

# Hopping Green & Sams

Attorneys and Counselors

May 23, 2008

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MAY 23 2008

BUREAU OF AIR REGULATION

*Via Hand Delivery*

Trina Vielhauer, Chief  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

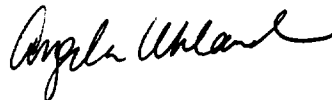
RE: Florida Municipal Power Agency  
Cane Island Power Park Unit 4  
Air Permit No. PSD-FL-400  
Air Permit No. 0970043-014-AC  
Proof of Publication of Public Notice of Intent to Issue Air Permit

Dear Ms. Vielhauer:

Please find the enclosed Proof of Publication of Public Notice of Intent to Issue Air Permit published May 17, 2008, in the Osceola News Gazette on behalf of our client, Florida Municipal Power Agency (FMPA), for the above-referenced Cane Island Power Park Unit 4.

If you have any questions, please contact me at 850.425.2258.

Sincerely,



Angela Morrison Uhland  
Hopping Green & Sams, P.A.

cc: Toni Sturtevant, Department of Environmental Protection  
Susan Schumann, Florida Municipal Power Agency  
Mike Soltys, Black & Veatch

Enclosure

375968

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**In The Matter Of:**

**PUBLIC NOTICE OF  
INTENT TO ISSUE AIR  
PERMIT**

**FIRST PUBLICATION:**

May 17, 2008

**LAST PUBLICATION:**

May 17, 2008

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**PROOF OF  
PUBLICATION**

*From*

**OSCEOLA NEWS-GAZETTE**

**Kissimmee, Florida  
OSCEOLA COUNTY**

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**STATE OF FLORIDA  
COUNTY OF OSCEOLA**

Before me, the undersigned authority, personally appeared Sinya Mrabti, who on oath says that she is the Legal Clerk of the Osceola News-Gazette, a twice-weekly newspaper published at Kissimmee, in Osceola County, Florida; that the attached copy of the advertisement was published in the regular and entire edition of said newspaper in the issues of:

**May 17, 2008**


Affiant further says that the Osceola News-Gazette is a newspaper published in Kissimmee, in said Osceola County, Florida, and that the said newspaper has heretofore been continuously published in said Osceola County, Florida, each week and has been entered as periodicals postage matter at the post office in Kissimmee, in said Osceola County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



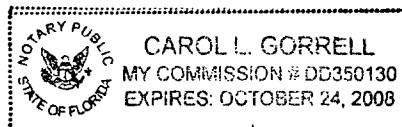
**Sworn and subscribed before me by Sinya Mrabti,**

**who is personally known to me,**

**this 20<sup>th</sup> day of May, 2008**



Carol L. Gorrell



**Applicant:** The applicant for this project is the Florida Municipal Power Agency (FMPA). The applicant's authorized representative and mailing address are: Mr. Roger Fontes, General Manager and CEO, Florida Municipal Power Agency, 8553 Commodore Circle, Orlando, Florida 32819.

**Facility and Location:** FMPA and the Kissimmee Utilities Authority (KUA) jointly own the existing Cane Island Power Park (CIPP), which is located in Osceola County at 6075 Old Tampa Highway, Intercession City, Florida. The CIPP consists of three natural gas-fueled units with a combined capacity of 410 megawatts (MW).

**Project:** On April 1, 2008 FMPA submitted an application for an air construction permit pursuant to the rules for the Prevention of Significant Deterioration (also called a PSD Permit) in Rule 62-212.400, Florida Administrative Code (F.A.C.) for a nominal 300 MW natural gas-fueled combined cycle unit (Unit 4) and ancillary equipment at the CIPP. Unit 4 will be owned by FMPA and operated by KUA.

The project consists of: a nominal 150 MW General Electric 7FA gas-fueled combustion turbine-electrical generator, a supplemental duct-fired heat recovery steam generator (HRSG), a nominal 150 MW steam-electrical generator, a nominal 160-foot stack, a mechanical draft cooling tower with drift eliminators, a diesel engine fire pump and a nominal 750 kilowatts safe shutdown diesel generator. The full details of the project are in the documents available at the web site given in the Project File section further below.

FMPA's estimates of maximum potential annual emissions in tons per year (TPY) from the proposed CIPP Unit 4 project are summarized in the following table.

Pollutants	Potential Emissions (TPY)	Significant Emission Rate (TPY)
CO	179	100
NO <sub>x</sub>	78	40
PM/PM <sub>10</sub>	177/177	25/15
SAM	24	7
SO <sub>2</sub>	45	40
VOC	23	40

Determination of best available control technology (BACT) was required for emissions of carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM/PM<sub>10</sub>), sulfuric acid mist (SAM), and sulfur dioxide (SO<sub>2</sub>). NO<sub>x</sub> emissions will be controlled by selective catalytic reduction (SCR) to achieve 2.0 parts per million by volume, dry, at 15 percent oxygen (ppmvd). Emissions of CO will be controlled to 4.1 ppmvd and a limit of 8.0 ppmvd will apply when duct firing is practiced in the HRSG. Emissions of PM/PM<sub>10</sub>, SAM, SO<sub>2</sub>, and volatile organic compounds (VOC) will be controlled to very low levels by good combustion and use of inherently clean pipeline quality natural gas. Ammonia emissions (NH<sub>3</sub>) generated due to NO<sub>x</sub> control will be limited to 5 ppmvd.

According to the applicant, maximum predicted air quality impacts due to emissions from the proposed project are less than the significant impact levels applicable to all areas, including the areas in the vicinity of the project (i.e. PSD Class II Areas) and the PSD Class I Chassahowitzka National Wildlife Refuge. Therefore, multi-source modeling was not required for ambient air quality standards or Class II and Class I PSD increments. Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or contribute to a violation of any state or federal ambient air quality standard.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters F.A.C. 62-4, 62-210, and 62-212. The proposed project is not exempt from air permitting requirements and an Air Permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite 4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, Mail Station (MS) 5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above. In addition, electronic copies of these documents are available by entering the file number provided above where indicated on the following web site: [www.dep.state.fl.us/Air/permitting/construction/cane\\_island.htm](http://www.dep.state.fl.us/Air/permitting/construction/cane_island.htm)

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit and requests for a public meeting for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 (Telephone: 850/265-2241; Fax: 850/245-2303). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petitioner must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding in accordance with the requirements set forth above.

**Mediation:** Mediation is not available in this proceeding.  
May 17, 2008