



# The Audubon Society of the Everglades

October 6, 2003

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OCT 08 2003

BUREAU OF AIR REGULATION

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

RE: Title V Air Operation Permit Renewal  
Draft Permit Project No. 0990042-003-AV  
Riviera Beach Power Plant, Palm Beach County, Florida

Dear Ms. Vielhauer:

On behalf of the Audubon Society of the Everglades with more than 3,000 members in Palm Beach County, we are writing regarding the above referenced power plant.

We are aware of the fact that you can automatically issue a renewal permit for this facility because it was grandfathered many years ago. However, that is not good reason to issue a new permit. It was a bad decision then and a worse one in 2003.

The plant is located in Riviera Beach in a blighted area that is in the throes of re-development. The plant has contributed to area's current condition. But that is not all. The stacks spew smoke and soot to surrounding areas as well. Residents of West Palm Beach, Singer Island and Palm Beach Shores are all 'victims' of the plant as are surrounding marinas and docks with expensive boats and watercraft.

The results of this plant's unchecked controls besides the obvious dirt and filth include attendant health issues such as heart problems, asthma, emphysema, allergies of numerous varieties and cancers of various ilk. Depending on wind direction, Phil Foster Park located to the north of the facility, is a heavily used public facility visited by families with babies and young children as well as senior citizens; all of whom are susceptible to these types of health problems.

Florida Power and Light has not been a responsible or good corporate citizen. The company seems to think they do not have to adhere to rules and regulations. When asked to perform in an environmentally sound manner they ignore the people making the request as if they will suffer high financial losses. This is a company that pays their executives million dollar salaries. This is a company that has an extremely high rate

Audubon Society of the Everglades  
October 6, 2003 -Page 2

structure. This is a company that needs to become more responsible to their rate-payers in addition to their stockholders.

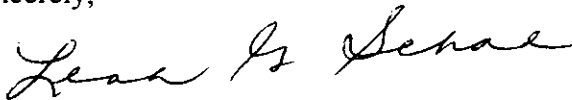
We respectfully request that this plant be demolished. However, if that cannot be done then we ask that Florida Power and Light be required to 'clean up their act.' We request that scrubbers be installed in order to provide cleaner air emissions at the stacks. We would also ask that Florida Power and Light be required to burn cleaner fuel and not the spent oil they are now using.

A recent article in The Washington Post referenced a report from the Office of Management and Budget in which the department pointed out all the positive results from enforcing the new rules and regulations of the Clean Air Act. It pointed out a reduction of emergency room visits, loss of time in the work place and premature deaths.

Florida Power and Light should be held to the same standards. The people of Palm Beach County deserve better treatment.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Leah G. Schad".

Leah G. Schad  
For the Board, Audubon Society of the Everglades

Copy: Mr. Greg Worley  
US Environmental Protection Agency  
Air Permits Section  
61 Forsythe Street  
Atlanta, Georgia 30303



August 29, 2003

Mr. Scott M. Sheplak P.E.  
Florida Department of Environmental Protection  
Bureau of Air Regulation – MS 5505  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

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SEP 02 2003

BUREAU OF AIR REGULATION

**Re: Public Notice of Intent to Issue Title V Air Operating Permit Renewal**

Dear Scott:

Pursuant to rule 62-110.106 (5), F.A.C., this letter is to inform you that the required "Public Notice of Intent to Issue Title V Air Operating Permit Renewal" has been published for Florida Power & Light's Riviera Power Plant on August 26<sup>th</sup>, 2003. The proof of publication provided by the Palm Beach Post is attached.

If you have any questions or require additional information, please contact myself at phone number (561) 845-3154 or Gary Moncrief at (561) 845-3103.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Smith".

Jeff Smith  
Responsible Official

# THE PALM BEACH POST

Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

## PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Wendy Elliott**, who on oath says that she is **Telephone Sales Supervisor** of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being **Notice** in the matter of **DEP Title V** was published in said newspaper in the issues of **August 26, 2003**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/her 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.

*Wendy Elliott*

Sworn to and subscribed before this 26<sup>th</sup> day of August, A.D. 2003

*[Signature]*

Personally known XX or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



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SEP 02 2003

BUREAU OF AIR REGULATION

NO. 7524669  
PUBLIC NOTICE OF INTENT  
TO ISSUE TITLE V AIR  
OPERATION PERMIT  
RENEWAL  
Department of  
Environmental Protection  
Title V Air Operation Permit  
Renewal  
DRAFT Permit No.:  
0990042-003-AV  
Florida Power & Light  
Company  
Riviera Plant  
Palm Beach County  
The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to Florida Power & Light for their Riviera Plant located at 200-300 Broadway, Riviera Beach, Palm Beach County. The applicant's name and address are: Florida Power & Light Company Riviera Plant; Mr. Rick Blomgren, Plant Manager, 200-300 Broadway, Riviera Beach, Florida 33408.  
The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.  
The permitting authority will accept written comments concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.  
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 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, 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 fourteen 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 applicable 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (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, 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 petitioner's substantial rights will be affected by the agency determination;
- (c) A statement of how and when the petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so state;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action 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 notice of intent. 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 is not available for this proceeding. In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive,  
Suite 4  
Tallahassee, Florida, 32301  
Telephone: 850/488-0114  
Fax: 850/922-6979

Palm Beach County  
Health Department  
Air Section  
901 Evernia Street  
West Palm Beach, FL 33401  
Phone: 561/355-3070  
Fax: 561/355-2442

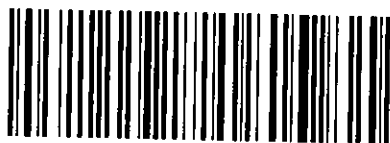
The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.  
PUB: The Palm Beach Post  
August 26, 2003



Gary D. Moncrief  
 Florida Power & Light Co.  
 200-300 Broadway  
 Riviera Beach, Fl. 33404

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
 OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

**CERTIFIED MAIL**



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U.S. POSTAGE  
 RIVIERA BEACH, FL  
 33404  
 AUG 28 '03  
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**RETURN RECEIPT  
 REQUESTED**

Scott Sheplak P.E.  
 Florida Dept. of Env. Protection  
 Bureau of Air Regulation - MS 5505  
 2600 Blair Stone Road  
 Tallahassee, Fl. 32399-2400

Barkin handle S.H.F.

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AUG 27 2003

BUREAU OF AIR REGULATION

Aneda Sanders  
5200 N. Flagler Dr. #703  
West Palm Beach, FL 33407  
561.863.3272

August 25, 2003

Scott Sheplek  
Bureau of Air Regulation  
2600 Blair Stone Road  
Tallahassee, FL 32399

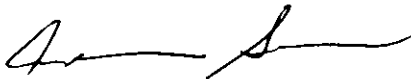
Dear Mr. Sheplek,

Per our conversation, please forward the affidavit of proof, regarding the public hearing notice for the "Title V Operation Permit" for the Riviera Beach Power Plant, that was or is going to be published in the local newspaper.

Please note the specific date and section in which the notice was published.

Thank you.

Sincerely,



Aneda Sanders

cc: Trina Vielhauer, Chief

ALBOS 2003/08/25

11/02/03