of such a proposal?

Is that because many of them are manufactured homes? Or mobile homes? Or generally economically depressed neighborhoods? What is the magic number of homes in a 3.2 km. radius that FDEP considers significant?

ANSWER - The issue of "significance" in the context of a PSD permit is not determined based upon the number or types of homes in an area. I have attached the definition as we are required to use it (based upon the Code of federal Regulations 40 CFR 52.21(b)23[i through iii]):

(23)i - Significant means, in reference to a net emissions increase or the potential source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates: Carbon Monoxide - 100 tons per year, Nitrogen Oxides - 40 tons per year, etc. I can provide the rest if you like

(23)ii - Significant means, in reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the Act that paragraph (b)(23)(i) of this section, does not list, any emissions rate.

(23)iii - Notwithstanding paragraph (b)(23)(i) of this section, significant means any emission rate or any net emissions increase associated with a major stationary source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact greater than 1 ug/m³, (24-hour average).

As was stated in the public meeting, the approval of this plant will not cause any ambient air quality standards to be exceeded based upon the EPA methodologies for making that determination.

I hope that this is helpful to you.
Sincerely,
Mike Halpin

MS. ADAMS MEMO:

Mr. Linero,

Mike Halpin recently wrote the following:

As noted in the "Technical Evaluation and Preliminary Determination", the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations.

Please be advised that (as requested) a public meeting is planned for May 13th at 7:00pm at the same location as the March 3rd meeting (Brevard County Agricultural Center) and is so stated in the intent document noted above.

I understand that Oleander's proposal meets the State and Federal guidelines for an air permit. Where does public input fit into the decision making process?

I have asked this question before and have never really received an answer to it. You have held a public meeting on March 3, 1999 and have received multiple letters, almost 2,000 signatures on petitions against this plant and many comments from the public over here in Brevard County. Plus an article in our local paper stated that DEP would take public comments for another 30 days. And now you are having another hearing in May, because it was requested.

Exactly how does public input have any impact on FDEP's decision on whether or not to issue an air permit?? What is the purpose for getting public input if DEP does not take it into consideration when making its decision?

At the last hearing, there was not one individual who spoke in favor of a new major source of pollution being placed in the middle of hundreds of residents (I estimate between 500 and 1,000 homes or more in a 3.2 km radius). Especially a power plant that will not service the residents nor does it appear will EVER service these residents because of the nature of their operation being very expensive, wholesale, "peaking" power. Why should these residents be burdened with the additional pollution in their neighborhood (even if it is "cleaner" pollution)?

This county already has three power plants situated triangularly around it. Only one of which (FPL) services the residents here. The only time this area gets a break from emissions, is when the wind comes out of the South. I have seen a smog line in our sunsets many times west of Brevard County along the

St. Johns River. Also, Brevard County's ozone readings have jumped up a lot this past year. Some blame the wildfires. Some blame vehicle emissions. Can you explain why Miami's ozone readings are much lower than Brevard County's? Can you explain why Volusia County's and West Palm Beach County's readings are lower than Brevard County's? Volusia County was one of the hardest hit with wildfires last year and the wildfires in Brevard were primarily in the far north end, near Volusia. Are there more vehicle emissions in Brevard County than there are in the Miami area???

A power plant of this type "to provide" high peak demands, should be placed where the shortage is happening. I do not recall having ever experienced a brownout or outage, because of high demand, in this area. I have heard that the west coast and north Florida are the ones with shortages of electricity. Is that true?

Also, with the reviewing and permitting that appears to be going on at FDEP, the State of Florida does not appear to be in an emergency situation to provide 8,000 MW of future energy needs in this state by the year 2006. You recently wrote to me indicating that 7,520 MW of power was being reviewed, permitted, or proposed excluding the Oleander Project.

In addition to this, are the 100's of residents surrounding the proposed site considered "insignificant" in FDEP's consideration of such a proposal? Is that because many of them are manufactured homes? Or mobile homes? Or generally economically depressed neighborhoods?

What is the magic number of homes in a 3.2 km. radius that FDEP considers significant? I realize that there are 1,000's of homes near the FPL and OUC plants. However, having been in this area since 1974, I do know that most of those homes were built after the plants were already here. The proposed site that Oleander wants to build on is already surrounded by 100's of residents and is just over 1/4 mile from a playground/ballfield where many outdoor school activities are held. In addition, the site is adjoining a tourism zoning area with a motel and restaurant just to the southeast of it. Residents here feel it is not fair for them to receive added pollution and the possible massive use of natural resources when it appears this plant will do little to benefit them.

Thank-you for your time and thoughtful consideration.
M. Adams

INTEROFFICE MEMORANDUM

Date: 05-Apr-1999 12:17pm
From: Aspbb
Aspbb@aol.com@PMDf@EPIC66
Dept:
Tel No:

Subject: Fwd: Oleander & Public Input

Dear Mr. Linero,

I wrote this letter on March 31, 1999 and have still not received a response from you or anyone else, for that matter. Is it because I did not refer to the:

DEP File No. 0090180-001-AC (PSD-FL-258)?

I am now forwarding this letter to The Honorable Governor Bush and maybe he can shed some light on the matter of public input and where it fits into DEP's decision on whether or not to issue an air permit.

Sincerely,
M. Adams

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 05-Apr-1999 06:03pm
From: Alvaro Linero TAL
LINERO_A
Dept: Air Resources Management
Tel No: 850/921-9532

To: Aspbb (Aspbb@aol.com@PMDf@EPIC66)
CC: Doug Beason TAL (BEASON_D)
CC: Mike Halpin TAL (HALPIN_M)
CC: Clair Fancy TAL (FANCY_C)
CC: Leonard Kozlov ORL (KOZLOV_L @ A1 @ ORL1)

Subject: Re: Oleander & Public Input

Ms. Adams. I received your E-Mail dated April 5 prompting me to reply to your questions in your inquiry dated March 31. We hope to have more complete responses when we hold the second public meeting on the Oleander project on May 13 and when we prepare responses to all of the questions raised during the two public meetings.

Following are your questions followed by my preliminary responses:

"I wrote this letter on March 31, 1999 and have still not received a response from you or anyone else, for that matter. Is it because I did not refer to the DEP File No. 0090180-001-AC (PSD-FL-258)?"

Sorry if you feel the amount of time is long. I think you will agree that we have promptly responded to all of your other inquiries. I came in from vacation to review your request. The reason for any delay is totally unrelated to the file number.

"I understand that Oleander's proposal meets the State and Federal guidelines for an air permit. Where does public input fit into the decision making process?"

Typically when we receive an application, we distribute it to the EPA, the National Park Service, and our district office and begin our review. When we have made a preliminary decision, it is published by the applicant in a newspaper of general circulation. At that point we invite public comment, requests for public meetings, and provide the opportunity for petitions related to our intended action.

In the Oleander case, we accepted public input at an early date before the application was complete. We held a public meeting before we would normally hold one and we plan to hold another one on May 13. I certainly think the early public input affected the applicant's plans regarding the amount of fuel oil he will burn.

"Exactly how does public input have any impact on FDEP's decision on whether or not to issue an air permit??"

As I mentioned, the public input certainly had an effect on the amount of oil to be fired and therefore the preliminary BACT determination. We have (preliminarily) concluded that the project will not cause or contribute to a violation of any ambient air quality standards; that it will not have a significant impact; and made a preliminary determination of Best Available Control Technology. The public can further provide comments on the draft permit and BACT determination, the modeling, etc. If you believe the permit should not be issued at all, then you would need to review the materials we sent you and point out facts with which you disagree as well as the rules or statutes that support your conclusions that the permit should not be issued.

"What is the purpose for getting public input if DEP does not take it into consideration when making its decision?"

We do consider public input.

"At the last hearing, there was not one individual who spoke in favor of a new major source of pollution being placed in the middle of hundreds of residents (I estimate between 500 and 1,000 homes or more in a 3.2 km radius). Especially a power plant that will not service the residents nor does it appear will EVER service these residents because of the nature of their operation being very expensive, wholesale, "peaking" power. Why should these residents be burdened with the additional pollution in their neighborhood (even if it is "cleaner" pollution)? "

The applicable rules provide for the Prevention of Significant Deterioration of Air Quality. The applicant needs to show that there will not be any modeled exceedances of the ambient air quality standards beyond his property line; that there will not be increases in ambient air pollutants beyond the allowable increases for the given area; and that the Best Available Control Technology will be employed. There are other requirements, but these are the ones that stand out. The rules and statutes under which we review air permit applications do not address the additional considerations you mentioned.

"This county already has three power plants situated triangularly around it. Only one of which (FPL) services the residents here. The only time this area gets a break from emissions, is when the wind comes out of the South. I have seen a smog line in our sunsets many times west of Brevard County along the St. Johns River. Also, Brevard County's ozone readings have jumped up a lot this past year. Some blame the wildfires. Some blame vehicle emissions. Can you explain why Miami's ozone readings are much lower than Brevard County's?"

I can't explain why readings in Miami are much lower (if they are) than

Brevard

County. I was going to look into this and it is one of the reasons that I was taking more time than you wished. I will refer the matter to an expert in this

field and will provide a proper response (if there is one) at or by the time of

the next public meeting. My personal experience, however, is that the Miami-Dade County and the Broward County areas were historically ozone non-attainment areas. They tended to have higher maximum ozone readings. As a

result, they were required by federal and state laws and rules to: implement a motor vehicle inspection program; install Reasonable Available Control technology for volatile organic compounds and nitrogen oxides at existing facilities (such as power plants); require special gasoline pump dispensers; supply low vapor pressure gasoline; etc. If they now have lower ozone concentrations, it could be related to these mandated measures.

"Can you explain why Volusia County's and West Palm Beach County's readings are

lower than Brevard County's? Volusia County was one of the hardest hit with wildfires last year and the wildfires in Brevard were primarily in the far north end, near Volusia."

Again, if this is true, I cannot explain why. I will ask our expert on these matters to look into it and have an answer by the time of the next public meeting. I can tell you that ozone is a regional phenomenon. Sometimes the pollutants that cause high ozone readings are emitted far away and the ozone is

formed during transport. The impact could be many miles away. On the other hand, a pollutant like sulfur dioxide will (generally) be measured at a higher concentration the closer one is to the source.

"Are there more vehicle emissions in Brevard County than there are in the Miami area???"

No.

"A power plant of this type "to provide" high peak demands, should be placed where the shortage is happening. I do not recall having ever experienced a brownout or outage, because of high demand, in this area. I have heard that the west coast and north Florida are the ones with shortages of electricity. Is that true?"

I do not have the facts on this either (sorry). It is also not something that we can consider in an air permit application. As I understand it, there is a shortage of reserve requirements. Because it takes time to plan and build projects to meet or maintain reserve requirements, they are typically permitted

before the shortages manifest themselves as brownouts. Nevertheless, last

summer I experienced occasional disruptions where I live in the Panhandle. I don't know if the reasons were insufficient capacity or transmission problems.

"Also, with the reviewing and permitting that appears to be going on at FDEP, the State of Florida does not appear to be in an emergency situation to provide 8,000 MW of future energy needs in this state by the year 2006. You recently wrote to me indicating that 7,520 MW of power was being reviewed, permitted, or proposed excluding the Oleander Project. In addition to this, are the 100's of residents surrounding the proposed site considered "insignificant" in FDEP's consideration of such a proposal? Is that because many of them are manufactured homes? Or mobile homes? Or generally economically depressed neighborhoods?

The residents are not considered insignificant. Their (and your) comments and contributions to-date are appreciated.

"What is the magic number of homes in a 3.2 km. radius that FDEP considers significant?"

There is no magic number. There are key National Ambient Air Quality Standards that are designed to protect public health and welfare and prevent significant deterioration of air quality.

"I realize that there are 1,000's of homes near the FPL and OUC plants. However, having been in this area since 1974, I do know that most of those homes were built after the plants were already here. The proposed site that Oleander wants to build on is already surrounded by 100's of residents and is just over 1/4 mile from a playground/ballfield where many outdoor school activities are held. In addition, the site is adjoining a tourism zoning area with a motel and restaurant just to the southeast of it. Residents here feel it is not fair for them to receive added pollution and the possible massive use of natural resources when it appears this plant will do little to benefit them."

This one is a comment rather than a question. We will take a closer look at the modeling to make sure that concentrations of air pollutants at the points you mentioned do not exceed the allowable standards and increases.

Ms. Adams. I am leaving on vacation and, as you know, Mr. Halpin is responsible for matters related to this project. Please feel free to E-mail us as you have. I think you should also take advantage of our offer to call you and discuss all of these matters at length. We will still be happy to respond in writing to those issues where you really want an answer in writing.

If you wish, you can call my supervisor, Mr. Fancy, or Mike Halpin at 850/488-0114. Just tell them to call you right back.

Anyway, we look forward to meeting you some day. we certianly appreciate your comments and hope you will understand our occasional delay in responding. I hope this takes care of your immediate questions, leaving some of the answers until the public meeting.

Thank you. Al Linero.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 05-Apr-1999 06:12pm

From: Alvaro Linero TAL
LINERO_A

Dept:

Tel No:

To: Clair Fancy TAL (FANCY_C)
To: Doug Beason TAL (BEASON_D)
To: Mike Halpin TAL (HALPIN_M)
To: Tammy Eagan TAL (EAGAN_T)
To: Cleve Holladay TAL (HOLLADAY_C)

Subject: Fwd: Oleander & Public Input

Ms. Adams was apparently dissatisfied that we took a week to respond to her latest questions. Since we usually responded in a day or two, she got used to a quick response and was unhappy when it took longer to answer a very difficult batch of questions (which I still have not answered in all the detail she probably wants).

Anyway, she will send the request to Governor Bush. I answered her request as best I can right now. So if the request gets referred by the Governor's office or the Secretary's office to us, please refer to the initial response that I copied all of you on. It can be beefed up if a letter is warranted.

Thanks. Al.

INTEROFFICE MEMORANDUM

Date: 06-Apr-1999 11:23am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Alvaro Linero TAL (LINERO_A)
CC: Clair Fancy TAL (FANCY_C)

Subject: attached

Al -

Do you think that this would be worth sending to Ms. Adams?

Ms. Adams:

Mr. Linero has asked me to provide you with more information on the reason for the upcoming public meeting as well as the DEP's role in addressing specific comments. What follows below is from the Code of Federal Regulations (40CFR). Please note that for applicability, we are a State program and this is not a NPDES or RCRA permit action. I hope that it is helpful.

§ 124.12 Public hearings.

(a) (Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) (1) The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit(s);

(2) The Director may also hold a public hearing at his or her discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision;

(3) For RCRA permits only, (i) the Director shall hold a public hearing whenever he or she receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under § 124.10(b)(1); (ii) whenever possible the Director shall schedule a hearing under this section at a location convenient to the nearest population center to the proposed facility;

(4) Public notice of the hearing shall be given as specified in § 124.10.

§ 124.12(b) through § 124.16 have not been included in this file because they are not required as part of RCRA authorization.

§ 124.17 Response to comments.

(a) (Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) At the time that any final permit decision is issued under § 124.15, the Director shall issue a response to comments. States are only required to issue a response to comments when a final permit is issued. This response shall:

(1) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

(2) Briefly describe and respond to all significant comments on the draft permit or the permit application (for section 404 permits only) raised during the public comment period, or during any hearing.

§ 124.17(b) has not been included in this file because it is not required as part of RCRA authorization.

(c) (Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).) The response to comments shall be available to the public.

§ 124.18 through § Appendix A have not been included in this file because they are not required as part of RCRA authorization.

>>>> End of 40 CFR Part 124. <<<<

INTEROFFICE MEMORANDUM

Date: 09-Apr-1999 10:01am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/921-9532

To: Patricia Comer TAL (COMER_P)
CC: Joseph Kahn TAL (KAHN_J)
CC: Clair Fancy TAL (FANCY_C)

Subject: FWD: Re: Oleander & Public Input

Pat -

Al Linero is on vacation for the next couple of weeks, but he suggested that I forward this to you for any help you may provide. We specifically want to provide an accurate response to her (Ms. Adams) questions dealing with how the Department takes into consideration the petition which over 1700 people signed and the fact that "no one spoke in favor" of the project. Neither Al nor I feel comfortable that we've yet addressed it to her satisfaction.

Can you assist? BTW - An Administrative hearing was filed for yesterday.

Thanks

Mike Halpin

INTEROFFICE MEMORANDUM

Date: 12-Apr-1999 09:21am
From: Patricia Comer TAL
COMER_P
Dept: Office General Counsel
Tel No: 850/488-9730

To: Mike Halpin TAL (HALPIN_M)
CC: Joseph Kahn TAL (KAHN_J)
CC: Clair Fancy TAL (FANCY_C)

Subject: Re: FWD: Re: Oleander & Public Input

I don't really know what you folks usually say in these situations and I haven't any clue what this project is. Is this PPSA? did it go through the PSC for need determination? The response doesn't address either issue, so i'm in the dark. Who is the permitting attorney for this project? If he was at the public meeting, he probably has a better feel for this than I would and in any case he needs to be involved with this if there's litigation.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 13-Apr-1999 08:06am
Expires: 16-Apr-1999 00:00am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Patricia Comer TAL (COMER_P)
CC: Joseph Kahn TAL (KAHN_J)
CC: Clair Fancy TAL (FANCY_C)

Subject: Re: FWD: Re: Oleander & Public Input

Pat -

I'll try to answer your questions in an effort to get some help with mine. [We specifically want to provide an accurate response to her (Ms. Adams) questions dealing with how the Department takes into consideration the petition which over 1700 people signed and the fact that "no one spoke in favor" of the project. Neither Al nor I feel comfortable that we've yet addressed it to her satisfaction.]

- 1) I don't really know what you folks usually say in these situations and I haven't any clue what this project is.
 - Al and I have both responded to Ms. Adams by letting her know that we listen to all citizen input and where citizen input deals with matters which we are authorized to address, we do so. This project is a new 950 megawatt (peaking) power plant consisting of 5 simple cycle combustion turbines. The plant is being permitted for 3390 hours of gas use with up to 1000 equivalent hours (out of the 3390) on oil. It is controversial to the local residents.
- 2) Is this PPSA?
 - No.
- 3) Did it go through the PSC for need determination?
 - No. It is a merchant plant.
- 4) The response doesn't address either issue, so i'm in the dark. Who is the permitting attorney for this project? If he was at the public meeting, he probably has a better feel for this than I would and in any case he needs to be involved with this if there's litigation.
 - The permitting attorney is Doug Beason. He did not attend the public meeting (I was told that he had transportation problems). I would really appreciate your discretion on this next point, but to date, it has been somewhat difficult to get a direct answer. I've attached an e-mail from nearly 8 weeks ago for informational purposes only.

I would be glad to speak with you about this at your convenience. I am at

921-9530.

Thanks

Mike Halpin

INTEROFFICE MEMORANDUM

Date:
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

Subject: Oleander meeting next Wednesday

Doug -

I haven't heard back from you yet, but thought that I'd send a small sample of the comments that I've received. I need to spend a few minutes discussing similar related issues as soon as possible. This was received by e-mail and I would specifically like your thoughts on item 5 below.

Thanks
Mike

Mr. Halpin,

I appreciate your informing me of the Public Workshop, as well as the fact that the project, as currently proposed, appears to be capable of meeting the rules for an air permit. I do have a few questions, however.

1. What is the specific reason that Oleander Power Project has reduced their hours of operation, on oil, to 1,500, as opposed to 2,000?
2. Did Constellation Power provide written confirmation, as you requested, from the City of Cocoa, that the amount of water usage, you specified in your December letter, can be supplied? And what, exactly, is the expected water usage of their current proposal?
3. What was Constellation Power's specific response, to your December letter, concerning the 20,000 tanker trucks of oil expected to meet their needs? And what is the expected tanker truck need now?
4. What was Constellation Power's response to your question about the 60' stack height? And where else, in Florida or in the country, is their a similar project with just 60' stacks? Does your determination, for an air permit, depend on comparing this proposal to another project with similar characteristics?
- 5.. What exactly is the Public Workshop's purpose? Does public input have any bearing on DEP's decision of whether or not to issue an air permit or is it simply a formality?

Also, I would appreciate your sending me a copy of the agenda for the Public Workshop.

You can mail it, fax it, or e-mail it to aspbb@yahoo.com.

Marlene Adams
4405 S. Hopkins Ave.
Titusville, FL 32780
(407) 268-0923
(407) 268-3119 - Fax

Thank-you.
M. Adams

INTEROFFICE MEMORANDUM

Date: 13-Apr-1999 10:57am
From: Patricia Comer TAL
COMER_P
Dept: Office General Counsel
Tel No: 850/488-9730

To: Mike Halpin TAL (HALPIN_M)

Subject: Re: FWD: Re: Oleander & Public Input

Ok I'll give it a try.

I would suggest something like this

We hold public meetings and solicit public comment to obtain information. We read, listen to and consider every comment that is presented to us, but we cannot use either public meetings or public comment solicitation as referenda on the proposed project. Our determinations must be done in the context of our statutory and rule authority, which is limited. For instance, we cannot re-evaluate a local government zoning determination or a Public Service Commission need determination. Our specific authority to determine whether a construction permit should issue, and under what terms and conditions is stated in Chapter 403 of the Florida Statutes and Chapters 62-4, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code. We must act in conformity with them. When we receive a comment that deals with matters outside of our authority, we try to refer the commentor to the agency or entity that has authority in that area. We also try to explain when matters are outside of our authority. We have a statutorily limited time to obtain data and to process permits and we greatly appreciate all information provided to us by public commentors and public meeting attendees. We evaluate permits based on all data which we can consider under our governing statutes and rules.

RECEIVED

APR 18 1999

DEP

Aspbb@aol.com on 04/05/99 01:21:08 PM



RECEIVED

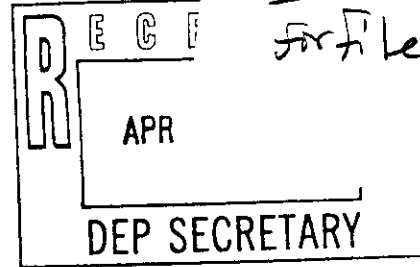
AL
for file

Please respond to Aspbb@aol.com

APR 18 1999

To: Florida Governor/EOG
cc: gkamaras@lewisweb.net
Subject: Oleander Power Project - DEP & Public Input

DIVISION OF AIR
RESOURCES MANAGEMENT



The Honorable Governor Bush,

I recently sent the following letter to Mr. Alvaro Linero of the Florida Department of the Environment on March 31, 1999 concerning the Oleander Power Project (DEP File No. 0090180-001-AC (PSD-FL-258)) and have received no response. I have, in the past, asked the same question and never received an answer and thought maybe you or someone in your office could assist in this matter.

We have a massive 950MW merchant power plant proposing to build in our neighborhood within 1/2 mile of hundreds of homes and a large ball field (Brevard County-West of Cocoa). It is going to be fuel-fired, with only 36% efficiency technology ((5) "F" Class Combustion Turbines), selling the most expensive, wholesale, "peaking", electricity (not providing competition or service to our local energy provider), may use millions of gallons of our reclaimed and/or potable water, will be allowed to operate 1,000 hours per year on #2 distillate oil, which is much more polluting than gas, and more hours than they even expect to operate all year!! They want to locate it on a 37 acre site that is perfect for Constellation Power because of an adjacent substation, a close gas line, I-95 access, and close water lines, but not perfect for the hundreds of residents living within 3 miles of it, many of which are in economically depressed neighborhoods. FDEP has announced their intent to issue Oleander an air permit, because the company meets all State and Federal guidelines. However, there are thousands of Brevard County residents who have opposed the construction of this plant and have indicated so to FDEP, to no avail.

It appears these "merchant" power plants, that do not have to follow the Florida "Power Plant Siting Act" if they produce no steam, have found a serious loophole in Florida law, as I believe this particular plant would not be able to build in the area it is proposing because there doesn't appear to be a need for their energy within Brevard County, plus it is entirely too close to residents. It seems very unfair for a power plant to be able to add additional pollution to an area, only to profit and benefit themselves and provide energy to other areas of the state. This plant is only going to bring (12) jobs to Brevard County and possibly 10,000 oil tanker trucks to keep them supplied with oil, through the already busy intersection of 520 and I-95. There is a truck stop near this intersection and a man was just killed on April 2, 1999 (Florida Today Newspaper) near the intersection of 520 and I-95, when his car was hit by a tractor-trailer.

Also, I have attached a copy of the Oleander Power Project's recent newspaper

ad (one of many Oleander has ran in an attempt to gain support for their project) that states:
"Good for the Environment" and "Clean Energy". This is clearly a misleading ad as FDEP has classified their project as a Title V - Major Source of Pollution (permitted to emit up to 1,235 tons of NOx alone) and how can that be "Good" for the environment or called a source of "clean" energy? Also, representatives from Constellation Power (a wholly owned subsidiary of Baltimore Gas and Electric) have publicly stated, many times, that their plant will help shut down our old "dirty" ones. And yet they have many old "dirty" ones, themselves, up in Maryland, where they have fought regulations recently, that would require them to clean up their plants!! Also, they have publicly admitted that residents here would probably never be able to purchase electricity directly from them because of the nature of their plant being a "peaking" plant. Please let me know where I can go to file a complaint about their misleading advertising and promotion of their project.

Thank you for your time and consideration and any assistance you can render, regarding this issue, will be appreciated.

Sincerely,

M. Adams
4405 S. Hopkins Ave.
Titusville, FL 32780
(407) 268-0923

Mr. Linero,

Mike Halpin recently wrote the following:

As noted in the "Technical Evaluation and Preliminary Determination", the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations.

Please be advised that (as requested) a public meeting is planned for May 13th at 7:00pm at the same location as the March 3rd meeting (Brevard County Agricultural Center) and is so stated in the intent document noted above.

I understand that Oleander's proposal meets the State and Federal guidelines for an air permit. Where does public input fit into the decision making process?

I have asked this question before and have never really received an answer to it. You have held a public meeting on March 3, 1999 and have received multiple letters, almost 2,000 signatures on petitions against this plant and many comments from the public over here in Brevard County. Plus an article in our local paper stated that DEP would take public comments for another 30 days. And now you are having another hearing in May, because it was requested.

Exactly how does public input have any impact on FDEP's decision on whether or not to issue an air permit?? What is the purpose for getting public input if DEP does not take it into consideration when making its decision?

At the last hearing, there was not one individual who spoke in favor of a new major source of pollution being placed in the middle of hundreds of residents (I estimate between 500 and 1,000 homes or more in a 3.2 km radius). Especially a power plant that will not service the residents nor does it appear will EVER service these residents because of the nature of their operation being very expensive, wholesale, "peaking" power. Why should these residents be burdened with the additional pollution in their neighborhood (even if it is "cleaner" pollution)?

This county already has three power plants situated triangularly around it. Only one of which (FPL) services the residents here. The only time this area gets a break from emissions, is when the wind comes out of the South. I have seen a smog line in our sunsets many times west of Brevard County along the St. Johns River. Also, Brevard County's ozone readings have jumped up a lot this past year. Some blame the wildfires. Some blame vehicle emissions. Can you explain why Miami's ozone readings are much lower than Brevard County's? Can you explain why Volusia County's and West Palm Beach County's readings are lower than Brevard County's? Volusia County was one of the hardest hit with wildfires last year and the wildfires in Brevard were primarily in the far north end, near Volusia. Are there more vehicle emissions in Brevard County than there are in the Miami area???

A power plant of this type "to provide" high peak demands, should be placed where the shortage is happening. I do not recall having ever experienced a brownout or outage, because of high demand, in this area. I have heard that the west coast and north Florida are the ones with shortages of electricity. Is that true?

Also, with the reviewing and permitting that appears to be going on at FDEP, the State of Florida does not appear to be in an emergency situation to provide 8,000 MW of future energy needs in this state by the year 2006. You recently wrote to me indicating that 7,520 MW of power was being reviewed, permitted, or proposed excluding the Oleander Project.

In addition to this, are the 100's of residents surrounding the proposed site considered "insignificant" in FDEP's consideration of such a proposal? Is that because many of them are manufactured homes? Or mobile homes? Or generally economically depressed neighborhoods?

What is the magic number of homes in a 3.2 km. radius that FDEP considers significant? I realize that there are 1,000's of homes near the FPL and OUC plants. However, having been in this area since 1974, I do know that most of those homes were built after the plants were already here. The proposed site that Oleander wants to build on is already surrounded by 100's of residents and is just over 1/4 mile from a playground/ballfield where many outdoor school activities are held. In addition, the site is adjoining a tourism zoning area with a motel and restaurant just to the southeast of it.

Residents here feel it is not fair for them to receive added pollution and the possible massive use of natural resources when it appears this plant will do little to benefit them.

Thank-you for your time and thoughtful consideration.
M. Adams

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 05-Apr-1999 06:12pm

From: Alvaro Linero TAL
LINERO_A

Dept:

Tel No:

To: Clair Fancy TAL (FANCY_C)
To: Doug Beason TAL (BEASON_D)
To: Mike Halpin TAL (HALPIN_M)
To: Tammy Eagan TAL (EAGAN_T)
To: Cleve Holladay TAL (HOLLADAY_C)

Subject: Fwd: Oleander & Public Input

Ms. Adams was apparently dissatisfied that we took a week to respond to her latest questions. Since we usually responded in a day or two, she got used to a quick response and was unhappy when it took longer to answer a very difficult batch of questions (which I still have not answered in all the detail she probably wants).

Anyway, she will send the request to Governor Bush. I answered her request as best I can right now. So if the request gets referred by the Governor's office or the Secretary's office to us, please refer to the initial response that I copied all of you on. It can be beefed up if a letter is warranted.

Thanks. Al.

INTEROFFICE MEMORANDUM

Date: 05-Apr-1999 12:17pm
From: Aspbb
Aspbb@aol.com@PMDf@EPIC66
Dept:
Tel No:

Subject: Fwd: Oleander & Public Input

Dear Mr. Linero,

I wrote this letter on March 31, 1999 and have still not received a response from you or anyone else, for that matter. Is it because I did not refer to the:

DEP File No. 0090180-001-AC (PSD-FL-258)?

I am now forwarding this letter to The Honorable Governor Bush and maybe he can shed some light on the matter of public input and where it fits into DEP's decision on whether or not to issue an air permit.

Sincerely,
M. Adams

INTEROFFICE MEMORANDUM

Date:
From: Aspbb
Aspbb@aol.com@PMDf@EPIC66
Dept:
Tel No:

Subject: Oleander & Public Input

Mr. Linero,

Mike Halpin recently wrote the following:

As noted in the "Technical Evaluation and Preliminary Determination", the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations.

Please be advised that (as requested) a public meeting is planned for May 13th at 7:00pm at the same location as the March 3rd meeting (Brevard County Agricultural Center) and is so stated in the intent document noted above.

I understand that Oleander's proposal meets the State and Federal guidelines for an air permit. Where does public input fit into the decision making process?

I have asked this question before and have never really received an answer to it. You have held a public meeting on March 3, 1999 and have received multiple letters, almost 2,000 signatures on petitions against this plant and many comments from the public over here in Brevard County. Plus an article in our local paper stated that DEP would take public comments for another 30 days. And now you are having another hearing in May, because it was requested.

Exactly how does public input have any impact on FDEP's decision on whether or not to issue an air permit?? What is the purpose for getting public input if DEP does not take it into consideration when making its decision?

At the last hearing, there was not one individual who spoke in favor of a new major source of pollution being placed in the middle of hundreds of residents (I estimate between 500 and 1,000 homes or more in a 3.2 km radius). Especially a power plant that will not service the residents nor does it appear will EVER service these residents because of the nature of their operation being very expensive, wholesale, "peaking" power. Why should these residents be burdened with the additional pollution in their neighborhood (even if it is "cleaner" pollution)?

This county already has three power plants situated triangularly around it. Only one of which (FPL) services the residents here. The only time this area

gets a break from emissions, is when the wind comes out of the South. I have seen a smog line in our sunsets many times west of Brevard County along the St. Johns River. Also, Brevard County's ozone readings have jumped up a lot this past year. Some blame the wildfires. Some blame vehicle emissions. Can you explain why Miami's ozone readings are much lower than Brevard County's? Can you explain why Volusia County's and West Palm Beach County's readings are lower than Brevard County's? Volusia County was one of the hardest hit with wildfires last year and the wildfires in Brevard were primarily in the far north end, near Volusia. Are there more vehicle emissions in Brevard County than there are in the Miami area???

A power plant of this type "to provide" high peak demands, should be placed where the shortage is happening. I do not recall having ever experienced a brownout or outage, because of high demand, in this area. I have heard that the west coast and north Florida are the ones with shortages of electricity. Is that true?

Also, with the reviewing and permitting that appears to be going on at FDEP, the State of Florida does not appear to be in an emergency situation to provide 8,000 MW of future energy needs in this state by the year 2006. You recently wrote to me indicating that 7,520 MW of power was being reviewed, permitted, or proposed excluding the Oleander Project.

In addition to this, are the 100's of residents surrounding the proposed site considered "insignificant" in FDEP's consideration of such a proposal? Is that because many of them are manufactured homes? Or mobile homes? Or generally economically depressed neighborhoods?

What is the magic number of homes in a 3.2 km. radius that FDEP considers significant? I realize that there are 1,000's of homes near the FPL and OUC plants. However, having been in this area since 1974, I do know that most of those homes were built after the plants were already here. The proposed site that Oleander wants to build on is already surrounded by 100's of residents and is just over 1/4 mile from a playground/ballfield where many outdoor school activities are held. In addition, the site is adjoining a tourism zoning area with a motel and restaurant just to the southeast of it.

Residents here feel it is not fair for them to receive added pollution and the possible massive use of natural resources when it appears this plant will do little to benefit them.

Thank-you for your time and thoughtful consideration.

M. Adams

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 05-Apr-1999 06:03pm
From: Alvaro Linero TAL
LINERO_A
Dept: Air Resources Management
Tel No: 850/921-9532

To: Aspbb (Aspbb@aol.com@PMDf@EPIC66)
CC: Doug Beason TAL (BEASON_D)
CC: Mike Halpin TAL (HALPIN_M)
CC: Clair Fancy TAL (FANCY_C)
CC: Leonard Kozlov ORL (KOZLOV_L @ A1 @ ORL1)

Subject: Re: Oleander & Public Input

Ms. Adams. I received your E-Mail dated April 5 prompting me to reply to your questions in your inquiry dated March 31. We hope to have more complete responses when we hold the second public meeting on the Oleander project on May 13 and when we prepare responses to all of the questions raised during the two public meetings.

Following are your questions followed by my preliminary responses:

"I wrote this letter on March 31, 1999 and have still not received a response from you or anyone else, for that matter. Is it because I did not refer to the DEP File No. 0090180-001-AC (PSD-FL-258)?"

Sorry if you feel the amount of time is long. I think you will agree that we have promptly responded to all of your other inquiries. I came in from vacation to review your request. The reason for any delay is totally unrelated to the file number.

"I understand that Oleander's proposal meets the State and Federal guidelines for an air permit. Where does public input fit into the decision making process?"

Typically when we receive an application, we distribute it to the EPA, the National Park Service, and our district office and begin our review. When we have made a preliminary decision, it is published by the applicant in a newspaper of general circulation. At that point we invite public comment, requests for public meetings, and provide the opportunity for petitions related to our intended action.

In the Oleander case, we accepted public input at an early date before the application was complete. We held a public meeting before we would normally hold one and we plan to hold another one on May 13. I certainly think the early public input affected the applicant's plans regarding the amount of fuel oil he will burn.

"Exactly how does public input have any impact on FDEP's decision on whether or not to issue an air permit??"

As I mentioned, the public input certainly had an effect on the amount of oil to be fired and therefore the preliminary BACT determination. We have (preliminarily) concluded that the project will not cause or contribute to a violation of any ambient air quality standards; that it will not have a significant impact; and made a preliminary determination of Best Available Control Technology. The public can further provide comments on the draft permit and BACT determination, the modeling, etc. If you believe the permit should not be issued at all, then you would need to review the materials we sent you and point out facts with which you disagree as well as the rules or statutes that support your conclusions that the permit should not be issued.

"What is the purpose for getting public input if DEP does not take it into consideration when making its decision?"

We do consider public input.

"At the last hearing, there was not one individual who spoke in favor of a new major source of pollution being placed in the middle of hundreds of residents (I estimate between 500 and 1,000 homes or more in a 3.2 km radius). Especially a power plant that will not service the residents nor does it appear will EVER service these residents because of the nature of their operation being very expensive, wholesale, "peaking" power. Why should these residents be burdened with the additional pollution in their neighborhood (even if it is "cleaner" pollution)? "

The applicable rules provide for the Prevention of Significant Deterioration of Air Quality. The applicant needs to show that there will not be any modeled exceedances of the ambient air quality standards beyond his property line; that there will not be increases in ambient air pollutants beyond the allowable increases for the given area; and that the Best Available Control Technology will be employed. There are other requirements, but these are the ones that stand out. The rules and statutes under which we review air permit applications do not address the additional considerations you mentioned.

"This county already has three power plants situated triangularly around it. Only one of which (FPL) services the residents here. The only time this area gets a break from emissions, is when the wind comes out of the South. I have seen a smog line in our sunsets many times west of Brevard County along the St. Johns River. Also, Brevard County's ozone readings have jumped up a lot this past year. Some blame the wildfires. Some blame vehicle emissions. Can you explain why Miami's ozone readings are much lower than Brevard County's?"

I can't explain why readings in Miami are much lower (if they are) than

Brevard

County. I was going to look into this and it is one of the reasons that I was taking more time than you wished. I will refer the matter to an expert in this

field and will provide a proper response (if there is one) at or by the time of

the next public meeting. My personal experience, however, is that the Miami-Dade County and the Broward County areas were historically ozone non-attainment areas. They tended to have higher maximum ozone readings. As a

result, they were required by federal and state laws and rules to: implement a motor vehicle inspection program; install Reasonable Available Control technology for volatile organic compounds and nitrogen oxides at existing facilities (such as power plants); require special gasoline pump dispensers; supply low vapor pressure gasoline; etc. If they now have lower ozone concentrations, it could be related to these mandated measures.

"Can you explain why Volusia County's and West Palm Beach County's readings are

lower than Brevard County's? Volusia County was one of the hardest hit with wildfires last year and the wildfires in Brevard were primarily in the far north end, near Volusia."

Again, if this is true, I cannot explain why. I will ask our expert on these matters to look into it and have an answer by the time of the next public meeting. I can tell you that ozone is a regional phenomenon. Sometimes the pollutants that cause high ozone readings are emitted far away and the ozone is

formed during transport. The impact could be many miles away. On the other hand, a pollutant like sulfur dioxide will (generally) be measured at a higher concentration the closer one is to the source.

"Are there more vehicle emissions in Brevard County than there are in the Miami area???"

No.

"A power plant of this type "to provide" high peak demands, should be placed where the shortage is happening. I do not recall having ever experienced a brownout or outage, because of high demand, in this area. I have heard that the west coast and north Florida are the ones with shortages of electricity. Is that true?"

I do not have the facts on this either (sorry). It is also not something that we can consider in an air permit application. As I understand it, there is a shortage of reserve requirements. Because it takes time to plan and build projects to meet or maintain reserve requirements, they are typically permitted

before the shortages manifest themselves as brownouts. Nevertheless, last

summer I experienced occasional disruptions where I live in the Panhandle. I don't know if the reasons were insufficient capacity or transmission problems.

"Also, with the reviewing and permitting that appears to be going on at FDEP, the State of Florida does not appear to be in an emergency situation to provide 8,000 MW of future energy needs in this state by the year 2006. You recently wrote to me indicating that 7,520 MW of power was being reviewed, permitted, or proposed excluding the Oleander Project. In addition to this, are the 100's of residents surrounding the proposed site considered "insignificant" in FDEP's consideration of such a proposal? Is that because many of them are manufactured homes? Or mobile homes? Or generally economically depressed neighborhoods?

The residents are not considered insignificant. Their (and your) comments and contributions to-date are appreciated.

"What is the magic number of homes in a 3.2 km. radius that FDEP considers significant?"

There is no magic number. There are key National Ambient Air Quality Standards that are designed to protect public health and welfare and prevent significant deterioration of air quality.

"I realize that there are 1,000's of homes near the FPL and OUC plants. However, having been in this area since 1974, I do know that most of those homes were built after the plants were already here. The proposed site that Oleander wants to build on is already surrounded by 100's of residents and is just over 1/4 mile from a playground/ballfield where many outdoor school activities are held. In addition, the site is adjoining a tourism zoning area with a motel and restaurant just to the southeast of it. Residents here feel it is not fair for them to receive added pollution and the possible massive use of natural resources when it appears this plant will do little to benefit them."

This one is a coment rather than a question. We will take a closer look at the modeling to make sure that concentrations of air pollutants at the points you mentioned do not exceed the allowable standards and increases.

Ms. Adams. I am leaving on vacation and, as you know, Mr. Halpin is responsible for matters related to this project. Please feel free to E-mail us as you have. I think you should also take advantage of our offer to call you and discuss all of these matters at length. We will still be happy to respond in writing to those issues where you really want an answer in writing.

If you wish, you can call my supervisor, Mr. Fancy, or Mike Halpin at 850/488-0114. Just tell them to call you right back.

Anyway, we look forward to meeting you some day. we certianly appreciate your comments and hope you will understand our occasional delay in responding. I hope this takes care of your immediate questions, leaving some of the answers until the public meeting.

Thank you. Al Linero.

March 29, 1999

RECEIVED
APR - 1 1999
Bureau of Air Monitoring
& Mobile Sources

Ms Dotty Diltz
Air Resources Management
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5510
Tallahassee, Florida 32399-2400



Re: Oleander Power Project; DEP File No. 009-180-001-
AC (PSD-FL-258)

Dear Ms Diltz:

The applicant proposes to satisfy by computer modeling, the stipulations of the Clean Air Act (CAA) that require a pre-construction ambient air quality analysis for criteria pollutants. Brevard Citizens Against Pollution (BCAP) and residents in the vicinity of the proposed project are concerned that their health and well being are subject to the vagaries of a purely analytic approach to this analysis. The applicant proposes to use estimates of concentrations of the criteria pollutants in the vicinity of the site as inputs to the ISCST3 dispersion model. The computer model is an approximation of complex dynamics of the atmosphere and using estimated input data only increases the uncertainty in the output predictions.

BCAP requests that FDEP, as agent for implementing the CAA in Florida, impose on the applicant the following stipulation of the CAA:

"(7) The person who owns or operates, or proposes to own or operate, a major emitting facility for which a permit is required under this part agrees to conduct such monitoring as may be necessary to determine the effect which emissions from any such facility may have, or is having, on air quality in any area which may be affected by emissions from such source..."

BCAP and the 1700 residents who signed a petition (copies to DEP at the March 3 Hearing) against the proposed project live in the "...area which may be affected by emissions from such source." In order to assure that our health and well being are not adversely impacted by the proposed project, we request that the applicant be required to perform one year of pre-construction ambient air monitoring for the criteria pollutants in accordance with EPA/DEP approved procedures. We insist that this is our right under the Clean Air Act of the United States. The applicant shall then employ these data in the required pre-construction ambient air quality analysis. The costs associated with the monitoring shall be the responsibility of the applicant.

Yours truly,
Robert J. Knodel, President

CC:

J. Bush
D. Struhs
A. Linero,
D. Arbes,
T. Scarborough, Jr.
R. O'Brien
N. Higgs
S. Carlson
H. Voltz

824 Heron Road
Cocoa, FL 32926

INTEROFFICE MEMORANDUM

Date: 09-Apr-1999 08:04am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Clair Fancy TAL (FANCY_C)
CC: Dotty Diltz TAL (DILTZ_D)

Subject: Oleander letter to D. Diltz dated March 29, 1999

Clair -

I'm not sure whether we should provide a written response (for Dotty) to the subject letter or not. Specifically, I'm not clear on whether our routine correspondence with concerned citizens should change (e.g. routed through OGC?) as a result of yesterdays filing for an Administrative Hearing. However, I have drafted the response below, if you believe that it is appropriate to move forward. Please let me know how to proceed.

Mr. Knodel -

Thank you for your input to the Oleander Project. I have been asked By Mrs. Diltz to respond to your request to include specific language from the Clean Air Act [Sec. 165.(7)] within the context of the permitting action. The State and Federal PSD rules implement those portions of the Clean Air Act including Section 165.(7). Florida's PSD rules were developed according to the Code of Federal Regulations, 40 CFR 51.166. Section 51.166(m) includes the potential requirement for an air quality analysis and may include preconstruction monitoring. However, 40 CFR 51.166(i)(8) provides for a specific exemption which may only be demonstrated by modeling. The State of Florida has adopted, and EPA has approved, this approach in Rule 62-212.400(3)(e) which is as follows:

(e) General Ambient Monitoring Exemption. A proposed facility or modification subject to the preconstruction review requirements of this rule shall be exempt from the monitoring requirements of Rule 62-212.400(5)(f) and (g), F.A.C., with respect to the specific pollutant if:

1. The emissions of the pollutant from the new facility or the net emissions increase of the pollutant from the modification would not have an impact on any area equal to or greater than that listed in Table 212.400-3, De Minimus Ambient Impacts; or

2. The ambient concentration of the pollutant in the area that the proposed facility or modification would affect is less than the appropriate de minimus concentration listed in Table 212.400-3; or

3. the pollutant is not listed in Table 212.400-3.

I have included the Table which is referred to in the rule and is identical to the EPA implementing regulations of Section 51.166(1)(8). The

applicant has met the criteria for the exemption. It is important that the Department implement its rules according to our EPA approved PSD program and our statutory authority. Therefore, we are unable to comply with your specific request to the Department, to reject the applicant's ambient impact analysis and require preconstruction monitoring, overriding the written rules and regulations.

I hope that this is helpful to you.

Sincerely,

Michael P. Halpin



Florida
Department of
Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David Struhs
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: _____
TO: Ken Kosky
PHONE: _____ FAX: _____
FROM: MIKE HALPIN PHONE: _____
Division of Air Resources Management FAX: 850.922.6979
RE: _____
CC: _____

Total number of pages including cover sheet: 5

Message

As you requested.

If there are any problems with this fax transmittal, please call the above phone number.

"Protect, Conserve, and Manage Florida's Environmental and Natural Resources"

Printed on recycled paper

March 29, 1999

RECEIVED
APR - 1 1999
Bureau of Air Monitoring
& Mobile Sources

Ms Dotty Diltz
Air Resources Management
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5510
Tallahassee, Florida 32399-2400



Re: Oleander Power Project; DEP File No. 009-180-001-
AC (PSD-FL-258)

Dear Ms Diltz:

The applicant proposes to satisfy by computer modeling, the stipulations of the Clean Air Act (CAA) that require a pre-construction ambient air quality analysis for criteria pollutants. Brevard Citizens Against Pollution (BCAP) and residents in the vicinity of the proposed project are concerned that their health and well being are subject to the vagaries of a purely analytic approach to this analysis. The applicant proposes to use estimates of concentrations of the criteria pollutants in the vicinity of the site as inputs to the ISCST3 dispersion model. The computer model is an approximation of complex dynamics of the atmosphere and using estimated input data only increases the uncertainty in the output predictions.

BCAP requests that FDEP, as agent for implementing the CAA in Florida, impose on the applicant the following stipulation of the CAA:

"(7) The person who owns or operates, or proposes to own or operate, a major emitting facility for which a permit is required under this part agrees to conduct such monitoring as may be necessary to determine the effect which emissions from any such facility may have, or is having, on air quality in any area which may be affected by emissions from such source..."

BCAP and the 1700 residents who signed a petition (copies to DEP at the March 3 Hearing) against the proposed project live in the "...area which may be affected by emissions from such source." In order to assure that our health and well being are not adversely impacted by the proposed project, we request that the applicant be required to perform one year of pre-construction ambient air monitoring for the criteria pollutants in accordance with EPA/DEP approved procedures. We insist that this is our right under the Clean Air Act of the United States. The applicant shall then employ these data in the required pre-construction ambient air quality analysis. The costs associated with the monitoring shall be the responsibility of the applicant.

Yours truly,
Robert J. Knodel, President

CC:

J. Bush
D. Struhs
A. Linero,
D. Arbes,
T. Scarborough, Jr.
R. O'Brien
N. Higgs
S. Carlson
H. Voltz

824 Heron Road
Cocoa, FL 32926



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

April 20, 1999

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Robert J. Knodel
824 Heron Road
Cocoa, Florida 32926

Re: Oleander Power Project

Dear Mr. Knodel:

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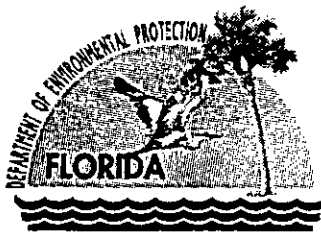
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3. The pollutant is not listed in Table 212.400-3.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

April 20, 1999

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3. The pollutant is not listed in Table 212.400-3.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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I have included the Table, which is referred to in the rule and is identical to the EPA implementing regulations of Section 51.166(i)(8). The applicant has met the first criteria for the exemption. It is necessary that the Department implement its rules according to our EPA approved PSD program and our statutory authority. Therefore, we are unable to comply with your specific request, to reject the applicant's ambient impact analysis and require pre-construction monitoring.

I hope that this is helpful to you.

Sincerely,



Michael P. Halpin

/mph

cc: D. Diltz
A. Linero
C. Fancy

TABLE 212.400-3
DE MINIMIS AMBIENT IMPACTS

Pollutant	Concentration (Micrograms Per Cubic Meter)	Averaging Period
Nitrogen dioxide	14	Annual
Lead	0.1	Quarterly
Sulfur dioxide	13	24-hour
PM ₁₀	10	24-hour
Fluorides	0.25	24-hour
Mercury	0.25	24-hour
Carbon monoxide	575	8-hour
Hydrogen sulfide	0.2	1-hour
Ozone	No de minimis air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds subject to preconstruction review would be required to perform an ambient impact analysis, including the gathering of ambient air quality data.	

Specific Authority 403.061, FS.

Law Implemented 403.031, 403.061, 403.087, FS.

History -- Formerly 17-2.500; Amended 2-2-93; Formerly 17-212.400; Amended 11-23-94, 1-1-96, 3-13-96, 2-5-98.

62-212.410 Best Available Control Technology (BACT). (Repealed)

Specific Authority 403.061, FS.

Law Implemented 403.021, 403.031, 403.061, 403.087, FS.

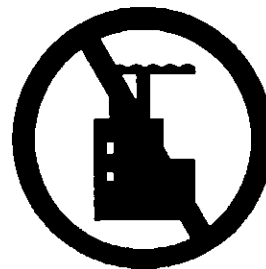
History -- Formerly 17-2.630; Formerly 17-212.410; Amended 11-23-94, 1-1-96, Repealed 3-13-96.

March 29, 1999

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APR - 1 1999
Bureau of Air Monitoring
& Mobile Sources

Brevard Citizens Against Pollution, Inc.



Ms Dotty Diltz
Air Resources Management
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5510
Tallahassee, Florida 32399-2400

Re: Oleander Power Project; DEP File No. 009-180-001-
AC (PSD-FL-258)

Dear Ms Diltz:

The applicant proposes to satisfy by computer modeling, the stipulations of the Clean Air Act (CAA) that require a pre-construction ambient air quality analysis for criteria pollutants. Brevard Citizens Against Pollution (BCAP) and residents in the vicinity of the proposed project are concerned that their health and well being are subject to the vagaries of a purely analytic approach to this analysis. The applicant proposes to use estimates of concentrations of the criteria pollutants in the vicinity of the site as inputs to the ISCST3 dispersion model. The computer model is an approximation of complex dynamics of the atmosphere and using estimated input data only increases the uncertainty in the output predictions.

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Yours truly,
Robert J. Knodel, President

CC:

J. Bush
D. Struhs
A. Linero,
D. Arbes,
T. Scarborough, Jr.
R. O'brien
N. Higgs
S. Carlson
H. Voltz

824 Heron Road
Cocoa, FL 32926

INTEROFFICE MEMORANDUM

Date: 18-Mar-1999 07:25pm
From: Aspbb
Aspbb@aol.com@PMDf@EPIC66

Dept:
Tel No:

To: HALPIN_M (HALPIN_M@A1@DER)
To: LINERO_A (LINERO_A@A1@DER)

Subject: Re: Oleander Power Project

Dear Mr. Halpin,

Thank-you for your response. However, I am a little confused.

Is Oleander Power Project required by DEP to actually use the (GE) turbines, after you issue an air permit, because they have, in fact, chosen that route? Or, because they originally requested a choice of turbines (GE or Westinghouse), is it ok for them to promote the lower TPY emissions, whether or not they use the more efficient (GE) turbines? In other words, after DEP has issued their permit, can they, in turn, use Westinghouse or other more inefficient turbines?

Sincerely,
M. Adams

INTEROFFICE MEMORANDUM

Date: 19-Mar-1999 08:48am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Aspbbs (Aspbbs@aol.com@PMDf@EPIC66)
CC: Alvaro Linero TAL (LINERO_A)
CC: Cleve Holladay TAL (HOLLADAY_C)

Subject: Re: Oleander Power Project

Ms. Adams -

I have again left your note below my response for reference. The permit would be issued based upon the lower emission limit guarantees which they have obtained from GE. From my perspective, Oleander will simply be required to comply with the permitted emission limits. That does not necessarily preclude them from being able to procure a Westinghouse turbine should they be able to acquire the same guarantees.

Should the applicant decide (after receiving a permit based upon these lower emission limits) to go with a vendor which cannot meet the limits issued in their permits, they would be taking a huge risk since they would not be allowed to exceed their permitted limits. Only by permit revision (which requires another application, additional public notice and meetings and several months of time) may conditions be changed.

I hope that this answers your question.

Sincerely,
Michael Halpin

Thank-you for your response. However, I am a little confused.

Is Oleander Power Project required by DEP to actually use the (GE) turbines, after you issue an air permit, because they have, in fact, chosen that route? Or, because they originally requested a choice of turbines (GE or Westinghouse), is it ok for them to promote the lower TPY emissions, whether or not they use the more efficient (GE) turbines? In other words, after DEP has issued their permit, can they, in turn, use Westinghouse or other more inefficient turbines?

Sincerely,
M. Adams

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 10-Mar-1999 09:50am

From: Susan DeVore TAL
DEVORE_S

Dept: Air Resources Management

Tel No: 850/921-9537

To: Duwayne Lundgren

(dlundgre@manatee.brev.lib.fl.us@PMDF@EPIC66)

CC: Mike Halpin TAL

(HALPIN_M)

Subject: Re: Oleander Power Project

^We see that Constellation Power has reduced the amount of oil on their
^permit to 1000 hours. The next question concerns how anyone monitors the
^number of hours they burn a particular fuel. We know that from a cost
^perspective they would always pick gas but from an availability perspective
^they may not be able to do that. We do understand that they have a
^secondary source of gas and will probably be able to burn gas almost all
^the time. I would appreciate knowing how fuel type is monitored, however.
^Thanks

Oleander will be required to keep records. These records may be found in an operators log, on the computer or strip charts.

Oleander will be required to submit an Annual Operating Report. The AOR has information about fuel oil and natural gas usage. It's the district's compliance section's responsibility to check the AOR with the permit requirements.

I am not familiar with this, since I haven't worked in compliance. I've sent this e-mail to Mike Halpin and he may be able to answer your question with more detail.

INTEROFFICE MEMORANDUM

Date: 10-Mar-1999 10:08am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Susan DeVore TAL (DEVORE_S)
To: Duwayne Lundgren (dlundgre@manatee.brev.lib.fl.us@PMDF@EPIC66)
CC: Alvaro Linero TAL (LINERO_A)

Subject: Re: Oleander Power Project

Mr. Lundgren -

Thank you for your question concerning Oleander. I have left your comment as well as Ms. DeVore's response below. The direct response to your question is that the amount of oil (and gas) which the applicant is authorized to use would be so stated in specific terms as a condition of the permit. As a means of compliance, it would be stated in the permit that it is incumbent upon the permittee to provide routine records and reports to the Department to validate these sorts of requirements. Should reason exist, the Department may make a specific on-site visit to check records. Lastly, local Department representatives do typically make routine visits to power plants to witness tests that occur there and are at liberty to request records of various types to validate that the emission sources are in compliance with the permit.

I hope that this answers your question.

Sincerely,
Mike Halpin

YOUR QUESTION:

^We see that Constellation Power has reduced the amount of oil on their
^permit to 1000 hours. The next question concerns how anyone monitors the
^number of hours they burn a particular fuel. We know that from a cost
^perspective they would always pick gas but from an availability perspective
^they may not be able to do that. We do understand that they have a
^secondary source of gas and will probably be able to burn gas almost all
^the time. I would appreciate knowing how fuel type is monitored, however.
^Thanks

Ms. DeVore's RESPONSE:

Oleander will be required to keep records. These records may be found in an operators log, on the computer or strip charts. Oleander will be required to submit an Annual Operating Report. The AOR has information about fuel oil and natural gas usage. It's the district's

compliance section's responsibility to check the AOR with the permit requirements.

I am not familiar with this, since I haven't worked in compliance. I've sent this e-mail to Mike Halpin and he may be able to answer your question with more detail.

TECHNICAL EVALUATION
AND
PRELIMINARY DETERMINATION

Duke Energy New Smyrna Beach Power Company LLP

New Smyrna Beach Power Plant
500 Megawatt Combined Cycle Power Plant
New Smyrna Beach, Volusia County

DEP File No. PA 98-39 (PSD-FL-257)
Facility ID No.: 1270152

Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation

January 8, 1999

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

1. APPLICATION INFORMATION

1.1 Applicant Name and Address

Duke Energy New Smyrna Beach Power Company, Ltd., LLP
422 South Church Street, Legal PB05E
Charlotte, North Carolina 28202-1904

Authorized Representative: William L. Sigmon, Jr, Vice-President

1.2 Reviewing and Process Schedule

10-05 98: Date of Receipt of Application
10-14-98: Application found Complete per 403.5066, F.S.
12-01-98: DEP Insufficiency Letter Including BAR Comments
12-28-98: Received Applicant Responses to Insufficiency Questions
01-08-99: Intent Issued

2. FACILITY INFORMATION

2.1 Facility Location

Refer to Figure 1. The proposed New Smyrna Beach Power Project site is approximately 5 miles west of downtown New Smyrna Beach and 0.5 miles northwest of the intersection of State Road 44 and I-95, Volusia County. This site is approximately 155 kilometers (96 miles) from the Chassahowitzka National Wildlife Refuge Class I PSD Area. The UTM coordinates of this facility are Zone 17; 500.30 km E; 3,209.80 km N.

2.2 Standard Industrial Classification Codes (SIC)

Industry Group No.	49	Electric, Gas, and Sanitary Services
Industry No.	4911	Electric Services

2.3 Facility Category

The New Smyrna Beach Power Project is a new major facility. The facility identification number (FID No.) in the Department database (ARMS system) is 1270152.

The new facility will be classified as a Major or Title V Source of air pollution because emissions of nitrogen oxides (NO_x), carbon monoxide (CO), and particulate matter (PM/PM₁₀) exceed 100 TPY. The new facility is within an industry included in the list of the 28 Major Facility Categories per Table 212.400-1, F.A.C. Because emissions will be greater than 100 TPY for NO_x, CO and PM/PM₁₀, the facility is also a Major Facility with respect to Rule 62-212.400, F.A.C., Prevention of Significant

New Smyrna Beach Power Project
-FL-257
500 MW Combined Cycle Facility
1270152

Permit No. PSD

Facility ID. No.

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Deterioration (PSD) and a determination of Best Available Control Technology (BACT) is required for at least these three pollutants.

As a Major Facility, pollutants emitted in excess of the significant emission rates given in Table 212.400-2 of 40 TPY of sulfur dioxide (SO₂) or volatile organic compounds (VOC), 25/15 TPY of particulate matter (PM/PM₁₀), or 7 TPY of sulfuric acid mist (SAM), also require review per the PSD rules and a BACT determination. This facility is also subject to the Title IV Acid Rain Program, 40 CFR 72 and must apply for an Acid Rain Permit at least 24 months prior to start up.

3. PROJECT DESCRIPTION

This permit addresses the following emissions units:

Emission Unit No.	System	Emission Unit Description
001	Power and Steam Generation	One 165 Megawatt (nominal) Gas Combustion Turbine-Electrical generator with Unfired Heat Recovery Steam Generator (HRSG)
002	Power and Steam Generation	One 165 Megawatt (nominal) Gas Combustion Turbine-Electrical generator with Unfired Heat Recovery Steam Generator (HRSG)
003	Water Cooling	Cooling Tower Consisting of 12 Modules and Fans

Duke Energy New Smyrna Beach Power Company Ltd., LLP (Duke) proposes to construct a nominal 500 megawatt (MW) natural gas-fired combined cycle electrical power generation facility. The project includes: two nominal 165 MW gas combustion turbine-electrical generators; two unfired heat recovery steam generators (HRSG) capable of raising sufficient steam to generate an additional 170 MW in a single steam electrical turbine-generator; two 150-foot stacks; a 12 module cooling tower; a diesel-fired 0.5 MW emergency generator; a 287 HP diesel-fuel fired fire water pump; and ancillary equipment.

Figure 2 - View of Duke New Smyrna 500 MW Combined Cycle Project

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This facility will be located adjacent to a new wastewater treatment plant owned and operated by the City of New Smyrna Beach. The wastewater plant will provide treated wastewater for reuse in the facility cooling tower and will accept blowdown from the HRSGs. The City will be entitled to purchase 20-30 MW of electricity but otherwise will not participate in the operation of the new facility which will be fully owned by Duke.

The prime movers and sources of air pollution will be General Electric PG7241FA (7FA) combustion turbine-generators. These will be equipped with Dry Low NO_x (DLN-2.6) combustors for the control of NO_x emissions. Only natural gas will be used in these units and there are no provisions for emergency or backup use of fuel oil. An exterior view of a GE MS7001FA (a predecessor of the PG7241FA) is shown in Figure 3. An internal view is shown in Figure 4.

Figure 3 - Photograph of General Electric MS 7001FA Combustion Turbine

Figure 4 - Internal View of General Electric MS 7001FA Combustion Turbine

According to the application, the facility will emit approximately 679 tons per year

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(TPY) of NO_x, 339 TPY of CO, 102 TPY of PM/PM₁₀, 85 TPY of SO₂, 25 TPY of VOC, and 10 TPY of SAM. Emission increases of all these pollutants (except VOC) will be greater than their respective significant emission rates per Table 212.400-2, F.A.C. and require review for the Prevention of Significant Deterioration (PSD) and a Best Available Control Technology (BACT) determination.

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4. PROCESS DESCRIPTION

Much of the following discussion is from a 1993 EPA document on Alternative Control Techniques for NO_x Emissions from Stationary Gas turbines. Project specific information is interspersed where appropriate.

A gas turbine is an internal combustion engine that operates with rotary rather than reciprocating motion. Ambient air is drawn into the 18-stage compressor of the GE 7FA where it is compressed by a pressure ratio of about 15 times atmospheric pressure. The compressed air is then directed to the combustor section, where fuel is introduced, ignited, and burned. The combustion section consists of 14 separate can-annular combustors.

Flame temperatures in a typical combustor section can reach 3600 degrees Fahrenheit (°F). Units such as the 7FA operate at lower flame temperatures which minimize NO_x formation. The hot combustion gases are then diluted with additional cool air and directed to the turbine section at temperatures of approximately 2400 °F. Energy is recovered in the turbine section in the form of shaft horsepower, of which typically more than 50 percent is required to drive the internal compressor section. The balance of recovered shaft energy is available to drive the external load unit such as an electrical generator.

Figure 5 is a simplified process diagram showing the key plant components. In the Duke project, the unit will always operate in the combined cycle mode, meaning that the hot combustion turbine gases are further utilized rather than exhausted through a bypass stack. In this mode, each gas turbine directly drives an electric generator while the exhausted gases are used to raise steam in each HRSG. Together, the two HRSGs drive a single steam turbine-electrical generator.

Steam exiting the steam turbine is either returned for reheating in the high pressure section of the HRSG or sent to the condenser. Cooling water to the condenser is provided from a mechanical draft cooling tower. Demineralized makeup (well) water is added to the condensed water which is returned to the steam cycle. Cooling tower makeup water is provided from the adjacent wastewater treatment plant and the wellwater supply. Blowdown from the steam cycle is sent to the treatment plant.

In simple cycle mode, the thermal efficiency of the GE 7FA line of combustion turbines is about 35 percent. In combined cycle mode, with all steam used to generate electrical power, efficiencies of 56 percent are possible.

At high ambient temperature, the units cannot generate as much power because of lower compressor inlet density. To compensate for the loss of output (which can be on the order of 20 MW compared to referenced temperatures), an evaporative chiller

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may be installed ahead of the combustion turbine inlet. At an ambient temperature of 102 °F (and low relative humidity), roughly 10 MW of power can be regained by using the chillers.

The project includes highly automated controls, described as the GE Mark V Control System. The SPEEDTRONIC Mark V Gas Turbine Control System is designed to fulfill all of the gas turbine control requirements.

Additional process information related to the combustor design, and control measures to minimize NO_x formation are given in the draft BACT determination distributed with this evaluation.

5. RULE APPLICABILITY

The proposed project is subject to preconstruction review requirements under the provisions of 40 CFR 52.21, Chapter 403, Florida Statutes, and Chapters 62-4, 62-17, 62-204, 62-210, 62-212, 62-214, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.).

This facility is located in Volusia County, an area designated as attainment for all other criteria pollutants in accordance with Rule 62-204.360, F.A.C. The proposed project is subject to review under Rule 62-212.400., F.A.C., Prevention of Significant Deterioration (PSD), because the potential emission increases for NO_x, CO, PM/PM₁₀, SO₂, and SAM, exceed the significant emission rates given in Chapter 62-212, Table 62-212.400-2, F.A.C.

This PSD review includes a determination of Best Available Control Technology (BACT) for NO_x, CO, PM/PM₁₀, SO₂, and SAM. An analysis of the air quality impact from proposed project upon soils, vegetation and visibility is required along with air quality impacts resulting from associated commercial, residential, and industrial growth.

The emission units affected by this PSD permit shall comply with all applicable provisions of the Florida Administrative Code (including applicable portions of the Code of Federal Regulations incorporated therein) and, specifically, the following Chapters and Rules:

5.1 State Regulations

Chapter 62-17	Electrical Power Siting
Chapter 62-4	Permits.
Rule 62-204.220	Ambient Air Quality Protection
Rule 62-204.240	Ambient Air Quality Standards
Rule 62-204.260	Prevention of Significant Deterioration Increments

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Rule 62-204.800	Federal Regulations Adopted by Reference
Rule 62-210.300	Permits Required
Rule 62-210.350	Public Notice and Comments
Rule 62-210.370	Reports
Rule 62-210.550	Stack Height Policy
Rule 62-210.650	Circumvention
Rule 62-210.700	Excess Emissions
Rule 62-210.900	Forms and Instructions
Rule 62-212.300	General Preconstruction Review Requirements
Rule 62-212.400	Prevention of Significant Deterioration
Rule 62-213	Operation Permits for Major Sources of Air Pollution
Rule 62-214	Requirements For Sources Subject To The Federal Acid Rain Program
Rule 62-296.320	General Pollutant Emission Limiting Standards
Rule 62-297.310	General Test Requirements
Rule 62-297.401	Compliance Test Methods
Rule 62-297.520	EPA Continuous Monitor Performance Specifications

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5.2 Federal Rules

40 CFR 52.21	Prevention of Significant Deterioration (PSD)
40 CFR 60	NSPS Subparts GG
40 CFR 60	Applicable sections of Subpart A, General Requirements
40 CFR 72	Acid Rain Permits (applicable sections)
40 CFR 73	Allowances (applicable sections)
40 CFR 75	Monitoring (applicable sections including applicable appendices)
40 CFR 77	Acid Rain Program-Excess Emissions (future applicable requirements)

6. SOURCE IMPACT ANALYSIS

6.1 Emission Limitations

The proposed Units will emit the following PSD pollutants (Table 212.400-2): particulate matter, sulfur dioxide, sulfuric acid mist, nitrogen oxides, volatile organic compounds, carbon monoxide, and negligible quantities of fluorides, beryllium, mercury and lead. The applicant's proposed annual emissions are summarized in the table below and form the basis of the source impact review. The Department's proposed permitted allowable emissions for these Units are summarized in the Draft BACT document and Specific Conditions Nos. 18 through 23 of Draft Permit PSD-FL-257.

6.2 Emission Summary

The emissions for all PSD pollutants as a result of the construction of this facility are presented below:

FACILITY EMISSIONS (TPY) AND PSD APPLICABILITY

Pollutants	Annual Emissions ¹	PSD Significance	PSD REVIEW?
PM/PM ₁₀ ²	102	25	Yes
SO ₂	85	40	Yes
NO _x	679	40	Yes
CO	339	100	Yes
Ozone(VOC)	25	40	No
Sulfuric Acid Mist	10	7	Yes
Mercury	<<0.1	0.1	No
Lead	<<0.6	0.6	No

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2. Based on 8760 hours of operation. Reference ambient temperature is 59 °F.
3. Includes 23 TPY from cooling tower.

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6.3 Control Technology

Emissions control will be primarily accomplished by good combustion of clean natural gas. The gas turbine combustors will operate in lean pre-mixed mode to minimize the flame temperature and nitrogen oxides formation potential. The DLN-2.6 combustors will control combustion turbine emissions of NO_x and CO to 9 and 12 ppm respectively @15% O₂ between 50 and 100% of full load under normal operating conditions. Selective catalytic reduction (SCR) is available if the NO_x rates cannot be achieved by DLN technologies, or the guarantee is too expensive, or unforeseen operational problems occur (e.g. frequent tuning). A full discussion is given in the Draft Best Available Control Technology (BACT) Determination (see Permit Appendix BD). The Draft BACT is incorporated into this evaluation by reference.

6.4 Air Quality Analysis

6.4.1 Introduction

The proposed project will increase emissions of five pollutants at levels in excess of PSD significant amounts: PM₁₀, CO, NO_x, SO₂ and sulfuric acid mist. PM₁₀, NO_x and SO₂ are criteria pollutants and have national and state ambient air quality standards (AAQS), PSD increments, and significant impact levels defined for them. CO is a criteria pollutant and has only AAQS and significant impact levels defined for it. SAM is a non-criteria pollutant and has no AAQS or PSD increments defined for it; therefore, no air quality impact analysis was required for SAM

The applicant's initial SO₂, CO and NO_x air quality impact analyses for this project predicted no significant impacts; therefore, further applicable AAQS and PSD increment impact analyses for these pollutants were not required. The nearest PSD Class I area is the Chassahowitzka National Wilderness Area located 155 km west of the project site. Based on the preceding discussion the air quality analyses required by the PSD regulations for this project are the following:

- A significant impact analysis for PM₁₀, CO, NO_x and SO₂;
- An analysis of existing air quality for PM₁₀, CO, NO_x and SO₂;
- A PSD increment analysis for PM₁₀;
- An Ambient Air Quality Standards (AAQS) analysis for PM₁₀;
- An analysis of impacts on soils, vegetation, and visibility and of growth-related air quality modeling impacts.

Based on these required analyses, the Department has reasonable assurance that the proposed project, as described in this report and subject to the conditions of approval proposed herein, will not cause or significantly contribute to a violation of any AAQS or PSD increment. However, the following EPA-directed stack height language is included: "In approving this permit, the Department has determined that the application

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complies with the applicable provisions of the stack height regulations as revised by EPA on July 8, 1985 (50 FR 27892). Portions of the regulations have been remanded by a panel of the U.S. Court of Appeals for the D.C. Circuit in NRDC v. Thomas, 838 F. 2d 1224 (D.C. Cir. 1988). Consequently, this permit may be subject to modification if and when EPA revises the regulation in response to the court decision. This may result in revised emission limitations or may affect other actions taken by the source owners or operators." A more detailed discussion of the required analyses follows.

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6.4.2 Analysis of Existing Air Quality and Determination of Background Concentrations

Preconstruction ambient air quality monitoring is required for all pollutants subject to PSD review unless otherwise exempted or satisfied. The monitoring requirement may be satisfied by using existing representative monitoring data, if available. An exemption to the monitoring requirement may be obtained if the maximum air quality impact resulting from the projected emissions increase, as determined by air quality modeling, is less than a pollutant-specific de minimus concentration. In addition, if EPA has not established an acceptable monitoring method for the specific pollutant, monitoring may not be required.

If preconstruction ambient monitoring is exempted, determination of background concentrations for PSD significant pollutants with established AAQS may still be necessary for use in any required AAQS analysis. These concentrations may be established from the required preconstruction ambient air quality monitoring analysis or from existing representative monitoring data. These background ambient air quality concentrations are added to pollutant impacts predicted by modeling and represent the air quality impacts of sources not included in the modeling.

The table below shows that predicted SO₂, CO and NO_x impacts from the project are predicted to be below the appropriate de minimus levels; therefore, preconstruction ambient air quality monitoring is not required for these pollutants. The table below shows that predicted PM₁₀ impacts from the project are predicted to be above the de minimus level; therefore, preconstruction ambient air quality monitoring is required for this pollutant. However, previously existing air quality data can be used to satisfy this monitoring requirement and to establish PM₁₀ background concentrations of 71 ug/m³ and 21 ug/m³, for the 24-hour and annual averaging times, respectively. These background concentration values were used in the AAQS analysis required for PM₁₀.

Maximum Project Air Quality Impacts for Comparison to De Minimus Ambient Levels

Pollutant	Averaging Time	Max Predicted Impact (ug/m ³)	De Minimus Ambient Impact Level (ug/m ³)	Impact Above/Below De Minimus
SO ₂	24-hour	1	13	BELOW
PM ₁₀	24-hour	26	10	ABOVE
CO	8-hour	14	500	BELOW

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NO ₂	Annual	0.3	14	BELOW
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6.4.3 Models and Meteorological Data Used in the Significant Impact Analysis

The EPA-approved SCREEN3 (screening model) and Industrial Source Complex Short-Term (ISCST3) dispersion models were used to evaluate the pollutant emissions from the proposed project. These models determine ground-level concentrations of inert gases or small particles emitted into the atmosphere by point, area, and volume sources. They incorporate elements for plume rise, transport by the mean wind, Gaussian dispersion, and pollutant removal mechanisms such as deposition. The ISCST3 model allows for the separation of sources, building wake downwash, and various other input and output features. A series of specific model features, recommended by the EPA, are referred to as the regulatory options. The applicant used the EPA recommended regulatory options. Direction-specific downwash parameters were used for all sources for which downwash was considered. The stacks associated with this project all satisfy the good engineering practice (GEP) stack height criteria.

Meteorological data used in the ISCST3 model consisted of a concurrent 5-year period of hourly surface weather observations and twice-daily upper air soundings from the National Weather Service (NWS) stations at Daytona Beach Regional Airport, Florida (surface data) and West Palm Beach, Florida (upper air data). The 5-year period of meteorological data was from 1987 through 1991. These NWS stations were selected for use in the study because they are the closest primary weather stations to the study area and are most representative of the project site. The surface observations included wind direction, wind speed, temperature, cloud cover, and cloud ceiling.

For determining the project's significant impact area, the highest predicted short-term concentrations and highest predicted annual averages were compared to their respective significant impact levels.

6.4.4 Significant Impact Analysis

Initially, the applicant conducts modeling using only the proposed project's emissions at worst load conditions. In order to determine worst-case load conditions the SCREEN3 model was used to evaluate dispersion of emissions from the combined cycle facility for three loads (50%, 75% and 100%) and four ambient temperature conditions (15, 59, 71 and 105 °F). If this modeling at worst-case load conditions shows significant impacts, additional multi-source modeling is required to determine the project's impacts on the existing air quality and any applicable AAQS and PSD increments. Receptors were placed within 10 km of the facility, which is located in a

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PSD Class II area. The receptor grid for predicting maximum concentrations in the vicinity of the project was composed mostly of a polar receptor grid centered on the combined cycle facility stacks. Receptors were placed on the site fence line spaced 25 m apart. There were near-field cartesian receptors starting 100 m from the site fence lines and extending out 1,000 m at 100 m spacings. A 500 m spacing for polar coordinate rings was used from 1,000 m to 5,000 m (with 36 receptors per ring at 10° intervals) from the stacks, and a 1,000 m spacing was used from 6,000 m out to 10,000 m from the stacks. For each pollutant subject to PSD and also subject to PSD increment and/or AAQS analyses, this modeling compares maximum predicted impacts due to the project with PSD significant impact levels to determine whether significant impacts due to the project are predicted in the vicinity of the facility. The tables below show the results of this modeling.

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Maximum Project Air Quality Impacts for Comparison to the PSD Class II Significant Impact Levels in the Vicinity of the Facility

Pollutant	Averaging Time	Max Predicted Impact (ug/m ³)	Significant Impact Level (ug/m ³)	Significant Impact?
SO ₂	Annual	0.04	1	NO
	24-hour	1	5	NO
	3-hour	6	25	NO
PM ₁₀	Annual	2	1	YES
	24-hour	26	5	YES
CO	8-hour	14	500	NO
	1-hour	36	2000	NO
NO _x	Annual	0.3	1	NO

The results of the significant impact modeling show that there are no significant impacts predicted for emissions of SO₂, CO, and NO_x from this project. Therefore, no further modeling was required for these pollutants. Modeling results for PM/PM₁₀ are addressed in the next section.

6.4.5 PSD Class II Increment Analysis

The PSD increment represents the amount that new sources in an area may increase ambient ground level concentrations of a pollutant. The results of the PSD Class II increment analysis for PM₁₀ are presented in the table below. They show that the maximum predicted impacts are less than the allowable increments.

PSD Class II Increment Analysis

Pollutant	Averaging Time	Max. Predicted Impact (ug/m ³)	Impact Greater than Allowable Increment?	Allowable Increment ug/m ³
PM ₁₀	Annual	3.7	NO	17
	24-hour	23.4	NO	30

6.4.6 AAQS Analysis

For pollutants subject to an AAQS review, the total impact on ambient air quality is obtained by adding a "background" concentration to the maximum modeled

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concentration. This "background" concentration takes into account all sources of a particular pollutant that are not explicitly modeled. The results of the AAQS analysis are summarized in the table below. As shown in this table, emissions from the proposed facility are not expected to cause or contribute to a violation of an AAQS.

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AMBIENT AIR QUALITY IMPACTS

Pollutant	Averaging Time	Major Sources Impact (ug/m ³)	Background Conc. (ug/m ³)	Total Impact (ug/m ³)	Total Impact Greater Than AAQS?	Florida AAQS (ug/m ³)
PM ₁₀	Annual	3.7	21	24.7	NO	50
	24-hour	23	71	94	NO	150

6.4.7 Impacts Analysis

Impact Analysis Impacts On Soils, Vegetation, And Wildlife

Very low emissions are expected from this natural gas-fired combustion turbine in comparison with conventional power plant generating equal power. Emissions of acid rain and ozone precursors will be very low. The maximum ground-level concentrations predicted to occur for PM₁₀, CO, NO_x, and VOC as a result of the proposed project, including background concentrations and all other nearby sources, will be less than the respective ambient air quality standards (AAQS). Except for PM/PM₁₀, the project impacts are less than the significant impact levels which in-turn are less than the applicable allowable increments for each pollutant. PM/PM₁₀ impacts from the project and all other development since the PSD program was implemented, are less than the applicable increment. Because the AAQS are designed to protect both the public health and welfare and the project impacts are less than significant or less than the allowable increment, it is reasonable to assume the impacts on soils, vegetation, and wildlife will be minimal or insignificant.

Impact On Visibility

Natural gas is a clean fuel and will be very efficiently combusted in the gas turbine. This will minimize smoke formation. The low NO_x and SO₂ emissions will also minimize plume opacity. Because no add-on control equipment and no reagents are required, there will be no steam plume or tendency to form ammoniated particulate species. A regional haze analysis was performed which shows that the proposed project will not result in adverse impacts on visibility in the PSD Class I area. There may be a very localized steam plume effect from the cooling tower.

Growth-Related Air Quality Impacts

The applicant projects that there will be only short-term increases in the labor force to construct the project and that it will not result in permanent, significant commercial and residential growth in the vicinity of the project. Operation of the additional unit

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will require nineteen permanent employees which will cause no significant impact on the local area.

The project is under review by the Public Service Commission, who have recently approved several power projects to help meet the low electrical reserves throughout the State of Florida. The PSC has not made a specific determination regarding the present project. On a large scale, the project will respond to state-wide and regional growth, accommodate more growth, and probably stimulate some additional growth. There are no adequate procedures under the PSD rules to fully assess these impacts. However, the type of project proposed has the smallest overall physical "footprint," the least water requirements, the lowest capital costs, fewest labor requirements, and the lowest air emissions per unit of electric power generating capacity.

Hazardous Air Pollutants

The project is not a major source of hazardous air pollutants (HAPs) and is not subject to any specific industry or HAP control requirements pursuant to Sections 112 of the Clean Air Act.

7. CONCLUSION

Based on the foregoing technical evaluation of the application and additional information submitted by the applicant, the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations, provided the Department's BACT determination is implemented.

A. A. Linero, P.E.
Teresa Heron, Engineer
Cleve Holladay, Meteorologist

INTEROFFICE MEMORANDUM

Date: 10-Mar-1999 01:05pm
From: Aspbb
Aspbb@aol.com@PMDf@EPIC66
Dept:
Tel No:

Subject: Oleander vs Duke and TPY Breakdown

Mr. Linero,

Thank-you for responding so promptly. The Project Description and Impacts of Project Operations, I guess would be of the most interest. (Sections ES.3 and ES.5) So that it can be properly compared with Oleander. How many pages are those sections and can it be faxed? or E-mailed? or mailed?

I had asked about a week ago for the new breakdown of pollutants in TPY for Oleander and have still not received that info from Mike Halpin. Can you check into this for me? So that I can compare that as well. It looks as if the Duke Project is much more efficient. Is that true?

Do you know just where exactly the electricity in Florida has shown a shortage and/or brownouts? I have heard that the PSC states that Florida will need 8,000 more MW sometime in the near future.

Also, I would appreciate notice of when the Dept. plans to issue their intent to issue the permit for OPP.

Thanks again,

M. Adams

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 10-Mar-1999 02:25pm

From: Alvaro Linero TAL
LINERO_A

Dept: Air Resources Management

Tel No: 850/921-9532

To: Aspbb

(Aspbb@aol.com@PMDf@EPIC66)

CC: Mike Halpin TAL

(HALPIN_M)

Subject: Re: Oleander vs Duke and TPY Breakdown

Ms. Adams:

The sections you want are very short and will be faxed to you today. The details of course, would be in the large documents I mentioned previously.

Regarding you questions:

Mike will handle the question on the emissions from Oleander.

"Are Duke units more efficient than Oleander?"

Based on the amount of energy out compared to the energy in, the Duke units will be roughly 56 percent efficient while the Oleander units will be about 36 percent efficient. They will use the same combustion turbines but will operate differently as described in my previous E-Mail. Among peaking units, the Oleander units (based on the GE PG7241FA turbine) will be the most efficient. It is possible that an even larger Westinghouse unit(501G) is more efficient (maybe 38 percent simple cycle and 58 percent combined cycle), but not by much. It is available in very limited production and will emit much more pollutants. The first prototype will be built in Lakeland.

Do you know just where exactly the electricity in Florida has shown a shortage and/or brownouts? No. But the way electricity is moved around, I think it would be safe to say that shortage is state-wide. Your best bet would be to check out the Public Service Commission website and interact with them on it. I don't recall brown-outs. I think the PSC wants there to be enough reserve margin to prevent brown-outs. That requires permitting and construction of facilities well before the shortages manifest themselves as brown-outs.

I have heard that the PSC states that Florida will need 8,000 more MW sometime in the near future.(?)

I've heard numbers in the thousands of megawatts too. We recently permitted, are reviewing or expect applications on: FPL Fort Myers: 1500 MW, FPL Sanford: 1500 MW, SkyGen (Santa Rosa County): 240 MW, Lakeland: 250 MW, Tallahassee: 250 MW, Kissimmee: 250 MW, Duke New Smyrna: 500 MW, Gulf Power (Escambia County): 500 MW, TECO Polk County: 340 MW, FPC Polk County: 500 MW, Gainesville: 120 MW,

Jacksonville Kennedy: 170 MW, Jacksonville Northside: 600 MW, Jacksonville
Brandy Branch: 500 MW, FPC Intercession City (Osceola County): 300 MW,
Oleander

Power: 850-950 MW. There are more that I have not even heard of yet. The PSC
would have a good idea on them.

Also, I would appreciate notice of when the Dept. plans to issue their intent
to issue the permit for OPP.(?)

Will do!

Thank you

Al Linero

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 10-Mar-1999 09:25am

From: Alvaro Linero TAL
LINERO_A

Dept:

Tel No:

To: Aspbb (Aspbb@aol.com@PMDf@EPIC66)
CC: Mike Halpin TAL (HALPIN_M)
CC: Steven Palmer TAL (PALMER_S)

Subject: Re: Oleander vs. Duke

Ms. Marlene Adams.

Following are answers to your questions comparing Oleander to Duke - to the extent that I can answer them.

How many hours are they (Duke) requesting to operate?

8760 hours - nonstop.

Are they going to use oil as back-up and for how many hours?

No oil.

How many units and stacks will they have?

Two units, two stacks plus cooling towers.

How tall are the stacks going to be?

150 foot stacks.

What is the breakdown of pollutants in TPY?

NOx 679, CO 339, PM 102, VOC 25, SO2 85, sulfuric acid mist 10.

How many acres is the site?

30.5 acres 0.5 miles NW of SR 44 and I-95

How close is the site to the nearest resident?

I have not checked this out myself. However the Volusia County Comprehensive Plan identifies Samsula as a rural unincorporated community, located approximately 3.5 miles (roughly 5 km) West of the site and characterized by large lot rural, rural residential and agricultural development. There appears to be a parcel that is zoned as low density residential approximately 1 km to the East. It is not possible to say whether there are actually dwellings on it. There seems to be some actual high and low density residential development approximately 2.5 km to the Southeast.

Approximately how many residents are there within a 3.2 km radius?

I don't know the answer to this question.

Is there any public playgrounds within 1/2 mile?

I don't believe so but do not know.

Are there any public schools within a 3.2 km radius?

I do not know.

Is there a freshwater river within 1 mile?

I do not know, but the Indian River is not too far away.

How many employees are needed to operate? 19 employees.

Is the plant classified as a Title V Source of Air Pollution?

Yes.

Are they going to need up to 1.9 million gallons of water to operate?

They will need 3.75 million gallons per day. Initially 2.0 million will be treated effluent from an adjacent wastewater treatment plant.

Will they need potable water to operate?

They will something like 1.75 million gallons per day of untreated wellwater and untreated water from New Smyrna Beach Utilities. I don't see that they will obtain potable water in any meaningful amounts. However both reuse water and groundwater will be filtered and treated on-site. Some of it will be treated to "demineralized water."

What is the difference between combined cycle and simple cycle?

The projects use identical combustion turbines and both make direct power through electrical generators connected directly to the turbines. The simple cycle units exhaust gases to the atmosphere at 1100 degrees Fahrenheit. The combined cycle units have waste heat boilers that transfer that heat to steam. The steam is expanded in a conventional steam turbine that turns another electrical generator to produce 50 percent more electricity than the simple cycle configuration. The exhaust gases from combined cycle units are only 200 degrees.

To what extent does the PSC regulate them?

Duke must (at least) demonstrate the Need for the Power to the PSC. A number of hearings have already been held. I cannot say to what extent Duke or any other utility is regulated.

Did they have to follow the Power Plant Siting Act?

Yes.

You have indeed requested a lot of information. We only handle the air portion. Attached (as E-Mail) is a copy of the Technical Air Report we prepared for the Duke project. There is a five volume set of documents that was submitted by Duke to the Department's Site Certification Office (contact is Steve Palmer at 850/487-0472). That office is also preparing a staff report

on
the project. Perhaps some of what you want is in the documents submitted by Duke or the staff report. I will fax you the executive summary and Table of Contents of Duke's submittal.

The documents consist of hundreds of pages and the Department might need to charge you to obtain more than a few pages. You can surely get a look at them by going to New Smyrna Beach or possibly Orlando where there should be copies of it at City or DEP offices. Check with Steve for other ideas about this. You might ask him when the administrative hearing will be held on the Site Certification application.

You can obtain more by checking out Volusia County, School District, and City of New Smyrna websites regarding schools, parks, residences, etc.

Thank you for your interest in these projects. Mike Halpin will continue to follow up on matters directly related to the Oleander project. Al Linero.

INTEROFFICE MEMORANDUM

Date: 04-Mar-1999 03:56pm
From: Aspbb
Aspbb@aol.com@PMDF@EPIC66
Dept:
Tel No:

To: HALPIN_M (HALPIN_M@A1@DER)
To: LINERO_A (LINERO_A@A1@DER)

Subject: Oleander Power Project

Mike Halpin,
Can you please send me the new breakdown of maximum potential pollutants in
TPY's reflecting the new hours of 1,000 for oil.
Thank-you,
Marlene Adams

INTEROFFICE MEMORANDUM

Date: 08-Mar-1999 12:27pm
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Aspbb (Aspbb@aol.com@PMDf@EPIC66)
CC: Kim Tober TAL (TOBER_K)
CC: Alvaro Linero TAL (LINERO_A)

Subject: Re: Oleander Power Project

Ms. Adams -

Thank you for your note.

I currently am awaiting this information from the applicant. I will be happy to forward you a summary of the data as soon as I receive it.

Sincerely,
Mike Halpin

INTEROFFICE MEMORANDUM

Date: 10-Mar-1999 01:23pm
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Alvaro Linero TAL (LINERO_A)

Subject: Re: FWD: Oleander vs Duke and TPY Breakdown

Re: Your message below

I responded to Ms. Adams, telling her that I would provide her the data as soon as I have it. I am awaiting the revised submittal from Golder which reflects the 1000 hours on oil rather than the 1500.

If you think it is appropriate, I could estimate those emissions and send it out before I receive Golder's submittal. Ken Kosky told me that he expected to get it out by the end of this week.

Let me know.

Mike

Hey Mike. Here is another E-Mail from Marlene Adams. I handled the stuff on Duke and will try to answer the efficiency question and get her a copy of the relevant pieces of the Duke Certification application, etc. Please send her whatever it is she asked for on Oleander when you have it. Thanks.

INTEROFFICE MEMORANDUM

Date: 10-Mar-1999 04:18pm
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Aspbb (Aspbb@aol.com@PMDF@EPIC66)
CC: Alvaro Linero TAL (LINERO_A)

Subject: Re: Oleander Power Project

Ms. Adams -

Since it may be a few more days before I receive the calculations from the applicant's registered engineer, I have taken the liberty of doing the calculations myself in order to provide you with an expeditious answer. In the event that there are any significant discrepancies between what I am providing to you and what is provided by the applicant's engineer, I will pass those along.

Here are the maximum potential pollutants in Tons Per Year reflecting an assumed 1000 hours per year of oil operation (out of the 3390 hours of operation requested). I am providing the oil data separate from the gas data for your use.

1000 hours of Oil operation: NOx 861, CO 253, SO2 258, VOC 38.5, PM 110
2390 hours of Gas operation: NOx 374, CO 409, SO2 33, VOC 46.6, PM 54
3390 hours of combined operation: NOx 1235, CO 662, SO2 291, VOC 85, PM 164

Sincerely,
Mike Halpin

INTEROFFICE MEMORANDUM

Date: 11-Mar-1999 00:29am
From: Aspbb
Aspbb@aol.com@PMDf@EPIC66
Dept:
Tel No:

To: HALPIN_M (HALPIN_M@A1@DER)
To: LINERO_A (LINERO_A@A1@DER)

Subject: Re: Oleander Power Project

In a message dated 99-03-10 17:38:54 EST, you write:

<< 3390 hours of combined operation: NOx 1235, CO 662, SO2 291, VOC 85, PM 164
>>

Mike Halpin,

Thank you for the response. I had the opportunity to attend an information workshop Oleander put on this evening, and they had the breakdown as follows on a slide show they were showing the public.

NOx 1235, CO 412, SO2 291, VOC 64, PM 96

It appears you were quite accurate with the NOx and SO2. However, the CO is quite a bit off (you were 250 higher) and the VOC (you were 21 higher), and the PM (you were 68 higher).

I would appreciate it greatly if you would recalculate to see if you were really that far off or if they were.

Thank-you for your time,
M. Adams

INTEROFFICE MEMORANDUM

Date: 11-Mar-1999 08:32am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Aspbb (Aspbb@aol.com@PMDf@EPIC66)
CC: Alvaro Linero TAL (LINERO_A)

Subject: Re: Oleander Power Project

Ms. Adams -

Thank you for your reply. I was hesitant to provide you with my estimates (pending their submittal to me) for these kinds of reasons (it can cause confusion). I will need to see their calculations to understand the differences. When I receive that, I will forward the data to you.

Sincerely,
Mike Halpin

INTEROFFICE MEMORANDUM

Date: 18-Mar-1999 04:42pm
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Aspbb (Aspbb@aol.com@PMDf@EPIC66)
CC: Alvaro Linero TAL (LINERO_A)
CC: Cleve Holladay TAL (HOLLADAY_C)

Subject: Re: Oleander Power Project

Ms. Adams -

I had committed that I would get back with you on your request to specifically review the differences between what I had estimated on CO, VOC and PM emissions as compared to what you heard at an Oleander workshop you attended. I've left your note (below) for reference.

The applicant had originally requested limits which allowed them the ability to select either GE or Westinghouse as vendors and (as you might imagine) since vendor guarantees are rarely identical, they felt compelled to request the higher of the two guarantees for each individual pollutant to maintain that flexibility. Now, however the applicant has selected the vendor (GE) which provides them lower emission guarantees than originally requested for CO, VOC and PM (on oil) and have correspondingly reduced the requested emission rates; thus the differences. I am including my revised estimates of the facility-wide emissions which incorporate the applicant's newly requested emission rates and they are nearly identical to what you heard at the workshop you referenced. So, to directly respond to your request:

"I would appreciate it greatly if you would recalculate to see if you were really that far off or if they were.",

I would have to say that both calculations are correct but are based upon different requested emission rates. They would be permitted for annual tonnages very close to what is shown here (and what you had referenced from the workshop you attended).

I hope that this helps.

1000 hours of Oil operation: NOx 861, CO 168, SO2 258, VOC 28.9, PM 42.5
2390 hours of Gas operation: NOx 374, CO 245, SO2 33, VOC 35, PM 54
3390 hours of combined operation: NOx 1235, CO 413, SO2 291, VOC 64, PM 96.5

Sincerely,
Mike Halpin

YOUR MESSAGE:

In a message dated 99-03-10 17:38:54 EST, you write:

<< 3390 hours of combined operation: NOx 1235, CO 662, SO2 291, VOC 85, PM 164
>>

Mike Halpin,

Thank you for the response. I had the opportunity to attend an information workshop Oleander put on this evening, and they had the breakdown as follows on a slide show they were showing the public.

NOx 1235, CO 412, SO2 291, VOC 64, PM 96

It appears you were quite accurate with the NOx and SO2. However, the CO is quite a bit off (you were 250 higher) and the VOC (you were 21 higher), and the PM (you were 68 higher).

I would appreciate it greatly if you would recalculate to see if you were really that far off or if they were.

Thank-you for your time,
M. Adams

INTEROFFICE MEMORANDUM

Date: 05-Mar-1999 05:22pm
From: Aspbb
Aspbb@aol.com@PMDf@EPIC66
Dept:
Tel No:

To: HALPIN_M (HALPIN_M@A1@DER)
To: LINERO_A (LINERO_A@A1@DER)

Subject: Oleander Hours on Oil

Mike Halpin,

If Oleander Power Project receives an air permit based on 3390 hours of operation, 1,000 of which is currently proposed to be on oil, can this company come back, sometime in the future (after they are built), and submit an application to have the hours of operation on oil increased? And how long a period would they have to wait before they could do so?

Thank-you.

Marlene Adams

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 08-Mar-1999 08:05pm
From: Alvaro Linero TAL
LINERO_A
Dept: Air Resources Management
Tel No: 850/921-9532

To: Aspbb (Aspbb@aol.com@PMDf@EPIC66)
CC: Mike Halpin TAL (HALPIN_M)

Subject: Re: Oleander Hours on Oil

Ms. Adams. This is in response to your question to Mike Halpin regarding future permit modifications to increase the hours of oil firing. Mike asked me to handle it for him.

Oleander can come back in the future to request an increase in hours of operation on oil. I know of no time requirements prior to making such a request. A request would trigger a similar review, including the same public notice process presently underway and the need to determine Best Available Control Technology.

Feel free to call me at 850/921-9523 or E-Mail me with your number and I'll call you back if you want to discuss the matter in greater detail. Mike continues to handle most other matters related to this application. Thank you.
Al Linero

YOUR MESSAGE READS

Mike Halpin,

If Oleander Power Project receives an air permit based on 3390 hours of operation, 1,000 of which is currently proposed to be on oil, can this company come back, sometime in the future (after they are built), and submit an application to have the hours of operation on oil increased? And how long a period would they have to wait before they could do so?

Thank-you.

Marlene Adams

INTEROFFICE MEMORANDUM

Date: 05-Mar-1999 04:35pm
From: Douglas H. Sphar
canoe2@digital.net@PMDf@EPIC66
Dept:
Tel No:

To: halpin_m (halpin_m@A1@DER)
CC: linero_a (linero_a@A1@DER)

Subject: Regional Comparison of Power Plant Emission

Re: Oleander Power Project; DEP File No. 009-180-001-AC (PSD-FL-258)

Dear Mr. Halpin:

In reference to your presentation slide titled "Regional comparison of power plant emission (1997)"

Please revise the referenced chart to provide a more accurate comparison of emissions. The existing chart provides a very skewed viewpoint to unknowledgeable observers such as the new media. The Oleander worst case emissions scenario (column 5) is based on 3390 hours per year of operation whereas the other plants (in particular OUC-ST) are operating up to 8760 hours per year. That chart would be more meaningful if the emissions data for the other plants were normalized to 3390 hours of operation.

Please consider doing this in future presentations of this material.

Douglas H. Sphar

(407) 636-0701 or canoe2@digital.net

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 06-Mar-1999 01:40pm
From: Alvaro Linero TAL
LINERO_A
Dept: Air Resources Management
Tel No: 850/921-9532

To: Douglas H. Sphar (canoe2@digital.net@PMDf@EPIC66)
To: Cleve Holladay TAL (HOLLADAY_C)
To: Mike Halpin TAL (HALPIN_M)

Subject: Re: Follow Up Question Set 1

Mr. Sphar. Thank you for your comments at the hearing as well as your letter and E-Mail inquiries. Mike will handle those related to emissions and I see that you E-Mailed him. Cleve will handle those related to modeling. His E-Mail address is holladay_C@dep.state.fl.us

Cleve: Please handle following request from Mr. Sphar:

MR. SPHAR'S MESSAGE READS AS FOLLOWS:
Reference DEP File No. 0090180-001-AC (PSD-FL-238)
Oleander Power Project.

Messrs:

At the March 3 hearing in Cocoa I asked some questions about DEP's review and concurrence in the Ambient Air Quality Analysis that was conducted by the applicant in accordance with the provisions of the Clean Air Act of the United States. I request some follow-up information.

In response to my questions, the DEP meteorologist stated he confirmed that the ISCST3 dispersion model used by the applicant is performing correctly based upon his review of model output using DEP provided test case input. The DEP meteorologist further stated that he has reviewed and concurs in the applicant's estimates of the pre-construction ambient atmosphere that exists at the site of the proposed facility. This estimated pre-construction ambient atmosphere forms a critical part of the input data set to the applicant's analysis. My questions are:

1. What are the bases for the applicant's estimates of the ambient concentrations of criteria pollutants that exist at the site today? Based on DEP's slides, there are no monitoring sites in Brevard County for SO₂, CO, and NO_x; but these are monitored in Winter Park.
2. Did the applicant extrapolate the Winter Park data to the proposed site west of Cocoa?
3. Winter Park is 35 miles inland and the dynamics of the atmosphere are predominately influenced by the land mass. The atmosphere at the

proposed site (12 mile from the ocean and 4 miles from the lagoon) is predominately influenced by the ocean/lagoons. How do estimates based on inland monitoring sites influence the fidelity of the applicants predictions?

4. Where is the location of the PM10 monitoring site in Brevard?

5. The official correspondences concerning the application make no reference to the model and input data reviews that the meteorologist said he conducted. Are these done on an informal or ad hoc basis? Does the DEP prepare a report or memo for file documenting the findings of such reviews and audits?

Yours truly,
Douglas H. Sphar
(407) 636-0701 or canoe2@digital.net

A handwritten signature in dark ink, appearing to be 'D. Sphar', is located at the bottom center of the page. The signature is written in a cursive style with a long vertical stroke for the letter 'l'.

INTEROFFICE MEMORANDUM

Date: 08-Mar-1999 10:51am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Douglas H. Sphar (canoe2@digital.net@PMDF@EPIC66)
CC: Alvaro Linero TAL (LINERO_A)
CC: Cleve Holladay TAL (HOLLADAY_C)

Subject: Re: Regional Comparison of Power Plant Emission

Mr. Sphar -

Thank you for your comments relative to the Oleander presentation on 3/3/99. I will give consideration to your suggestion in the event that this data is used in future comparisons.

As you can imagine, it is sometimes difficult to convey technical information in a manner that is user-friendly for non-technical people. My preference is usually to stick with available data rather than massaging it for specific needs, as data manipulation often causes unfounded suspicions to occur.

Concerning the particulars of your suggestion, one would have to factor in at least two major variables in order to normalize the data for plant operation; one factor which you have alluded to is operating hours and the other factor is the percent output during that operating time. For example, the Oleander emissions were based upon 3390 hours per year of operation at 100% output. Unfortunately, we do not have easy access to all of the utility data required to do this calculation, although some utilities do report pieces of it to us for other purposes. We do have some of the 1997 data which I am passing along to you:

OUC Indian River #1 operating hours : 2694
OUC Indian River #2 operating hours : 2421
OUC Indian River #3 operating hours : 5266
OUC Indian River CT-A operating hours : 266
OUC Indian River CT-B operating hours : 614
OUC Indian River CT-C operating hours : 222
OUC Indian River CT-D operating hours : 513
FPL Cape Canaveral #1 operating hours: 6689
FPL Cape Canaveral #1 percent output : 20% (winter), 26% (spring),
33% (summer) and 21% (fall)
FPL Cape Canaveral #2 operating hours: 6570
FPL Cape Canaveral #2 percent output : 20% (winter), 29% (spring),
33% (summer) and 18% (fall)
OUC Stanton #1 operating hours (8007)
OUC Stanton #2 operating hours (8138)

Although I have not done the calculations, based upon the above data I believe that it is highly likely that normalization for 3390 hours and 100% output would result in increased emissions for the OUC Indian River and FPL Cape Canaveral sites and decreased emissions for the OUC Stanton plant.

An alternate method of comparison would be to take the maximum permitted emissions for those 3 sites (which is based upon 8760 hours and 100% output) and multiply those numbers by 39.7% to replicate the Oleander permitted maximum emissions shown on the slide (3390 hours and 100% output). I have provided for you some of the data available for that calculation should you wish to do it. Unfortunately, nearly all of those units have no limits on VOC and CO making this even a difficult comparison. (data in tons per year - TPY)

FPL CC1	SO2 44863	NOx Unlimited	PM10 1631
FPL CC2	SO2 48180	NOx Unlimited	PM10 1752
OUC ST1	SO2 20652	NOx 10869	PM10 543.5
OUC ST2	SO2 4693	NOx 3191	PM10 375.4
OUC IR1	SO2 9997	NOx Unlimited	PM10 364
OUC IR2	SO2 9997	NOx Unlimited	PM10 364
OUC IR3	SO2 36721	NOx Unlimited	PM10 364
OUC IR4	SO2 625	NOx 518	PM10 87.6
OUC IR5	SO2 28.5	NOx 592	PM10 237
OUC IR6	SO2 28.5	NOx 592	PM10 237
OUC IR7	SO2 625	NOx 518	PM10 87.6

I believe that this calculation weighs even more to Oleander's favor.

I am hopeful that you can appreciate the benefits of sticking to the raw data and avoiding the complicated discussions which can result from attempting to adjust it.

Thanks again.

Sincerely,

Mike Halpin

INTEROFFICE MEMORANDUM

Date: 08-Mar-1999 01:05pm
From: Douglas H. Sphar
canoe2@digital.net@PMDf@EPIC66
Dept:
Tel No:

To: Mike Halpin TAL 850/488-0114 (HALPIN_M@A1@DER)

Subject: Re: Regional Comparison of Power Plant Emission

Thanks for the prompt response. I also am sensitive about the implicatons of "massaging data". We have been very diligent in not presenting data that are not from an recognized sourcen or making unreasonable inferences from such data. I also appreciate that data are often not captured in form and content that are suitable for direct comparison.

I will study your response and get back to you if I need any further clarifications.

Thanks, Doug Sphar

Mike Halpin TAL 850/488-0114 wrote:

> Mr. Sphar -

>

> Thank you for your comments relative to the Oleander presentation on 3/3/99.

> I will give consideration to your suggestion in the event that this data is
> used in future comparisons.

> As you can imagine, it is sometimes difficult to convey technical
information

> in a manner that is user-friendly for non-technical people. My preference is
> usually to stick with available data rather than massaging it for specific
> needs, as data manipulation often causes unfounded suspicions to occur.

> Concerning the particulars of your suggestion, one would have to factor in
at

> least two major variables in order to normalize the data for plant operation;
> one factor which you have alluded to is operating hours and the other factor
is

> the percent output during that operating time. For example, the Oleander
> emissions were based upon 3390 hours per year of operation at 100% output.

> Unfortunately, we do not have easy access to all of the utility data required
> to do this calculation, although some utilities do report pieces of it to us
> for other purposes. We do have some of the 1997 data which I am passing along
> to you:

>

> OUC Indian River #1 operating hours : 2694

> OUC Indian River #2 operating hours : 2421

> OUC Indian River #3 operating hours : 5266

> OUC Indian River CT-A operating hours : 266

> OUC Indian River CT-B operating hours : 614
> OUC Indian River CT-C operating hours : 222
> OUC Indian River CT-D operating hours : 513
> FPL Cape Canaveral #1 operating hours: 6689
> FPL Cape Canaveral #1 percent output : 20% (winter), 26% (spring),
> 33% (summer) and 21% (fall)
> FPL Cape Canaveral #2 operating hours: 6570
> FPL Cape Canaveral #2 percent output : 20% (winter), 29% (spring),
> 33% (summer) and 18% (fall)
> OUC Stanton #1 operating hours (8007)
> OUC Stanton #2 operating hours (8138)
>
> Although I have not done the calculations, based upon the above data I
> believe that it is highly likely that normalization for 3390 hours and 100%
> output would result in increased emissions for the OUC Indian River and FPL
> Cape Canaveral sites and decreased emissions for the OUC Stanton plant.
> An alternate method of comparison would be to take the maximum permitted
> emissions for those 3 sites (which is based upon 8760 hours and 100% output)
> and multiply those numbers by 39.7% to replicate the Oleander permitted
maximum
> emissions shown on the slide (3390 hours and 100% output). I have provided
for
> you some of the data available for that calculation should you wish to do
it.
> Unfortunately, nearly all of those units have no limits on VOC and CO making
> this even a difficult comparison. (data in tons per year - TPY)
>
> FPL CC1 SO2 44863 NOx Unlimited PM10 1631
> FPL CC2 SO2 48180 NOx Unlimited PM10 1752
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> OUC ST2 SO2 4693 NOx 3191 PM10 375.4
> OUC IR1 SO2 9997 NOx Unlimited PM10 364
> OUC IR2 SO2 9997 NOx Unlimited PM10 364
> OUC IR3 SO2 36721 NOx Unlimited PM10 364
> OUC IR4 SO2 625 NOx 518 PM10 87.6
> OUC IR5 SO2 28.5 NOx 592 PM10 237
> OUC IR6 SO2 28.5 NOx 592 PM10 237
> OUC IR7 SO2 625 NOx 518 PM10 87.6
>
> I believe that this calculation weighs even more to Oleander's favor.
>
> I am hopeful that you can appreciate the benefits of sticking to the raw
> data and avoiding the complicated discussions which can result from
attempting
> to adjust it.
> Thanks again.
> Sincerely,
> Mike Halpin

INTEROFFICE MEMORANDUM

Date: 05-Mar-1999 11:53am
From: Douglas H. Sphar
canoe2@digital.net@PMDf@EPIC66
Dept:
Tel No:

To: halpin_m (halpin_m@A1@DER)
To: linero_a (linero_a@A1@DER)

Subject: Follow Up Question Set 2

Reference DEP File No. 0090180-001-AC (PSD-FL-238)
Oleander Power Project.

Messrs:

I request contour plots of stack exhaust gas temperature and velocity as a function of height above ground (or distance from stack exit plane). One turbine at one ambient free-stream temperature condition will be fine. I would prefer an ambient wind velocity of zero. Basically, I wish to see a temperature and velocity characterization of the turbine exhaust plume.

If these data are not emailable (I can accommodate most graphic formats) then please send by post to me at:
819 Heron road
Cocoa, FL 32926-2320

Yours truly,
Douglas H. Sphar
(407) 636-0701 or canoe2@digital.net

INTEROFFICE MEMORANDUM

Date: 08-Mar-1999 08:17am

From: Mike Halpin TAL
HALPIN_M

Dept:

Tel No:

To: Cleve Holladay TAL (HOLLADAY_C)

CC: Alvaro Linero TAL (LINERO_A)

Subject: FWD: Follow Up Question Set 2

Cleve -

These questions (Set No. 2) appear to be your area as well.

Mike

INTEROFFICE MEMORANDUM

Date: 05-Mar-1999 11:53am
From: Douglas H. Sphar
canoe2@digital.net@PMDF@EPIC66
Dept:
Tel No:

Subject: Follow Up Question Set 2

Reference DEP File No. 0090180-001-AC (PSD-FL-238)
Oleander Power Project.

Messrs:

I request contour plots of stack exhaust gas temperature and velocity as a function of height above ground (or distance from stack exit plane). One turbine at one ambient free-stream temperature condition will be fine. I would prefer an ambient wind velocity of zero. Basically, I wish to see a temperature and velocity characterization of the turbine exhaust plume.

If these data are not emailable (I can accommodate most graphic formats) then please send by post to me at:
819 Heron road
Cocoa, FL 32926-2320

Yours truly,
Douglas H. Sphar
(407) 636-0701 or canoe2@digital.net

INTEROFFICE MEMORANDUM

Date: 05-Mar-1999 11:50am

From: Douglas H. Sphar
canoe2@digital.net

Dept:
Tel No:

Subject: Follow Up Question Set 2

Reference DEP File No. 0090180-001-AC (PSD-FL-238)
Oleander Power Project.

Messrs:

I request contour plots of stack exhaust gas temperature and velocity as a function of height above ground (or distance from stack exit plane). One turbine at one ambient free-stream temperature condition will be fine. I would prefer an ambient wind velocity of zero. Basically, I wish to see a temperature and velocity characterization of the turbine exhaust plume.

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819 Heron road
Cocoa, FL 32926-2320

Yours truly,
Douglas H. Sphar
(407) 636-0701 or canoe2@digital.net

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 12-May-1999 03:40pm

From: Cleve Holladay TAL
HOLLADAY_C@A1

Dept:

Tel No:

To: bmccann (bmccann@golder.com)
To: canoe2 (canoe2@digital.net)
To: halpin_m (halpin_m@dep.state.fl.us)

Subject: Re: Follow Up Question Set 2

Mr. Sphar:

I apologize for not getting back with you sooner. However, the information you have requested is not available to me. This type of information is not required to be submitted by the applicant nor is it required by us in our review. If you still have an interest in obtaining this information you might wish to contact the applicant's consultant. I am providing their information below:

Golder Associates, Inc.
6241 NW 23rd Street
Gainesville, FL 32653
352-336-5600
Attn: Robert McCann

INTEROFFICE MEMORANDUM

Date: 05-Mar-1999 11:06am
From: Douglas H. Sphar
canoe2@digital.net@PMDf@EPIC66
Dept:
Tel No:

To: halpin_m (halpin_m@A1@DER)
To: liner0_a (liner0_a@A1@DER)

Subject: Follow Up Question Set 1

Reference DEP File No. 0090180-001-AC (PSD-FL-238)
Oleander Power Project.

Messrs:

At the March 3 hearing in Cocoa I asked some questions about DEP's review and concurrence in the Ambient Air Quality Analysis that was conducted by the applicant in accordance with the provisions of the Clean Air Act of the United States. I request some follow-up information.

In response to my questions, the DEP meteorologist stated he confirmed that the ISCST3 dispersion model used by the applicant is performing correctly based upon his review of model output using DEP provided test case input. The DEP meteorologist further stated that he has reviewed and concurs in the applicant's estimates of the pre-construction ambient atmosphere that exists at the site of the proposed facility. This estimated pre-construction ambient atmosphere forms a critical part of the input data set to the applicant's analysis. My questions are:

1. What are the bases for the applicant's estimates of the ambient concentrations of criteria pollutants that exist at the site today? Based on DEP's slides, there are no monitoring sites in Brevard County for SO₂, CO, and NO_x; but these are monitored in Winter Park.
2. Did the applicant extrapolate the Winter Park data to the proposed site west of Cocoa?
3. Winter Park is 35 miles inland and the dynamics of the atmosphere are predominately influenced by the land mass. The atmosphere at the proposed site (12 mile from the ocean and 4 miles from the lagoon) is predominately influenced by the ocean/lagoons. How do estimates based on inland monitoring sites influence the fidelity of the applicants predictions?
4. Where is the location of the PM₁₀ monitoring site in Brevard?
5. The official correspondences concerning the application make no reference to the model and input data reviews that the meteorologist said he conducted. Are these done on an informal or ad hoc basis? Does the DEP prepare a report or memo for file documenting the findings of

such reviews and audits?

Yours truly,
Douglas H. Sphar
(407) 636-0701 or canoe2@digital.net

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 12-May-1999 04:47pm
From: Cleve Holladay TAL
HOLLADAY_C
Dept: Air Resources Management
Tel No: 850/488-1344

To: Mike Halpin TAL (HALPIN_M)
To: canoe2@digital.net@in
To: bmccann@golder.com@in

Subject: Re: FWD: Follow Up Question Set 1

Reference DEP File No. 0090180-001-AC (PSD-FL-238)
Oleander Power Project.

Messrs:

At the March 3 hearing in Cocoa I asked some questions about DEP's review and concurrence in the Ambient Air Quality Analysis that was conducted by the applicant in accordance with the provisions of the Clean Air Act of the United States. I request some follow-up information.

In response to my questions, the DEP meteorologist stated he confirmed that the ISCST3 dispersion model used by the applicant is performing correctly based upon his review of model output using DEP provided test case input. The DEP meteorologist further stated that he has reviewed and concurs in the applicant's estimates of the pre-construction ambient atmosphere that exists at the site of the proposed facility. This estimated pre-construction ambient atmosphere forms a critical part of the input data set to the applicant's analysis. My questions are:

1. What are the bases for the applicant's estimates of the ambient concentrations of criteria pollutants that exist at the site today? Based on DEP's slides, there are no monitoring sites in Brevard County for SO₂, CO, and NO_x; but these are monitored in Winter Park.

DEP Response: As stated in the technical evaluation and preliminary determination, which was forwarded to you in late March, predicted SO₂, PM₁₀, CO and NO_x impacts from the project were below the appropriate de minimis ambient impact levels (Table 62-212.400-3, Florida Administrative Code, F.A.C.). Therefore, preconstruction ambient air quality monitoring to characterize the ambient air quality in the vicinity of the site was not required. As a result of this the answers to questions to 2, 3 and 4 are not relevant.

2. Did the applicant extrapolate the Winter Park data to the proposed

site west of Cocoa?

3. Winter Park is 35 miles inland and the dynamics of the atmosphere are predominately influenced by the land mass. The atmosphere at the proposed site (12 mile from the ocean and 4 miles from the lagoon) is predominately influenced by the ocean/lagoons. How do estimates based on inland monitoring sites influence the fidelity of the applicants predictions?

4. Where is the location of the PM10 monitoring site in Brevard?

5. The official correspondences concerning the application make no reference to the model and input data reviews that the meteorologist said he conducted. Are these done on an informal or ad hoc basis? Does the DEP prepare a report or memo for file documenting the findings of such reviews and audits?

DEP response:

The review was summarized in the department's above-mentioned technical evaluation and preliminary determination for the project.

Yours truly,

Douglas H. Sphar

(407) 636-0701 or canoe2@digital.net

TO: Mike Halpin
FROM: Dick Arbes
DATE: March 10, 1999
SUBJECT: Ozone Monitoring Network

The following information is forwarded in regard to your discussion with Tammy Eagan of my staff.

The ozone monitoring network in Florida is designed based on the federal requirements for ambient monitoring networks. The network size is based largely on the number of urban areas which have a population of greater than 200,000 people. Cocoa Beach-Palm Bay is one such area. It is required to have two ozone monitors. One of these monitors is required to be sited to monitor the maximum concentration that is expected in that area. Due to the meteorology experienced and peninsular design of Florida, the sea breeze impact creates conditions for the highest expected ozone levels; the areas where ozone has been found to be worst is on or near the coast.

To form, ozone generally requires volatile organic compounds and nitrogen oxides to mix in the presence of sunlight. Even so, ozone is a very reactive molecule. When ozone mixes with nitrogen oxides, as would be found near a major roadway, it is scavenged. The nitrogen oxides destroy the ozone; thus ozone would not be expected to have the highest concentration near a major highway.

If you have any additional questions, please call either Tammy or myself.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 11-Mar-1999 11:25am

From: Mike Halpin TAL
HALPIN_M

Dept: Air Resources Management

Tel No: 850/488-0114

To: Dick Arbes TAL (ARBES_D)

CC: Tammy Eagan TAL (EAGAN_T)

Subject: Re: Ozone Monitoring

Dick -

I called your office (GIC) but no response. Thanks for the attached memo. It is informative and can likely correct misconceptions, although it doesn't directly answer the question that was put to us at the public meeting last week.

We were asked:

"Will the DEP agree to place ozone monitoring in the area (we live) where the subject power plant is to be built."

We responded that we would need time to respond, and when pressed to be specific, Al committed to "about 7 days". (which is today)

I would like to respond as either a "yes" or "no" and if the answer is "no" to explain why. At the meeting, we explained that the monitoring is not a requirement for permitting of the plant, although some residents seemed to feel strongly that they "were out of compliance now" and insisted that if we would simply monitor "their area" we would see the problem.

Based upon your note, I believe that we can explain that we would not expect to see an ozone problem (in their area) that is worse than the area we currently measure. However, I would sure like to provide additional rationale for not complying with their request if some existed. Are there any other appropriate reasons that can be stated? Also, I'd appreciate your assistance with my response (to them) which I've taken a first cut at below:

[To: Resident]

During the March 3rd meeting, we were requested to consider placing an ozone monitor in close proximity to the area where the Oleander Power Plant is planned to be built. We indicated at that meeting that there was no requirement to do such monitoring and that we consider the area to be in compliance based upon current measurements. However (as was committed to during the meeting) we have reviewed the matter with the appropriate Department representatives and conclude that there is no basis to do such monitoring. It should be understood that Brevard County is one of only ?? counties in the state to have two such monitors and that no county has three. Additionally, these monitors are placed in very specific areas in order to ensure that the maximum area reading is being attained (see below memo from Dick Arbes).

I hope that this helps to explain the issue better.
Sincerely,

Mike Halpin

(YOUR MEMO HERE):

The following information is forwarded in regard to your discussion with Tammy Eagan of my staff.

The ozone monitoring network in Florida is designed based on the federal requirements for ambient monitoring networks. The network size is based largely on the number of urban areas which have a population of greater than 200,000 people. Cocoa Beach-Palm Bay is one such area. It is required to have two ozone monitors. One of these monitors is required to be sited to monitor the maximum concentration that is expected in that area. Due to the meteorology experienced and peninsular design of Florida, the sea breeze impact creates conditions for the highest expected ozone levels; the areas where ozone has been found to be worst is on or near the coast.

To form, ozone generally requires volatile organic compounds and nitrogen oxides to mix in the presence of sunlight. Even so, ozone is a very reactive molecule. When ozone mixes with nitrogen oxides, as would be found near a major roadway, it is scavenged. The nitrogen oxides destroy the ozone; thus ozone would not be expected to have the highest concentration near a major highway.

If you have any additional questions, please call either Tammy or myself.

Dick - Can you help with this?

Thanks
Mike

INTEROFFICE MEMORANDUM

Date: 11-Mar-1999 02:26pm
From: Tammy Eagan TAL
EAGAN_T
Dept: Air Resources Management
Tel No: 850/488-6140

To: Mike Halpin TAL (HALPIN_M)
CC: Dick Arbes TAL (ARBES_D)

Subject: Re: Ozone Monitoring

Mike,

Let me give this another try...

We were asked:

"Will the DEP agree to place ozone monitoring in the area (we live) where the subject power plant is to be built."

We responded that we would need time to respond, and when pressed to be specific, Al committed to "about 7 days". (which is today)

I would like to respond as either a "yes" or "no" and if the answer is "no" to explain why.

The answer is no.

At the meeting, we explained that the monitoring is not a requirement for permitting of the plant, although some residents seemed to feel strongly that they "were out of compliance now" and insisted that if we would simply monitor "their area" we would see the problem.

Based upon your note, I believe that we can explain that we would not expect to see an ozone problem (in their area) that is worse than the area we currently measure. However, I would sure like to provide additional rationale for not complying with their request if some existed. Are there any other appropriate reasons that can be stated?

The basic reason is that resources are limited. Last year was exceptional. Prior to that only 2 exceedances have been recorded between 1993 to 1997. Additional monitoring has not been shown as advantageous.

Also, I'd appreciate your assistance with my response (to them) which I've taken a first cut at below:

[To: Resident]

During the March 3rd meeting, we were requested to consider placing an ozone monitor in close proximity to the area where the Oleander Power Plant is planned to be built. We indicated at that meeting that there was no requirement to do such monitoring and that we consider the area to be in compliance based upon current measurements. However

(as was committed to during the meeting) we have reviewed the matter with the appropriate Department representatives and conclude that there is no basis to do such monitoring. It should be understood that Brevard County is one of only 14 counties in the state to have two such monitors. Additionally, these monitors are placed in very specific areas in order to ensure that the maximum area reading is being attained (see below memo from Dick Arbes).

I hope that this helps to explain the issue better. Sincerely, Mike Halpin

(YOUR MEMO HERE):

The following information is forwarded in regard to your discussion with Tammy Eagan of my staff.

The ozone monitoring network in Florida is designed based on the federal requirements for ambient monitoring networks. The network size is based largely on the number of urban areas which have a population of greater than 200,000 people. Cocoa Beach-Palm Bay is one such area. It is required to have two ozone monitors. One of these monitors is required to be sited to monitor the maximum concentration that is expected in that area. Due to the meteorology experienced and peninsular design of Florida, the sea breeze impact creates conditions for the highest expected ozone levels; the areas where ozone has been found to be worst is on or near the coast.

To form, ozone generally requires volatile organic compounds and nitrogen oxides to mix in the presence of sunlight. Even so, ozone is a very reactive molecule. When ozone mixes with nitrogen oxides, as would be found near a major roadway, it is scavenged. The nitrogen oxides destroy the ozone; thus ozone would not be expected to have the highest concentration near a major highway.

If you have any additional questions, please call either Tammy or myself.

INTEROFFICE MEMORANDUM

Date: 12-Mar-1999 08:47am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Tammy Eagan TAL (EAGAN_T)
CC: Cleve Holladay TAL (HOLLADAY_C)

Subject: Re: Ozone Monitoring

Tammy -

Thanks! I'll deal with it from here, although I would like to have you with Cleve and I at the next public meeting. Is any time in late April especially bad for you?
Mike

INTEROFFICE MEMORANDUM

Date: 16-Mar-1999 10:49am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Alvaro Linero TAL (LINERO_A)
CC: Cleve Holladay TAL (HOLLADAY_C)
CC: Joseph Kahn TAL (KAHN_J)
CC: Kim Tober TAL (TOBER_K)

Subject: Brevard County additional ozone monitoring

Al, et.al -

FYI - Here is the response that I've prepared to deal with the resident's request for ozone monitoring at the March 3rd Public Meeting. I would appreciate your thoughts.

Thanks
Mike

[To: Resident]

During the March 3rd meeting, the Department was requested to consider placing an ozone monitor in close proximity to the area where the Oleander Power Plant is planned to be built. We indicated at that meeting that there was no requirement to do such monitoring and that we consider the area to be in compliance based upon current measurements. However (as was committed to during the meeting) we have reviewed the matter with the appropriate Department representatives and have concluded that there is no technical basis to do such monitoring. It should be understood that Brevard County is one of only 14 counties in the state to have two such monitors. Additionally, these monitors are placed in very specific areas in order to ensure that the maximum area reading is being attained (see below memo from Dick Arbes, Administrator of Ambient Air Monitoring Program)).

I hope that this helps to explain the issue better.
Sincerely,
Michael P. Halpin

The ozone monitoring network in Florida is designed based on the federal requirements for ambient monitoring networks. The network size is based largely on the number of urban areas which have a population of greater than 200,000 people. Cocoa Beach-Palm Bay is one such area. It is required to have two ozone monitors. One of these monitors is required to be sited to monitor the maximum concentration that is expected in that area. Due to the meteorology

experienced and peninsular design of Florida, the sea breeze impact creates conditions for the highest expected ozone levels; the areas where ozone has been found to be worst is on or near the coast.

To form, ozone generally requires volatile organic compounds and nitrogen oxides to mix in the presence of sunlight. Even so, ozone is a very reactive molecule. When ozone mixes with nitrogen oxides, as would be found near a major roadway, it is scavenged. The nitrogen oxides destroy the ozone; thus ozone would not be expected to have the highest concentration near a major highway.

If you have any additional questions, please call either Tammy or myself.

INTEROFFICE MEMORANDUM

Date: 16-Mar-1999 01:35pm
From: Joseph Kahn TAL
KAHN_J
Dept: Air Resources Management
Tel No: 850/921-9519

To: Mike Halpin TAL (HALPIN_M)

Subject: Re: Brevard County additional ozone monitoring

Mike,

I recommend just incorporating Dick's explanation of the monitor siting directly into your response rather than have it as an attachment.

-Joe



Florida
Department of
Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David Struhs
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 7/7/99

TO: Doug Bennett

PHONE: _____

FAX: _____

FROM: Mike Halcov

PHONE: 921-9530

Division of Air Resources Management

FAX: 850.922.6979

RE: _____

CC: _____

Total number of pages including cover sheet: 3

Message

Doug

Here's the letter you requested.

I've attached my original fax to you
dated 4/16 also.

Mike Halcov

If there are any problems with this fax transmittal, please call the above phone number.



Florida
Department of
Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David Struhs
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 4-16-99

TO: Doug Benson

PHONE: _____

FAX: 921-3000

FROM: MIKE ALLEN

PHONE: 921-9530

Division of Air Resources Management

FAX: 850.922.6979

RE: _____

CC: _____

Total number of pages including cover sheet: 2

Message

Doug-

As I mentioned. Here's another letter from
MR Rowe, re: ENVIRONMENTAL JUSTICE.

I would ~~really~~ appreciate it if you would
respond to the letter. The last paragraph is one
I'm not certain how to answer.

Mike

If there are any problems with this fax transmittal, please call the above phone number.

"Protect, Conserve, and Manage Florida's Environmental and Natural Resources"

Printed on recycled paper

RECEIVED

APR 16 1999

**BUREAU OF
AIR REGULATION**

418 Pennsylvania Avenue
Rockledge, Florida 32955
12 April 1999

C. H. Fancy, P.E. Chief
Bureau of Air Regulations
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Dep File C090180-001-AC (PSD-FL-258)
Five 190-MW DUAL-FUEL "F" Class
Combustion Turbines

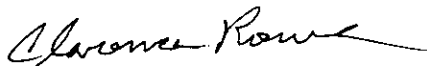
Dear Mr. Fancy:

The following comments are provided in response to your Notice of Intent to issue Air Construction Permit for the Orleander Power project proposed at 527 Townsend Road, Cocoa, Brevard County, Florida. During the public hearing at the Agricultural Center in Cocoa several presenters requested the Department conduct a survey of the specific areas to be impacted by this proposed plant to determine air quality and present pollution load. Secondly, this proposed plant, while projected to be within emission limits, adds to the already emissions load within the fallout zone.

Both the St. Johns River and the Indian River Lagoon are within the fallout zone. Both bodies of water are already experiencing high levels of pollutants. This plant will contribute to higher levels of pollution.

We believe your Department has a responsibility under Executive Order 12898, February 11, 1994, to go beyond mere technical compliance review in isolation without regard to the overall and future environmental impact. As the regulatory agency for the State, who better can discharge the responsibility for environmental justice. We previously raised this issue and again request a full investigation and hearing on the current air quality and long-term projection prior to permitting any additional polluters.

Sincerely,



Clarence Rowe

CR:r

Check Message

Jul 7 '99 11:47

D.O.7 Check condition of remote Fax. 69213000



Florida
Department of
Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David Struhs
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 7/7/99

TO: Doug Beason

PHONE: _____

FAX: 921-3000

FROM: MIKE HALPIN

PHONE: 921-9530

Division of Air Resources Management

FAX: 850.922.6979

RE: _____

CC: _____

Total number of pages including cover sheet: ~~2~~ 3

Message Doug
Here's the letter you requested.
I've attached my original fax to you
(dated 4/16) as well.
Mike Halpin



Florida
Department of
Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David Struhs
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 7/7/99
TO: DOUG BEASON

PHONE: _____ FAX: 921-3000

FROM: MIKE HALPIN PHONE: 921-9530

Division of Air Resources Management FAX: 850.922.6979

RE: _____

CC: _____

Total number of pages including cover sheet: ~~2~~ 3

Message

Doug-
Here's the letter you requested.
I've attached my original fax to you
(dated 4/16) as well.

Mike Halpin

If there are any problems with this fax transmittal, please call the above phone number.



Florida
Department of
Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David Struhs
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 4-16-99

TO: Doug Benson

PHONE: _____

FAX: 921-3000

FROM: MIKE ALLEN

PHONE: 921-9530

Division of Air Resources Management

FAX: 850.922.6979

RE: _____

CC: _____

Total number of pages including cover sheet: 2

Message

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MR ROWE, RE: ENVIRONMENTAL JUSTICE.

I would ~~really~~ appreciate it if you would
respond to the letter. The last paragraph is one
I'M not certain how to answer.
Mike

If there are any problems with this fax transmittal, please call the above phone number.

RECEIVED

APR 16 1999

BUREAU OF
AIR REGULATION

418 Pennsylvania Avenue
Rockledge, Florida 32955
12 April 1999

C. H. Fancy, P.E. Chief
Bureau of Air Regulations
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Dep File C090180-001-AC (PSD-FL-258)
Five 190-MW DUAL-FUEL "F" Class
Combustion Turbines

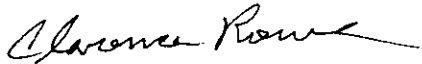
Dear Mr. Fancy:

The following comments are provided in response to your Notice of Intent to issue Air Construction Permit for the Orleander Power project proposed at 527 Townsend Road, Cocoa, Brevard County, Florida. During the public hearing at the Agricultural Center in Cocoa several presenters requested the Department conduct a survey of the specific areas to be impacted by this proposed plant to determine air quality and present pollution load. Secondly, this proposed plant, while projected to be within emission limits, adds to the already emissions load within the fallout zone.

Both the St. Johns River and the Indian River Lagoon are within the fallout zone. Both bodies of water are already experiencing high levels of pollutants. This plant will contribute to higher levels of pollution.

We believe your Department has a responsibility under Executive Order 12898, February 11, 1994, to go beyond mere technical compliance review in isolation without regard to the overall and future environmental impact. As the regulatory agency for the State, who better can discharge the responsibility for environmental justice. We previously raised this issue and again request a full investigation and hearing on the current air quality and long-term projection prior to permitting any additional polluters.

Sincerely,



Clarence Rowe

CR:r

April 20, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Clarence Rowe
418 Pennsylvania Avenue
Rockledge, Florida 32955

Re: Oleander Power Project

Dear Mr. Rowe:

Thank you for your input on the Oleander project. I have been asked by Mr. Fancy to respond to your letter addressed to him concerning comments on the Notice of Intent to Issue Air Construction Permit for the Oleander Power Project in Brevard County. Your comments appear to fall within three categories and I will attempt to address them herein.

1. Your first comment deals with the point that several presenters at the March 3rd public meeting had requested pre-construction ozone monitoring to be completed before approval of the plant. The Department was asked to consider this issue in the approval process. In response to the request, the Department provided its analysis in the "Technical Evaluation and Preliminary Determination", a copy of which was previously forwarded to you. In summary, the existing rules authorize an exemption to this requirement, if the project emissions fall below "de Minimus" values, which this project does. Therefore, the Department does not have the authority to require the monitoring, but has asked the applicant to consider, as a good corporate citizen, the installation and operation of a station in the neighborhood to provide the citizens with requested information about air quality in the area.
2. Your second comment notes that regional water bodies such as the St. Johns River and the Indian River Lagoon will be affected by the pollution from the proposed project. Our authority to issue Air Construction permits is based upon the project's impact on the ambient air quality standards. This project meets those criteria for issuance of a permit.
3. Your third comment deals with the concept of environmental justice and refers to Executive Order 12898. As noted, you had raised this issue in a prior letter, to which Mr. Linero had responded. Our Office of General Counsel (OGC) is of the opinion that review of this project is limited to the applicable rules and statutes and these do not address the issue of so-called "environmental fairness". I believe that this is the extent to which I can review this issue for you. Should you need to speak with someone else, the appropriate person would be Douglas Beason in the Office of General Counsel, at 850/921-9624.

Thank you for your comments and your interest in this project.

Sincerely,

Michael P. Halpin
New Source Review Section

/mph
cc: Douglas Beason
Clair Fancy

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 08-Feb-1999 10:23am

From: Mike Halpin TAL
HALPIN_M

Dept: Air Resources Management

Tel No: 850/921-9532

To: Doug Beason TAL (BEASON_D)

Subject: FWD: Re: Phone Correspondence re: Oleander

Doug -

I understand (from Al Linero's memo which is attached) that he forwarded to you my recent documentation of the subject phone correspondence. I inherited this project from Susan DeVore and she indicated to me that you were agreeable to attending the public meeting in Cocoa on March 3rd. I would appreciate the opportunity to briefly discuss this project with you as there are some issues that I am fairly sure will be raised at the meeting which are legal in nature and would be appropriate for you to comment on. One item that I need your input on deals with "environmental fairness"; this issue was specifically raised by a Mr. Clarence Rowe in a February 1st letter to Clair Fancy and I am not knowledgeable enough to address it personally.

Please call or come by (Title V / NSRS section) at your convenience.

Thanks

Mike Halpin
921-9530

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 10-Feb-1999 05:01pm

From: Mike Halpin TAL
HALPIN_M

Dept: Air Resources Management

Tel No: 850/488-0114

To: Howard Rhodes TAL (RHODES_H)

Subject: Question for you

Howard -

Our paths don't cross much these days, but I hope you're doing well (with the "changing of the guard" and whatnot). I'm doing fine and staying quite busy. I do have a question related to an issue with Oleander and I figured that you may be the best source for the answer (or at least to point me to the person with the answer).

We received a letter from a local resident about this project, requesting that we deny a permit and he (twice) in the letter referred to the concept of "environmental fairness" as a basis. He stated that he perceived the project as a "crass commercial venture foisted upon a low income community because they are without political muscle to prevent the act". Although I have a sense for what the issue is all about (I recall the issue arising in conjunction with Orimulsion) I could find no one back then that could explain it to me.

Our public meeting is scheduled in 3 weeks (on March 3rd) and I will be the one on the "hot seat", hence I'd like to be somewhat versed on the issue. Can you assist? Thanks!

Mike

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 05-Feb-1999 12:14pm
Expires: 12-Feb-1999 00:00am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Alvaro Linero TAL (LINERO_A)
CC: Clair Fancy TAL (FANCY_C)
CC: Cleve Holladay TAL (HOLLADAY_C)

Subject: Phone Correspondence re: Oleander

I received a phone call at 11am today (2/5) from a Mr. Mike Stallings. The purpose of his call was (apparently) to discuss Oleander and to be sure that he was included on the correspondence for the project. He additionally had several comments/questions as follows:

1) Is the DEP officially "neutral" but also on "their" (the opposition to the plant) side?

I stated that our job was to ensure that the applicant met all requirements of the State and Federal rules and laws as they pertain to air. I indicated that if the applicant complies with all requirements, we are obligated to issue a permit.

2) I commented that we were still planning to hold a public meeting on March 3rd to review the permit application with the general public. He asked if the sole purpose of the meeting is to solicit public comment? I stated that our purpose is to educate the public on what the applicant has applied for and review what the rules require. I also stated that we would review the proposed plant's corresponding effects on air emissions. I noted that we would then solicit public comment in order to determine if all factors had been considered in the issuance of a permit.

3) He asked what were some examples of public input that could be included in the permit?

I told him that off the top of my head, I wasn't sure. However, if the public comment revealed a rule that had been overlooked, we certainly would address that.

4) When are you required to issue an "intent to issue"?

I stated that I thought that we had 30 days from the applicant's last submission (earlier this week) in order to deem the application as complete or not. Presuming that it is complete, we should be in a position by the public meeting (March 3rd) to declare our intentions.

5) He asked if we would be able to deny a permit if the applicant had lied in the application?

I indicated that I had never heard of an applicant lying, and presumed that it may be possible to deny an application on that basis. However, I noted that if there were an error in an application, it is more likely that to be an

oversight. I stated that we require a P.E. to certify that the application is correct and by doing so, the P.E. puts his or her reputation and livelihood on the line. Hence, I operate under the assumption that the information is accurate, and if not is an honest mistake.

6) Mr. Stallings then noted that he was under the impression that power plants were not sited in South Florida due to tighter restrictions around the Everglades. He asked if this was accurate?

I stated that to my knowledge a power plant could be sited in South Florida, however if it was near a "protected area" (of which I suspect the Everglades is) the restrictions on the plant would likely be tougher due to the tighter rules regarding air quality impacts in those areas.

7) Mr. Stallings asked at what point a hearing could be requested. I indicated that I thought that after the Department has "noticed" an intent to issue an air permit, anyone was able to request this type of thing (an Administrative Hearing), given that certain requirements were met (of which I am not knowledgeable).

I would like to be sure that the appropriate folks in our Legal Dept. are aware of the issues above, as they are likely to be raised at the public meeting.

M.P.Halpin

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 05-Feb-1999 08:25pm

From: Alvaro Linero TAL
LINERO_A

Dept: Air Resources Management

Tel No: 850/921-9532

Subject: Re: Phone Correspondence re: Oleander

Mike. I think your answers are sensible. I forwarded the E-Mail to Doug Beason. Maybe you can prepare a package for Doug with a very distilled version of the application and copies of correspondence to date. Al.

INTEROFFICE MEMORANDUM

Date: 23-Feb-1999 08:39am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Doug Beason TAL (BEASON_D)
CC: Alvaro Linero TAL (LINERO_A)

Subject: Oleander meeting next Wednesday

Doug -

I haven't heard back from you yet, but thought that I'd send a small sample of the comments that I've received. I need to spend a few minutes discussing similar related issues as soon as possible. This was received by e-mail and I would specifically like your thoughts on item 5 below.

Thanks
Mike

Mr. Halpin,

I appreciate your informing me of the Public Workshop, as well as the fact that the project, as currently proposed, appears to be capable of meeting the rules for an air permit. I do have a few questions, however.

1. What is the specific reason that Oleander Power Project has reduced their hours of operation, on oil, to 1,500, as opposed to 2,000?
2. Did Constellation Power provide written confirmation, as you requested, from the City of Cocoa, that the amount of water usage, you specified in your December letter, can be supplied? And what, exactly, is the expected water usage of their current proposal?
3. What was Constellation Power's specific response, to your December letter, concerning the 20,000 tanker trucks of oil expected to meet their needs? And what is the expected tanker truck need now?
4. What was Constellation Power's response to your question about the 60' stack height? And where else, in Florida or in the country, is their a similar project with just 60' stacks? Does your determination, for an air permit, depend on comparing this proposal to another project with similar characteristics?
- 5.. What exactly is the Public Workshop's purpose? Does public input have any bearing on DEP's decision of whether or not to issue an air permit or is it simply a formality?

Also, I would appreciate your sending me a copy of the agenda for the Public Workshop.

You can mail it, fax it, or e-mail it to aspbb@yahoo.com.

Marlene Adams
4405 S. Hopkins Ave.
Titusville, FL 32780
(407) 268-0923
(407) 268-3119 - Fax

Thank-you.
M. Adams

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 25-Feb-1999 05:01pm

From: Alvaro Linero TAL
LINERO_A

Dept: Air Resources Management

Tel No: 850/921-9532

To: Mike Halpin TAL (HALPIN_M)

Subject: Call from Clarence Row about Oleander

Mike. This gentleman (Clarence Row) talked with Charlotte. He wanted Clair. He says he sent Clair a letter dated February 1 and has not received a response. I called gim and left a message on his machine. I left him your phone and E-Mail and encouraged him to call you. Can you follow up? Thanks. Al.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 26-Feb-1999 08:10am

From: Mike Halpin TAL
HALPIN_M

Dept: Air Resources Management

Tel No: 850/488-0114

To: Alvaro Linero TAL (LINERO_A)

To: Doug Beason TAL (BEASON_D)

Subject: Re: Call from Clarence Row about Oleander

Al -

(I've left the text to your message below).

This is the gentleman that wrote the letter requesting that the project not be approved on the basis of "environmental fairness". It was written to Clair and someone left it on my desk.

I am not adequately versed on this subject to provide a reply and have given a copy of Mr. Rowe's letter to Doug Beason. If he contacts me, I will need to defer to Doug.

Doug can you please assist?

Thanks

Mike

Mike. This gentleman (Clarence Row) talked with Charlotte. He wanted Clair. He says he sent Clair a letter dated February 1 and has not received a response. I called gim and left a message on his machine. I left him your phone and E-Mail and encouraged him to call you. Can you follow up? Thanks.
Al.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 27-Feb-1999 12:24pm

From: Kim Tober TAL
TOBER_K

Dept:

Tel No:

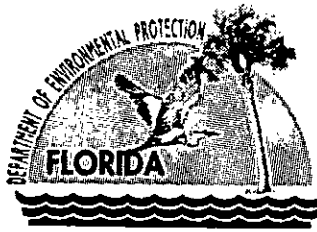
To: Doug Beason TAL (BEASON_D)

To: Mike Halpin TAL (HALPIN_M)

Subject: Letter About Oleander to Clarence Rowe

Doug. I believe Mike sent you a letter from Mr. Rowe. Mr. Rowe called me to say he would like a written reply so I went ahead and prepared one and already sent it to him. We will get similar questions on the issue of "Environmental Justice" or, in Mr. Rowe's words, Environmenbtal Fairness." We will also get questions regarding why the project will not be reviewed for need and siting. The answers are in the letter. You might want to double-check my opinion on it.

Thanks. Al.



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
February 27, 1999

David B. Struhs
Secretary

Mr. Clarence Rowe
418 Pennsylvania Avenue
Rockledge, Florida 32955

Dear Mr. Rowe:

Thank you for your letter dated February 1 regarding the Oleander Power permit application and your calls following it up. Your letter asked that we consider your concerns and deny the permit. We are still considering the application and comments received to-date. We will determine shortly whether we intend to issue the permit and will publicly notice that decision. Thereafter, we will consider additional comments in making a final decision on the matter in several months.

We will provide the Public with our most up-to-date information at the meeting scheduled on March 3. Attached is the agenda. The meeting was noticed in the Orlando Sentinel (Brevard Edition) and the Florida Administrative Weekly. We also informed those individuals and County officials who asked to be advised of developments regarding the application.

Attached is the information you requested regarding emissions from existing and planned power plants in Brevard County. Interestingly, the proposed plant has about the same capacity as each of the existing plants. However the maximum annual emissions possible from the proposed Oleander facility are much lower than the actual emissions from the existing three plants. We expect the actual emissions from the Oleander Plant (if permitted) to be substantially less than the maximum values given for that proposed plant just as the existing plants actually emit much less total pollution than allowed.

As we discussed, this project will not undergo a "Need Determination" by the Public Service Commission or "Site Certification" by the Governor and Cabinet in accordance with Sections 403.501-518 of the Florida Statutes. These are required for projects that produce electrical energy from steam. The power generated from the Oleander Project derives from direct conversion of mechanical energy from the gas turbines to electrical power without undergoing a steam cycle.

Our review will be largely based on the ambient air quality effects of the project and our rule requirement to make a determination of the "Best Available Control Technology" for it. I understand Brevard County passed a moratorium on construction of power plants until the local Code of Ordinances is amended. They will take public input on the matter. We do not have an "Environmental Fairness" criterion (such as you mentioned in your letter) in the governing statutes and rules that allows us to deny air permits on that basis. However we are appreciative of the issue and forwarded your letter to our Office of General Counsel to research the matter in more detail and provide us a more precise opinion.

If you have any further questions regarding this project, please contact Mike Halpin at 850/921-9530. Feel free to submit additional questions and comments at the meeting on March 3.

Sincerely,

A. A. Linero, P.E. Administrator
New Source Review Section

AAL/aal

Enclosures

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 14-Apr-1999 04:42pm

From: Mike Halpin TAL
HALPIN_M

Dept:
Tel No:

To: Doug Beason TAL (BEASON_D)
CC: Patricia Comer TAL (COMER_P)
CC: Alvaro Linero TAL (LINERO_A)
CC: Clair Fancy TAL (FANCY_C)
CC: Joseph Kahn TAL (KAHN_J)

Subject: FWD: Letter About Oleander to Clarence Rowe

Doug -

I received another phone call today from Mr. Rowe. You might recall that Mr. Rowe was the gentleman inquiring about "Environmental Fairness" in conjunction with the Oleander Project. I had given you my copy of his letter to Clair (dated early February) for your use. To my knowledge, that is where the issue was first raised on this project.

He indicated to me that based upon Al's letter to him dated February 27, 1999 (which I have attached) he was awaiting a response on Al's statement "However we are appreciative of the issue and forwarded your letter to our Office of General Counsel to research the matter in more detail and provide us a more precise opinion." He specifically expects a written opinion from "General Counsel" and direction on how he can proceed to "register" his claim so as to achieve a result.

I indicated to him that I would contact you and relay his request. He stated that another letter (from him) was forthcoming, but did not provide details on who it was addressed to or what issues were being raised.

I need your help on this, as I am not the right person to address the issue. His address is in the attached letter.

Thanks

Mike Halpin

INTEROFFICE MEMORANDUM

Date: 15-Apr-1999 11:43am
From: Doug Beason TAL
BEASON_D
Dept: Office General Counsel
Tel No: 850/488-9314

To: Patricia Comer TAL (COMER_P)
To: Mike Halpin TAL (HALPIN_M)

Subject: Re: FWD: Letter About Oleander to Clarence Rowe

Mike - I don't think it is necessary to conduct further research and issue an opinion. I think Al's letter pretty much sums it up - our review is limited to the applicable rules and statues and the applicable rules and statutes don't address environmental fairness. If you or Al think that it is necessary to inform Mr. Rowe that I agree with the statement in Al's letter, then please do so.

I suggest you talk that over with Doug. My response is pretty much for future reference. Doug will have to litigate this case.

INTEROFFICE MEMORANDUM

Date: 15-Apr-1999 11:51am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Doug Beason TAL (BEASON_D)
CC: Alvaro Linero TAL (LINERO_A)
CC: Patricia Comer TAL (COMER_P)

Subject: Re: FWD: Letter About Oleander to Clarence Rowe

Doug -

Thanks for the input. I still need some help, though. I am certain that Mr. Rowe expects something further (in writing, based on his comments to me) from us on the matter. How do you recommend that we (I?) respond to further letters and phone calls?

Mike

Mike - I don't think it is necessary to conduct further research and issue an opinion. I think Al's letter pretty much sums it up - our review is limited to the applicable rules and statues and the applicable rules and statutes don't address environmental fairness. If you or Al think that it is necessary to inform Mr. Rowe that I agree with the statement it Al's letter, then please do so.

I suggest you talk that over with Doug. My response is pretty much for future reference. Doug will have to litigate this case.

INTEROFFICE MEMORANDUM

Date: 15-Apr-1999 11:54am
From: Doug Beason TAL
BEASON_D
Dept: Office General Counsel
Tel No: 850/488-9314

To: Mike Halpin TAL (HALPIN_M)

Subject: Re: FWD: Letter About Oleander to Clarence Rowe

Mike - you or Al can send him a letter indicating that OGC is of the opinion that review is limited to the applicable rules and statutes and that the rules and statutes do not address the issue of so-called "environmental fairness." You can address all further inquiries to my office.

Doug -

Thanks for the input. I still need some help, though. I am certain that Mr. Rowe expects something further (in writing, based on his comments to me) from us on the matter. How do you recommend that we (I?) respond to further letters and phone calls?

Mike

Mike - I don't think it is necessary to conduct further research and issue an opinion. I think Al's letter pretty much sums it up - our review is limited to the applicable rules and statutes and the applicable rules and statutes don't address environmental fairness. If you or Al think that it is necessary to inform Mr. Rowe that I agree with the statement in Al's letter, then please do so.

I suggest you talk that over with Doug. My response is pretty much for future reference. Doug will have to litigate this case.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 15-Apr-1999 01:44pm
From: Alvaro Linero TAL
LINERO_A
Dept: Air Resources Management
Tel No: 850/921-9532

To: Mike Halpin TAL (HALPIN_M)
To: Doug Beason TAL (BEASON_D)
CC: Patricia Comer TAL (COMER_P)
CC: Jeffrey E. Brown TAL (BROWN_JE)

Subject: Re: FWD: Letter About Oleander to Clarence Rowe

Hey Mike and Doug. I go along with Doug's advice. Thanks Doug.

Doug. We first met with Oleander in November (before they submitted an application and before Mike was assigned the project). At that time, David Dee and Mr. Wolfinger of Oleander were interested in knowing how to address Environmental Justice in their application. I don't remember if you or Jeff Brown attended the meeting. It was left to David and OGC to discuss. I do know that it was not addressed in the application. We did not deem it incomplete on that point.

Like we discussed prior to the March public meeting, it is an item likely to come up at one or both public meetings. We know that there is/was a Department contact named Michael Owens. He was going to offer to get together with OGC to discuss Environmental Justice.

At the May public meeting or in discussions with Mr. Rowe, we will limit our discussion to what we already said and know. You (Doug) may want to help us effectively communicate this at the meeting (if it does come up).

Thank you. Al Linero.

Mr. Clarence Rowe
April 20, 1999
Page 2 of 2

April 20, 1999

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Clarence Rowe
418 Pennsylvania Avenue
Rockledge, Florida 32955

Re: Oleander Power Project

Dear Mr. Rowe:

Thank you for your input on the Oleander project. I have been asked by Mr. Fancy to respond to your letter addressed to him concerning comments on the Notice of Intent to Issue Air Construction Permit for the Oleander Power Project in Brevard County. Your comments appear to fall within three categories and I will attempt to address them herein.

1. Your first comment deals with the point that several presenters at the March 3rd public meeting had requested pre-construction ozone monitoring to be completed before approval of the plant. The Department was asked to consider this issue in the approval process. In response to the request, the Department provided its analysis in the "Technical Evaluation and Preliminary Determination", a copy of which was previously forwarded to you. In summary, the existing rules authorize an exemption to this requirement, if the project emissions fall below "de Minimus" values, which this project does. Therefore, the Department does not have the authority to require the monitoring, but has asked the applicant to consider, as a good corporate citizen, the installation and operation of a station in the neighborhood to provide the citizens with requested information about air quality in the area.
2. Your second comment notes that regional water bodies such as the St. Johns River and the Indian River Lagoon will be affected by the pollution from the proposed project. Our authority to issue Air Construction permits is based upon the project's impact on the ambient air quality standards. This project meets those criteria for issuance of a permit.
3. Your third comment deals with the concept of environmental justice and refers to Executive Order 12898. As noted, you had raised this issue in a prior letter, to which Mr. Linero had responded. Our Office of General Counsel (OGC) is of the opinion that review of this project is limited to the applicable rules and statutes and these do not address the issue of so-called "environmental fairness". I believe that this is the extent to which I can review this issue for you. Should you need to speak with someone else, the appropriate person would be Douglas Beason in the Office of General Counsel, at 850/921-9624.

Thank you for your comments and your interest in this project.

Sincerely,

Michael P. Halpin
New Source Review Section

/mph
cc: Douglas Beason
Clair Fancy

INTEROFFICE MEMORANDUM

Date: 03-May-1999 08:46am

From: Mike Halpin TAL
HALPIN_M

Dept:

Tel No:

To: Doug Beason TAL (BEASON_D)
CC: Alvaro Linero TAL (LINERO_A)
CC: Joseph Kahn TAL (KAHN_J)
CC: Clair Fancy TAL (FANCY_C)

Subject: Another phone call from Mr. Rowe

Doug -

I've been out of the office, but I received a voice-mail from Mr. Rowe on the Oleander issue on Friday, 4/30. Although his message was cut short in "midstream", he indicated that he had spoken to you and that he was unsatisfied with the responses. He was asking me to have someone return his call to provide him a satisfactory response. I am passing this along to you because I don't know how else to handle it (I am sure that I cannot adequately clarify what you have passed along to him).

I've attached the letter which I last wrote him for reference.

Thanks

Mike



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David Struhs
Secretary

May 3, 1999

Mr. Clarence Rowe
418 Pennsylvania Avenue
Rockledge, Florida 32955

Re: Oleander Power Project

EXTRA COPY
AS PER
MR ROWE'S
REQUEST.

As noted during our recent conversation, the Department is responsible for regulating the construction and operation of major stationary air pollution sources within the State of Florida. As part of this program and pursuant to federal law, the Department undertakes Prevention of Significant Deterioration ("PSD") review with respect to the construction of major facilities which result in a significant net increase in the emissions of a regulated air pollutant.

Chapter 62-212 contains the preconstruction review requirements for proposed new facilities. Rule 62-212.400, F.A.C., contains the general preconstruction review requirements and specific requirements for emission units subject to PSD review. The provisions of the rule generally apply to the construction or modification of a major stationary source located in an area in which the state ambient air quality standards are being met. The Department's PSD requirements include the application of Best Available Control Technology (BACT) to control the emission of a regulated air pollutant.

Florida's PSD permitting program is based on the PSD permitting standards set forth in the federal Clean Air Act of 1970, as amended by the Clean Air Act Amendments of 1977. Florida has fulfilled the requirements of administering the federal PSD program by obtaining the EPA's approval of its state regulations. These PSD permitting standards are an essential element of Florida's State Implementation Plan. The significance of EPA's approval is the EPA's determination that Florida's PSD program satisfies the requirements of federal law. Florida's State Implementation Plan, containing PSD permitting regulations, is embodied in Chapters 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. Enclosed are copies of the above-referenced rules.

During our recent conversation you raised a general question as to the applicability of Executive Order 12898 to the Department's review of the pending PSD permit application for the Oleander electrical power plant. The Executive Order provides in pertinent part that each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.

As I noted during our conversation, the Department's review of the pending permit application is limited to a determination of whether the applicant has provided reasonable assurance of compliance with the requirements of the Department's PSD program. The Department's permitting decision is driven by an analysis of the environmental impacts resulting from the emission of regulated air pollutants from the proposed facility.

The provisions of the above-referenced Executive Order concerning environmental justice have not been adopted either by rule or by statute as part of the Department's federally approved PSD program. However, this does not mean the Department's actions in reviewing the PSD permit application are not subject to review for compliance with Title VI of the Civil Rights Act of 1964. The U.S. Environmental Protection Agency is the federal agency responsible for ensuring that the Department's PSD Program does not "use criteria, methods, or practices the discriminate on the basis of race, color, or national origin.

Enclosed for your review is a copy of an Interim Guidance Document for the Investigation of Title VI Administrative Complaints Challenging permits. I would suggest that any comments or questions that you may have concerning the Department's compliance with Title VI be directed to the E.P.A.'s Office of Civil Rights, Mail Code 1201, Washington, D.C., 20460. The phone number for the Office of Environmental Justice is (800) 962-6215.

Please feel free to contact my office should you have any questions.

Sincerely,

W. Douglas Beason, Esq.



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David Struhs
Secretary

May 3, 1999

Mr. Clarence Rowe
418 Pennsylvania Avenue
Rockledge, Florida 32955

Re: Oleander Power Project

As noted during our recent conversation, the Department is responsible for regulating the construction and operation of major stationary air pollution sources within the State of Florida. As part of this program and pursuant to federal law, the Department undertakes Prevention of Significant Deterioration ("PSD") review with respect to the construction of major facilities which result in a significant net increase in the emissions of a regulated air pollutant.

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As I noted during our conversation, the Department's review of the pending permit application is limited to a determination of whether the applicant has provided reasonable assurance of compliance with the requirements of the Department's PSD program. The Department's permitting decision is driven by an analysis of the environmental impacts resulting from the emission of regulated air pollutants from the proposed facility.

The provisions of the above-referenced Executive Order concerning environmental justice have not been adopted either by rule or by statute as part of the Department's federally approved PSD program. However, this does not mean the Department's actions in reviewing the PSD permit application are not subject to review for compliance with Title VI of the Civil Rights Act of 1964. The U.S. Environmental Protection Agency is the federal agency responsible for ensuring that the Department's PSD Program does not "use criteria, methods, or practices the discriminate on the basis of race, color, or national origin.

Enclosed for your review is a copy of an Interim Guidance Document for the Investigation of Title VI Administrative Complaints Challenging permits. I would suggest that any comments or questions that you may have concerning the Department's compliance with Title VI be directed to the E.P.A.'s Office of Civil Rights, Mail Code 1201, Washington, D.C., 20460. The phone number for the Office of Environmental Justice is (800) 962-6215.

Please feel free to contact my office should you have any questions.

Sincerely,

W. Douglas Beason, Esq.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 06-May-1999 03:19pm

From: Alvaro Linero TAL
LINERO_A

Dept: Air Resources Management

Tel No: 850/921-9532

To: Doug Beason TAL (BEASON_D)

To: Mike Halpin TAL (HALPIN_M)

To: Patricia Comer TAL (COMER_P)

Subject: Re: Clarence Rowe

Doug. Thank you for preparing the letter to Clarence. This was the "opinionClair and I read it over. We both thought it was good. Al.

INTEROFFICE MEMORANDUM

Date: 22-Feb-1999 12:38pm
From: Aspbb
Aspbb@aol.com@PMDF@EPIC66
Dept:
Tel No:

To: HALPIN_M (HALPIN_M@A1@DER)

Subject: Re: Application for Air Construction Permit - Oleander Po

Mr. Halpin,

I appreciate your informing me of the Public Workshop, as well as the fact that the project, as currently proposed, appears to be capable of meeting the rules for an air permit. I do have a few questions, however.

1. What is the specific reason that Oleander Power Project has reduced their hours of operation, on oil, to 1,500, as opposed to 2,000?
2. Did Constellation Power provide written confirmation, as you requested, from the City of Cocoa, that the amount of water usage, you specified in your December letter, can be supplied? And what, exactly, is the expected water usage of their current proposal?
3. What was Constellation Power's specific response, to your December letter, concerning the 20,000 tanker trucks of oil expected to meet their needs? And what is the expected tanker truck need now?
4. What was Constellation Power's response to your question about the 60' stack height? And where else, in Florida or in the country, is their a similar project with just 60' stacks? Does your determination, for an air permit, depend on comparing this proposal to another project with similar characteristics?
- 5.. What exactly is the Public Workshop's purpose? Does public input have any bearing on DEP's decision of whether or not to issue an air permit or is it simply a formality?

Also, I would appreciate your sending me a copy of the agenda for the Public Workshop.

You can mail it, fax it, or e-mail it to aspbb@yahoo.com.

Marlene Adams
4405 S. Hopkins Ave.
Titusville, FL 32780
(407) 268-0923
(407) 268-3119 - Fax

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 25-Feb-1999 04:55pm
From: Alvaro Linero TAL
LINERO_A
Dept: Air Resources Management
Tel No: 850/921-9532

To: Aspbb (Aspbb@aol.com@PMDf@EPIC66)
CC: Mike Halpin TAL (HALPIN_M)

Subject: Re: Fwd: Application for Air Construction Permit - Oleander Po

Ms. Adams. I received the message in the following paragraph. I have forwarded it to Mr. Halpin who is the assigned Department contact on these issues. You may call him at 850/921-9530 if you like, and he can call you back. Also you can E-Mail him directly at halpin_m@dep.state.fl.us

Thank you. Al Linero.

YOUR MESSAGE WAS:

"Mr. Linero,

I appreciate you sending me a copy of Oleander's (Golder Associates) response to your letters of Dec. 17th and 22nd. However, the questions that I posed to Mr.Halpin (on Feb. 22nd) included several items that can not be answered by their responses. They are questions directly to FDEP and I would appreciate an answer.

Thank-you,

Marlene Adams"

INTEROFFICE MEMORANDUM

Date: 26-Feb-1999 11:16am

From: Mike Halpin TAL
HALPIN_M

Dept:

Tel No:

To: Aspbb (Aspbb@aol.com@PMDf@EPIC66)
CC: Cleve Holladay TAL (HOLLADAY_C)
CC: Alvaro Linero TAL (LINERO_A)
CC: Doug Beason TAL (BEASON_D)
CC: Kim Tober TAL (TOBER_K)

Subject: Re: Application for Air Construction Permit - Oleander Po

Ms. Adams -

I understand that you have contacted Mr. Linero requesting Department responses to your questions below. We had forwarded you a copy of Constellation's responses to our questions and had planned to try to address remaining issues at the public meeting. However, I will attempt to do comply with your request at this time. Below is the text of your e-mail message with my responses:

Mr. Halpin,

I appreciate your informing me of the Public Workshop, as well as the fact that the project, as currently proposed, appears to be capable of meeting the rules for an air permit. I do have a few questions, however.

1. What is the specific reason that Oleander Power Project has reduced their hours of operation, on oil, to 1,500, as opposed to 2,000?

I can only speculate as to why the applicant reduced their requested hours of operation on oil from 2000 to 1500 and am unaware of any requirement to do so. However, since the result of it is a reduction in emitted air pollutants, I find it to be positive. My preliminary conclusion on this topic does include a recommendation for a further reduction (to 1000 hours) for similar reasons.

2. Did Constellation Power provide written confirmation, as you requested, from the City of Cocoa, that the amount of water usage, you specified in your December letter, can be supplied? And what, exactly, is the expected water usage of their current proposal?

The applicant provided confirmation (in their February 1 response to our questions) that the City Of Cocoa is capable of meeting their water requirements. I have confirmed this with the City of Cocoa Water Department. Please be aware that we as an Air Regulation Bureau, we do not require other permits such as water, zoning, etc. These are the responsibility of the applicant and other Agencies. The question about water was asked of the applicant only to have a reasonable assurance that the method of controlling a specific air pollutant (NOx) while combusting oil is achievable, since water

injection is the proposed method. In the event that the applicant is unable to secure the water needed, the applicant can choose to burn gas only, or to resubmit an application (these are two possibilities I can think of).

With regards to the quantity of water required, the applicant answered the question in their response. Of note, a further reduction of oil operation (as I noted in my response to question 1 above) will result in a corresponding further reduction in their water requirements.

3. What was Constellation Power's specific response, to your December letter, concerning the 20,000 tanker trucks of oil expected to meet their needs? And what is the expected tanker truck need now?

Constellation's response was forwarded to you. The same logic applies here concerning a further reduction in hours of oil operation.

4. What was Constellation Power's response to your question about the 60' stack height? And where else, in Florida or in the country, is there a similar project with just 60' stacks? Does your determination, for an air permit, depend on comparing this proposal to another project with similar characteristics?

Constellation's response was forwarded to you. Regarding stack height (in general terms) plants with higher emission rates of pollutants require higher stack heights in order to ensure proper dispersion. Conversely, plants with lower emission rates are able to employ lower stack heights. The proposed 60' stack height provides ample dispersion for this project and ensures that there will be no significant air quality impacts. The determination is not based upon

similar projects, but rather is specifically evaluated for each project. I am unable to provide you with a complete listing of where else there are 60' stacks, however I can pass along that my records indicate that a recently installed unit at the City of Gainesville's Deerhaven Generating Station (began commercial operation in 1995) which is of similar technology (simple cycle combustion turbine) has a 52' stack. Although it's permitted emission rate is higher than the Constellation proposal while firing natural gas, it is similar to it in other emission rates. Also, it is similarly permitted for 3900 hours of operation of which 2000 hours may be on oil.

5.. What exactly is the Public Workshop's purpose? Does public input have any bearing on DEP's decision of whether or not to issue an air permit or is it simply a formality?

There are multiple purposes to the meeting/workshop, one of which is that there are requirements to do so under certain conditions. As a representative of the Air Division of DEP, I plan to use the meeting to explain the application to interested parties, to provide my initial evaluation of it's impact, and use the public input to ensure that all air-pollution issues have been addressed.

Also, I would appreciate your sending me a copy of the agenda for the Public Workshop.

You can mail it, fax it, or e-mail it to aspbb@yahoo.com.

I've attached a copy of the agenda (in Word 97 format) and hope that the information I have provided is useful to you.

Michael P. Halpin

MEETING AGENDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION
7:00 pm - 9:00pm MARCH 3, 1999
BREVARD COUNTY AGRICULTURAL CENTER
THIS MEETING IS OPEN TO THE PUBLIC

1. Introduction Vivian Garfein, Director, FDEP Central District
2. Public Participation Process Douglas Beason, OGC.
3. Application Details Michael P. Halpin
4. Ambient Air Impact/Modeling Cleveland G. Holladay
5. Public Comments
6. Adjourn

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 26-Feb-1999 12:43pm
From: Alvaro Linero TAL
LINERO_A
Dept: Air Resources Management
Tel No: 850/921-9532

To: Aspbb (Aspbb@aol.com@PMDf@EPIC66)
CC: Mike Halpin TAL (HALPIN_M)

Subject: Re: Application for Air Construction Permit - Oleander Po

Ms. Adams. Hello again!

I referred the matter to Mr. Halpin. He will get back to you. I only gave you his phone number in case you want to call him about it. I recommend that you E-Mail Mr. Halpin (halpin_m@dep.state.fl.us) directly about the status of your issues so he can update you faster. Feel free to copy me so I can follow them up with him.

Thanks again. Al Linero.

YOUR MESSAGE WAS:

"Mr. Linero,
I forwarded my original questions that I had already sent to Mike Halpin. I assumed that because I received an agenda for the March 3rd meeting, that Mike Halpin had referred my questions to you. I am confused. Is Mr. Halpin going to e-mail me back the answers or are you saying that I must call him to get them?
Thank-you,
Marlene Adams"

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 31-Jan-1999 03:04pm

From: Alvaro Linero TAL
LINERO_A

Dept: Air Resources Management

Tel No: 850/921-9532

To: See Below

Subject: Local Air Ordinance Authority

To Ms. Marlene Adams. Your question was:

"Can a local county implement requirements for polluting industries, as far as air pollution is concerned, that exceed DEP's limits? I have found local ordinances in states around the country that are far tougher than our local requirements (Brevard County) for air pollution. I was told by county officials that local government cannot exceed DEP's air pollution standards. Is this true?? If not, can you direct me to cities or counties in Florida that have already enacted pollution prevention ordinances that exceed DEP's?"

My response is:

I am not in a position to evaluate what authority your county has based on its charter, etc. I certainly cannot confirm or dispute an opinion provided by your county officials. I am aware that a Clean Air Ordinance was proposed to the Alachua County Commission. It was not passed by the Commission, but was placed on the November ballot through a petition and barely lost. I know that it proposed some standards that are more strict than those of the Department of Environmental Protection. I do not know what further action might have been required had it passed.

I know that the City of Jacksonville had or has an odor ordinance that is more strict than that of the Department. Broward County had or has a more strict biomedical waste incinerator rule than that of the Department. I also recall that Manatee County had an air ordinance. It "sunset" and then was revived. It may have had a provision or two that are more strict than those of the Department.

There have been a number of legal cases and perhaps changes in statutes that can affect the answer. What may have been a correct answer 5 years ago could be different if given a year ago or next year. I really do not know any more and can only recommend that you work with your local officials on the matter. They can contact the other counties to check the present status of the mentioned ordinances and the authority to write them.

By the way, the contact on the Oleander Project within the Department is Mike Halpin. Please follow up any technical or administrative matters with him. Ms. DeVore resigned her full-time job and will not be involved in the Oleander project. Thank you. Al Linero.

Distribution:

To: Aspbb (Aspbb@aol.com@PMDF@EPIC66)
CC: craigbock (craigbock@yahoo.com@PMDF@EPIC66)
CC: RKnodel (RKnodel@aol.com@PMDF@EPIC66)
CC: Patricia Comer TAL (COMER_P)
CC: Susan DeVore TAL (DEVORE_S)
CC: Mike Halpin TAL (HALPIN_M)

INTEROFFICE MEMORANDUM

Date: 06-Jan-1999 04:22pm
From: Mike Stallings
mikestallings@yahoo.com@PMDf@EPIC66
Dept:
Tel No:

Subject: water consumption

Al, I saw your letter to Mr. Wolfinger of Dec 22, 98. In paragraph number 2, you mention water consumption in LBS/HR per turbine and then extend that to GALLONS/HR for all 5 turbines. The next point you make says that the plant will use 748 MILLION GALLONS per year. Could you please double check those figures for me? We come up with just over a million gallons per day with about 90 days per year (2000 hrs), this works out to about 100 million gallons per year. Our figures just include the water added on a 1:1 ratio with fuel when using #2 fuel oil. It does not include any water for exhaust gas cooling. Thanks for your assistance, Mike S.

DO YOU YAHOO!?

Get your free @yahoo.com address at <http://mail.yahoo.com>

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 06-Jan-1999 06:25pm

From: Alvaro Linero TAL
LINERO_A

Dept:

Tel No:

To: Mike Halpin TAL (HALPIN_M)

CC: Susan DeVore TAL (DEVORE_S)

Subject: FWD: water consumption

Mike. I believe this was your issue. Please follow up. Mr. Bock's phone number is somewhere in our records. I recommend a call rather than preparing a thorough written explanation. We can just copy him on Oleander's reply when we get it (assuming it addresses the point). However, we should consider all public comments in our review of the project.

Thanks. Al.



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

December 22, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Richard L. Wolfinger, Vice President
Oleander Power Project, L.P.
250 West Pratt Street, 23rd floor
Baltimore, MD 21201

Re: Request for Additional Information No. 2
DEP File No. 0090180-001-AC (PSD-FL-258)
Oleander Power Project - Five 190 MW Combustion Turbines

Dear Mr. Wolfinger:

Further to our letter dated December 17, 1998 and in an effort by the Department to gain reasonable assurance as to how the proposed power plant will operate, additional information is requested. Should your response to any of the below items require new calculations, please submit the new calculations, assumptions, reference material and appropriate revised pages of the application form.

- 1) What commitment has been received from FGT concerning their ability to supply OPP's gas consumption requirements? Please provide documentation from FGT specifying that:
 - FGT is capable of accommodating OPP's gas supply needs. [Based upon application, the requirements appear to be 1.81 mmcf/hr per machine or 9.05 mmcf/hr for all 5 machines]
 - What quantity of the 9 mmcf/hr gas is to be contracted as readily available or "firm".
 - What quantity of the 9 mmcf/hr gas is to be considered as occasionally available or "interruptible".
 - For "interruptible" supplies, please provide FGT's probability estimates for gas availability during peak power periods in quantities up to 9 mmcf/hr.
- 2) What commitments have been received concerning water supplies? Please provide documentation from local water suppliers (e.g. the City of Cocoa) or appropriate permitting agencies that:
 - OPP's water supply needs for NO_x control (water injection during oil firing) can be met [based upon application, the requirements appear to be at least 120,900 lb/hr per machine or 362,000 gallons/hr for all 5 machines]

- Annual water consumption for NO_x control of 724 million gallons per year can be met [assumes 2000 hours per year oil operation on all 5 turbines].
- 3) Describe the impacts of the fuel oil delivery. Based upon the application, trucking of the fuel oil is contemplated. At 2000 hours per year of oil operation on all 5 turbines, an annual oil consumption of approximately 146 million gallons may be consumed, or approximately 20,000 truckloads.

Rule 62-4.050(3), F.A.C. requires that all applications for a Department permit must be certified by a professional engineer registered in the State of Florida. This requirement also applies to responses to Department requests for additional information of an engineering nature. Please note that per Rule 62-4.055(1): *“The applicant shall have ninety days after the Department mails a timely request for additional information to submit that information to the Department..... Failure of an applicant to provide the timely requested information by the applicable date shall result in denial of the application.”*

If you have any questions, please call Mike Halpin (permit engineer) at 850/921-9530.

Sincerely,

A.A. Linero, P.E. Administrator
New Source Review Section

cc: Gregg Worley, EPA
John Bunyak, NPS
Len Koslov, DEP CD
Ken Kosky, P.E., Golder Associates

INTEROFFICE MEMORANDUM

Date: 07-Jan-1999 09:58am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: mikestallings@yahoo.com@in
CC: Alvaro Linero TAL (LINERO_A)
CC: Susan DeVore TAL (DEVORE_S)

Subject: Re: water consumption question

Mr. Stallings:

I was asked to contact you by Mr. Linero, but have been unable to locate your phone number. Concerning the subject of water consumption at Oleander's proposed plant, you identified a discrepancy between the FDEP's water consumption calculations and your own. I would propose that we await the applicant's response to this issue (which should be forthcoming soon), but would be willing to further discuss it with you, if you like. Please forward your telephone number if you wish to further discuss.

Sincerely,
Mike Halpin

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 15-Dec-1998 02:10pm

From: Alvaro Linero TAL
LINERO_A

Dept: Air Resources Management

Tel No: 850/921-9532

To: Susan DeVore TAL (DEVORE_S)

To: Mike Halpin TAL (HALPIN_M)

Subject: FWD: E-mail Inquiry on the Oleander Power Plant

Hi. This letter came in through the Ombudsman's Office. I replied by sending a copy of what we already sent Ms. Whitfield who lives nearby. Al.

INTEROFFICE MEMORANDUM

Date: 15-Dec-1998 09:12am
From: Joni Scott TAL
SCOTT_J@EPIC6A1@EPIC9
Dept: Office of Ombudsman
Tel No: 850/921-1222

Subject: E-mail Inquiry on the Oleander Power Plant

Hi Al,

We received this e-mail with concerns over the proposed Oleander Power Plant. Since your office is handling the permit processing phase, could someone from you office please respond directly back to Ms. Adams? Thanks so much, Joni Scott, Ombudsman's Office

From: Marlene L. Adams
E-mail Address: Aspbb@aol.com
Phone: 407/268-0923
Fax: 407/268-3119

"The Oleander Power Project (currently being reviewed by DEP for permitting) is going to build this plant in the middle of our residential neighborhoods on just a 38 acre site with only 60 foot stacks. They are not even going to provide electricity or jobs to our area, and yet we are going to suffer the air pollution and resource usage by this company. Is there not some regulation that prohibits this type of construction in the middle of residential areas, with only 60 foot stacks, and is clearly not in the best interests of the citizens surrounding this plant???? I would appreciate a response and some direction to find any regulations that may help us prevent this intrusion into our quality of life. Thank-you."

December 10, 1998

Ms. Kay Whitfield
2505 Trotters Trail
Cocoa, Florida 32926

Dear Ms. Whitfield:

Secretary Kirby Green asked us to respond to your November 24 letter about the power plant proposed in Brevard County.

An application was received during the week of November 24 from Oleander Power for an air permit to construct five 190 megawatt simple cycle gas and distillate oil-fired combustion turbines. Enclosed is the application narrative. The application is being reviewed and a determination will be made as to whether it is complete or if the applicant must provide additional information regarding the project.

Once the application is complete, within 60 days, a preliminary determination will be made to issue or deny. Shortly thereafter, the applicant, interested persons, and your elected officials will be provided with copies of the intended action and any relevant documents. A notice will be published in a newspaper having general circulation in your county and providing opportunities for public comment.

A public meeting in Brevard County is being considered prior to the issuance of an Intent. You will be advised of the venue when it is known.

Some of your concerns relate to zoning matters that do not come under the purview of our review. However, we contacted your local zoning official who informed us that the issue of public participation related to power plant planning in Brevard County will be considered at the County Commission's meeting of December 15. Enclosed is a copy of the Commission Agenda that was downloaded from the County website.

In your letter you mentioned water discharge permits. By copy of this letter, we are asking Richard Drew, Chief, Bureau of Water Facilities Regulation, to provide comments regarding any concerns about water pollution that he may have. Mr. Drew can be contacted at (850)487-0563.

Your interest in this matter is welcomed. If you have any questions, please call Al Linero at 850/921-9523 or Susan Devore-Fillmore at 850/921-9537 in the Tallahassee office. Len Kozlov is the Air Program Administrator in our Central District office. His address is 3319 Maguire Boulevard, Suite 232, Orlando 32803-3767. He may be contacted directly at 407/894-7555.

Sincerely,

C. H. Fancy, Chief
Bureau of Air Regulation

CHF/aal

enclosures

cc: Richard Drew, BWFR