

**ORLANDO UTILITIES COMMISSION**

500 SOUTH ORANGE AVENUE • P. O. BOX 3193 • ORLANDO, FLORIDA 32802 • (305) 423-9100

October 21, 1981

GRACE C. LINDBLOM  
President

Mr. Steve Smallwood, Chief  
Bureau of Air Quality Management  
Department of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32301

W. M. SANDERLIN  
First Vice President

Dear Mr. Smallwood:

I. RICHARD WEINER  
Second Vice President

Orlando Utilities Commission (OUC) has filed a Prevention of Significant Deterioration (PSD) permit application for Stanton Energy Center Units 1 and 2. OUC has reviewed the recently proposed PSD regulations to determine their potential impact upon that PSD permit application. The review indicated that the period when PSD authority is being transferred to the DER could pose problems for our PSD permit application for the Stanton Energy Center. These potential problems would be eliminated by the addition of a "safety net" clause to your final PSD regulations. The attached "safety net" provision is suggested by OUC. It would allow the DER to take final action under the final PSD regulations on pending PSD permit applications if the following conditions are met.

BILL FREDERICK  
Mayor

- 1) The EPA grants PSD authority to Florida after the date of submittal of a substantially complete application.
- 2) The EPA refuses to issue the PSD permit.

CHARLES J. HAWKINS  
Immediate Past President

In similar situations involving other states, the EPA-Region IV refused to issue the PSD permit if the public notice of the proposed permit was not published prior to the transfer of PSD authority.

CURTIS H. STANTON  
Executive Vice President  
& General Manager

OUC would like to see such permits issued by Florida without the applicant having to refile the application or interrupt the schedule for power plant site certification.

Sincerely yours,

*B. E. Shoup*

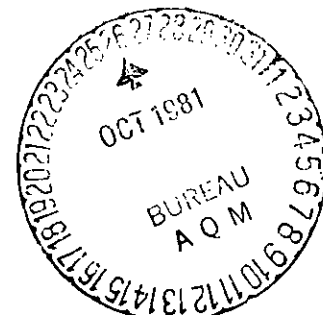
B. E. Shoup  
Director  
Environmental Division

GURNEY, GURNEY &  
HANDLEY, P.A.  
General Counsel

BES/jh  
Attachment

J. THOMAS GURNEY, SR.  
P.O. Box 1273  
Orlando, FL 32802  
305/843-9500

- cc: Mr. C. H. Stanton w/attachment  
Mr. H. C. Luff w/attachment  
Mr. L. E. Stone w/attachment  
Mr. W. H. Herrington w/attachment  
Mr. P. C. Cunningham w/attachment  
Mr. J. T. Gurney, Sr. w/attachment  
Mr. T. B. Tart w/attachment  
Mr. E. C. Windisch w/attachment  
Mr. S. M. Day w/attachment



DRAFT PSD "SAFETY NET" PROVISION

Insert as Florida Administrative Code Chapter 17-2.500(1)(b) and redesignate existing subsections (b) and (c) as (c) and (d) respectively.

(b) Applicability to applications on file

Applications for a permit required by Section 165 of the Clean Air Act which meet the following criteria shall be deemed to have been filed and shall be reviewed in accordance with this section, Section 17-2.500, and will not require refiling.

- (1) The application was filed prior to November 1, 1981.
- (2) The EPA has not taken final action on the application.
- (3) The EPA has transferred full PSD permitting authority on delegation by the Department.