

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Public Informational Meeting
Title V Air Operation Permit Renewal
Florida Power and Light Company – Riviera Beach Power Plant**

**Palm Beach County Health Department, Division of Environmental Science &
Engineering, 901 Evernia Street
West Palm Beach, Florida**

**SEPTEMBER 23, 2003
5:00 p.m. – 7:00 p.m.**

THIS MEETING IS OPEN TO THE PUBLIC

- | | | |
|--------------------|------------------------------|-------------------------|
| <i>I.</i> | <i>INTRODUCTION</i> | Department Staff |
| <i>II.</i> | <i>PRESENTATION</i> | Department Staff |
| <i>III.</i> | <i>PUBLIC COMMENT</i> | |
| <i>IV.</i> | <i>ADJOURNMENT</i> | |

THIS IS A RECONSTRUCTION OF A PORTION OF THE RECORD OF THE
PUBLIC MEETING OF SEPTEMBER 23, 2003

This meeting was recorded on tape but, due to mechanical difficulties, part of the recorded record is not retrievable. The rest of the received public comments are reconstructed from the notes and memory of the DEP and PBCHD attendees.

Don Kasten

(note-a part of Mr. Kasten's comments are available on the tape recording.)
Mr. Kasten has offered his balcony for monitoring purposes. He thinks that FPL Riviera Plant should be converted to natural gas.

Deborah Evans

Ms. Evans represents the Sierra Club.
She thinks the legal notices advertising the permit intent are inadequate and compared the permit notices to the advertisement-type notices used by the DEP for Siting notices (although she did not use the term "Siting"). She thinks the DEP should use the larger notices for permits.
She stated that FPL should be a good neighbor.
She stated that if cost is a factor in controls, the costs of cleaning buildings and patios and cars and boats should also be considered. She also stated that health costs should also be considered and "the cost of cleaning water".
She downloaded the permit from the DEP website but didn't get copies of all the appendices. She only recently obtained the appendices. She stated that the appendices are quite large and detailed and she requested additional time to comment .

John Koch

Mr. Koch is a retired economics professor who taught public utility regulation as part of his courses.
Mr. Koch stated that the Riviera plant should no longer be part of the rate base since it is fully depreciated. He said that replacement would likely cause rates to increase but the community should and would pay more. "It isn't fair that these people should be so affected."
Mr. Koch also said that the land is valuable and could be used for something else.
He stated that public utilities aren't responsive to the public anymore.

Kay Gates

Mrs. Gates represents the Sierra Club. She lives in Boynton Beach and flew into the area before the meeting. When she flew in she observed the brown haze. She stated that anyone flying into the area sees that brown haze.
She stated that FPL may not be a public company but it is still a monopoly. As a monopoly, it has obligations to the public.

Ms. Weise, who also had spoken earlier, returned to the podium and stated that the school open house was that night and requested another meeting in a larger room.

Mr. Nord returned to the podium and asked if anyone from FPL was going to speak or respond.

Mr. Bob Minning, the meeting moderator, stated that representatives of FPL had been able to fill out a speaker card, if any wished to speak but none did.

Mr. Minning then stated that he had no more speaker cards and closed the open comment portion of the meeting at 6:45 but allowed oral comment into the private microphone until 7 PM and written comments until September 25.

THOMAS JAMES SADLER

September 23, 2003

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

RECEIVED

SEP 23 2003

BUREAU OF AIR REGULATION

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:

This is to request that the 30 day public comment process under Rule 62-110.106 of the Florida Administrative Code be reopened for the above referenced Title V Air Operation Permit Renewal No. 0990042-003-AV, for the Riviera Beach Power Plant facility in Palm Beach County, Florida.

The public comment period should be kept open for such time as is necessary to allow community members and interested parties to review the above reference permits and to prepare substantive comments.

By limiting the comment period to 30 days, community members and interested parties are placed at a significant disadvantage. As non-professionals, the amount of time required for members of the general public to review and prepare effective comments as part of the Title V process far exceeds the allotted 30 day period.

Further, many interested organizations meet only once in any given 30 day time period. These groups cannot effectively engage in the Title V review process with proper organizational authority and approval. As such, many interested parties are disenfranchised from informing themselves about the operation of major sources of air pollution like Riviera Beach power plant and are precluded from availing themselves of this official forum for voicing their concerns.

For the aforementioned reasons, I request that you extend the public comment period for the Title V Air Operation Permit for the Riviera Beach Power Plant in Palm Beach County, Florida.

Thank you for your attention to this matter.

Sincerely,



cc: Mr. Greg Worley
US EPA
Air Permits Section
61 Forsythe Street
Atlanta, GA 30303
Fax (404) 562-9019

RECEIVED

SEP 23 2003

BUREAU OF AIR REGULATION

September 23, 2003

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:

These comments are submitted on behalf of myself and the Palm Beach County Clean Power Coalition, a coalition of concerned citizens working to enhance and protect local air quality. We thank the Florida Department of Environmental Protection for this opportunity to comment on this important matter. Our specific comments and concerns about the Draft Permit, our concerns about the Riviera Beach Power Plant, and our concerns about the Title V air operation permitting process and other permitting processes in general, are set forth below.

I. Inadequacy of Public Notice

Under 40 C.F.R. §70.7(h) "all permit proceedings... shall provide adequate procedures for public notice including an opportunity for public comment and a hearing on the draft permit." Presently Florida Department of Environmental Protection requires only that notice be published in the notice section of a single daily newspaper. We request that FDEP amend its rules and require: one, that all Title V Air Operation Permit notices be published in the Florida Administrative Weekly as the official publication of record; two, that all permits be published on the internet web site; and three, that all notices be published in at least one local daily newspaper and that the notice appear in a prominent location within the newspaper.

II. General Concerns

Riviera Beach Power Plant (RBPP) first began operation in 1953. The remaining power generation Units 3 and Units 4 began operation in 1962 and 1964 respectively. These units were constructed prior to the Clean Air Act of 1970 and as such have been exempted from the most stringent emissions restrictions of the present Clean Air Act. The result is that these units are allowed to emit air pollution at a rate far exceeding emissions from facilities built subsequent to the Clean Air Act of 1970. In 2000, RBPP emitted 16,770 tons of sulfur dioxide and 5,606 tons of nitrogen dioxide emissions. By comparison, the Lauderdale facility, managed by Florida

Power and Light in Broward County, emitted just 16 tons of sulfur dioxide and 3,143 tons of nitrogen dioxide, while generating almost three times as much power as RBPP.

It is obvious that the technology needed to significantly reduce emissions from RBPP is readily available to the managers of this facility. We call on FDEP to use the permitting process and its authority as Florida's primary regulator of power plant emissions to require FPL to bring RBPP out from under the "grandfather" provisions of the Clean Air Act and require FPL to meet the highest standard for emission control consistent with best available control technology as soon as technically feasible.

III. Environmental Justice

The Riviera Beach Power plant is located on the southeast corner of the municipality of Riviera Beach. As such, its operations have a direct and significant impact on the health and well being of residents throughout south Florida. The municipalities of West Palm Beach, Riveria Beach, and Palm Beach are especially affected by these operations. Residing within the immediate proximity to RBPP is a significant low-income, minority community. This community is forced to assume a disproportionate share of the negative impacts of the air pollution emitted from this facility.

The US Department of Environmental Protection has endorsed the concept of Environmental Justice. Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or a socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations.

We request that FDEP address this issue of environmental justice as part of the Title V permitting process, and include comment on specific steps which will be taken to mitigate the disproportional impact of the air operations of RBPP on the low-income, minority residents living in close proximity to this facility.

IV. December 1997 EPA Objection Letter

On December 11, 1997, the U.S. Department of Environmental Protection sent an letter to the Florida Department of Environmental Protection, objecting to the approval of the Title V draft permit that was under consideration at that time. See attachment A. The letter outlined a series of specific concerns related to the air operations of RBPP.

We request that FDEP include specific notes and comments as part of the final Title V Air Operation Permit for Riviera Beach Power Plant outlining the specific steps taken to address the concerns outlined in the 1997 EPA objection letter, and the ongoing procedures for ensuring continued compliance in addressing these concerns.

V. Permitting Frequency

While Title V air operation permits are general renewed every five years, it is within the discretion of FDEP to require that the permit be renewed more frequently. We request that the FDEP require Title V permitting for older facilities like RBPP be renewed on a three year basis.

VI. RBPP Specific Title V Permitting Concerns

1. Burning of Used Oil – Paragraph A.37 allows the burning of used fuel oil at RBPP. We request that this language be stricken from the permit, and that the fuel mix at RBPP be limited to the natural gas and the cleanest grades of fuel oil.
2. Continuous Air Monitoring (CAM) – Section III, Subsection A seems to indicate that Continuous Air Monitoring does not apply to generation unit 3 or unit 4. Under the CAM rule published by EPA on October 22, 1997, sources subject to the rule must follow established criteria in monitoring the operation and maintenance of control equipment. This rule would seem to apply to RBPP. As such we request that FDEP strike the language in Subsection A, and make the CAM rule applicable to RBPP.
3. Excess Emissions – The language in Draft Permit A.11 is vague. It seems to allow excess emissions from malfunctioning equipment on an indefinite basis. We request that this paragraph provide specific direction as to what best management practices are to be deployed to ensure that the absolute minimal excess emissions occur as a result of any malfunction.
4. VE Tests should be required for all operations – The provisions of Paragraph A.18 exempting certain operations from visible emissions (VE) compliance testing should be eliminated.
5. PM Tests should be required for all operations -- The provisions of Paragraph A.19 exempting certain operations from particulate matter (PM) testing compliance testing should be eliminated.
6. Testing Methods – Language proscribing methods of testing appearing in Paragraphs III and A.20, A.22, A.23 and elsewhere should be reworded. As drafted, this language may be construed to limit the use of credible evidence, and thus may be used to limit what evidence may be used to prove violations. This language should be reworded to reflect that data collected through comparable testing methods is valid in proving violations.
7. Frequency of Testing for VE – Testing as outlined in paragraph A.5 for visible emissions should occur more frequently. We request that FDEP require monthly testing for VE emission compliance.
8. Frequency of Testing – Testing as outlined in paragraph A.14 should be done on a monthly basis
9. Sulfur Dioxide Testing – Accuracy auditing of SO₂ emissions monitoring as outlined in paragraph A.15 should be done on a monthly basis.
10. Frequency of Compliance Testing – General compliance testing as provided for in paragraph A.17 should be done on a monthly basis.

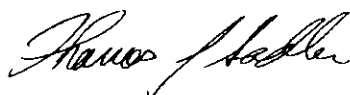
11. Permit Shield – The Draft Permit fails to make any mention of the provisions necessary for establishing a permit shield for the applicant. These provisions should be specifically outlined in the permit.
12. Acid Rain Program Requirements -- The Draft Permit indicates that the RBPP facility is subject to the provisions of the Title IV acid rain program requirements. The acid rain provision of the Draft Permit provide no comments, notes or justifications for the permit application. We request that this section for the permit include comments related to the adequacy of past and future compliance.
13. Specific language missing from the Draft Permit -- The Draft Permit fails to include the following required conditions. These conditions should be included in the permit:
 - a. Permit Term §70.6(a)(2) – The permit term shall not exceed 5 years.
 - b. Severability Clause – 70.6(a)(5) – In the event of challenge to any portion of the permit, the rest of the permit remains valid.
 - c. Duty to Comply 70.6(a)(6)(I) – The permittee must comply with all conditions of the permit. Noncompliance constitutes a violation of the Act and is grounds for enforcement, permit termination, revocation and reissuance, or modification, or for denial of permit renewal.
 - d. Halting/reducing activity not a defense -- 70.6(a)(6)(ii)
 - e. Reopening for Cause – 70.6(a)(6)(iii) The permit may be modified, revoked, reopened, or terminated for cause. Filing of requests for permit action by permittee does not stay any permit condition.
 - f. Reopening for Cause – 70.7(f) Conditions for reopening and revising a permit.
 - g. Property Rights – 70.6(a)(6)(iv) No property rights are conferred by the permit.
 - h. Duty to provide information – 70.6(a)(6)(v)
 - i. Payment of fees – 70.6(a)(7)
 - j. Inspection and entry – 70.6(c)(2)
 - k. Permittee will comply with future requirements -- 70.5(c)(8)(iii)(B) & 70.6(c)(3)

VII. Conclusion

We respectfully request that these specific changes be incorporated into the Title V Air Operations Permit for the Riviera Beach Power Plant, and that the proposed permit be rewritten to comply with all federal and District regulations.

Thank you for your time and consideration in addressing our concerns. If you have any questions, please contact Tom Sadler at (954) 442-2169.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Sadler".

cc: Mr. Greg Worley
US EPA
Air Permits Section
61 Forsythe Street
Atlanta, GA 30303
Fax (404) 562-9019

ATTACHMENT A

December 11, 1997

4APT-ARB

Howard L. Rhodes, Director
Air Resources Management Division
Florida Department of Environmental Protection
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permits for Florida Power & Light

Dear Mr. Rhodes:

The purpose of this letter is to provide comments to the Florida Department of Environmental Protection (DEP) on the following proposed title V operating permits for Florida Power & Light (FP&L): Manatee Plant, Putnam Plant, Lauderdale Plant, Martin Plant, Port Everglades Plant, Riviera Plant, and Turkey Point Plant, which were consecutively posted on DEP's web site from October 31, 1997, to November 17, 1997. Based on the Environmental Protection Agency's (EPA's) review of these proposed permits and the supporting information for each plant, EPA formally objects, under the authority of Section 505(b) of the Clean Air Act (the Act) and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of all seven permits on the basis that the permits do not fully meet the periodic monitoring requirements of § 70.6(a)(3)(i). In addition, EPA objects to some of the proposed permits because they contain deviations from applicable requirements and some of the permits do not ensure practical enforceability of certain permit terms.

As you know, 40 C.F.R. § 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or 40 C.F.R. Part 70. Section 70.8(c)(4) and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permits be submitted in advance in order that any outstanding issues may be addressed prior to the expiration of the 90-day period.

Pursuant to 40 C.F.R. § 70.8(c), this letter and the enclosures to it provide a statement of EPA's reasons for its objection. Enclosures 1 through 7 contain a detailed explanation of the objection issues specific to each permit and the changes necessary to make each permit consistent with the requirements of 40 C.F.R. Part 70. In some cases, the enclosure also contains general comments with regard to the individual permit.

With regard to the objection issue relating to periodic monitoring, EPA would like to emphasize that a permit that does not

contain adequate periodic monitoring, does not meet the requirements of 40 C.F.R. Part 70. Florida rule 62-213.440(1)(b)1.b. states that each Part 70 permit shall specify the following requirements with respect to monitoring:

"Where the applicable requirement does not specify a method for periodic testing or instrumental or noninstrumental monitoring, periodic monitoring sufficient to yield reliable data and demonstrate compliance with the permit. Such monitoring requirements shall assure use of recordkeeping terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement."

The cited State regulation is based on 40 C.F.R. § 70.6(a)(3)(i)(B), which requires each Part 70 permit to contain the following requirements with respect to monitoring: "Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit...."

Part 70's periodic monitoring requirements implement, in part, Section 504(a) of the Act, which requires that Part 70 permits contain "conditions as are necessary to assure compliance with applicable requirements of [the] Act, including the requirements of the applicable implementation plan" and Section 504(c), which requires "monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions." In addition, Section 114 of the Act requires "enhanced monitoring" for major stationary sources. The EPA's recently-issued compliance assurance monitoring (CAM) rule indicates that Part 70 periodic monitoring satisfies enhanced monitoring under the Act for emissions units not subject to Part 64's CAM requirements. See 62 Fed. Reg. 54900, 54904 (Oct. 22, 1997).

In determining whether a permit application has appropriate periodic monitoring to assure compliance with all permit terms and conditions and all applicable requirements, a permitting authority must first determine whether an applicable requirement already requires periodic testing or instrumental or noninstrumental monitoring. See 40 C.F.R. § 70.6(a)(3)(i)(B); 62-213.440(1)(b)1.b, F.A.C. Whether an underlying applicable requirement contains periodic monitoring or testing must be judged according to the criteria defining and governing periodic monitoring: namely, whether it is sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. In order for each permit to include monitoring that is sufficient to assure compliance with all applicable requirements, an applicant or permitting authority may have to enhance or supplement monitoring or testing in an existing applicable requirement through periodic monitoring that yields reliable and representative compliance data. (1) Alternatively, the underlying applicable requirement may already contain monitoring or testing sufficient to yield reliable data from the relevant time period that are representative of the source's

compliance with the permit, in which case the periodic monitoring requirement is satisfied and no additional monitoring is necessary.

We understand DEP's view of periodic monitoring to be that "additional monitoring requirements are to be imposed only when the applicable requirement does not specify or require any monitoring." [Letter from C.H. Fancy, Chief, Bureau of Air Regulation, Florida DEP to R. Douglas Neeley, Chief, Air and Radiation Technology Branch, Air, Pesticides and Toxics Management Division, U.S. EPA Region 4, (Nov. 6, 1997) (emphasis in original).] DEP has asserted that "[t]he 'adequacy' of such monitoring is not addressed nor defined in either Part 70 or Chapter 62-213, F.A.C." Id. We do not agree. As discussed above, periodic monitoring under Part 70 -- which is identical in material respects to Florida's regulations -- is defined by the criteria that govern the adequacy of periodic monitoring, whether that monitoring is contained in an applicable requirement or supplements an applicable requirement. All monitoring must be sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit.

One of our concerns is that DEP's view of periodic monitoring means that monitoring in an existing applicable requirement -- no matter how infrequent and no matter how inadequate to the task of compliance assurance -- may never be enhanced in order to assure compliance with an applicable requirement of the Clean Air Act. We do not believe that this gives the meaning due "enhanced monitoring" under Section 114 of the Act. If existing monitoring is inadequate to assure compliance and we accept DEP's view that the adequacy of such monitoring may not be addressed through supplemental periodic monitoring, then Title V permits would not meet the statutory and regulatory requirement to contain monitoring that is adequate to assure compliance with all applicable requirements. An applicable requirement which contains any monitoring that recurs on some cyclical basis -- which presumably could be once every year, five years, ten years or more -- does not mean such monitoring is "periodic" for purposes of Title V and the Clean Air Act.

Where EPA determines that permits do not contain periodic monitoring that will assure compliance with a permit's terms and conditions, EPA may object to those proposed permits and require that any final issued permits be reopened to address any deficiencies. EPA Region 4 will work with DEP to determine whether any of the State's final issued permits must be reopened to address issues relative to periodic monitoring.

We regret that we were unable to resolve these issues with your office prior to the expiration of the 45-day review period. However, we are fully confident that Florida DEP will act to respond to these concerns in a timely manner. If you have any questions or wish to discuss this further, please contact Mr. Douglas Neeley, Chief, Air & Radiation Technology Branch or Ms. Carla Pierce, Chief, Operating Source Section at (404) 562-9105. Should your staff need additional information they may

contact Ms. Yolanda Adams, Title V Technical Expert at (404) 562-9116, Mr. David McNeal, Monitoring Expert, at (404) 562-9102, or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

/S/ James S. Kutzman for

Winston A. Smith
Director
Air, Pesticides & Toxics
Management Division

Enclosures

cc: Mr. Adalberto Alfonso
Plant General Manager
FPL - Turkey Point Plant
P.O. Box 088801
North Palm Beach, FL 33408

Mr. John Stanton
Plant General Manager
FPL - Port Everglades and Lauderdale Plants
11770 U.S. Highway One
North Palm Beach, FL 33408

Mr. W.T. Bethea
Plant General Manager
FPL - Putnam Plant
11770 U.S. Highway One
North Palm Beach, FL 33408

Mr. James A. Keener
Plant General Manager
FPL - Martin Plant
11770 U.S. Highway One
North Palm Beach, FL 33408

Mr. John M. Lindsay
Plant General Manager
FPL - Riviera Plant
11770 U.S. Highway One
North Palm Beach, FL 33408

Mr. J.M. Parent
Plant General Manager
FPL - Manatee Plant
11770 U.S. Highway One
North Palm Beach, FL 33408

1. See, e.g., 62 Fed. Reg. at 54904 ("Part 70 currently requires all title V operating permits to include monitoring to assure compliance with the permit. This includes all existing monitoring requirements as well as additional monitoring (generally referred to as 'periodic monitoring') if current requirements fail to specify appropriate monitoring. ...[E]xisting monitoring when supplemented as necessary by periodic monitoring is sufficiently enhanced for emissions units not subject to part 64.")

Enclosure 6

U.S. EPA Region 4 Objections
Proposed Part 70 Operating Permit
Florida Power & Light, Riviera Plant

EPA objects to the issuance of this permit due to the following reasons:

(1) Periodic Monitoring - The permit does not require sufficient periodic monitoring to ensure compliance with the applicable opacity standard. The Riviera permit only requires an annual one hour Method 9 visible emissions reading. This does not constitute adequate periodic monitoring to ensure continuous compliance with the opacity standard. Since continuous opacity monitors (COMs) have been installed on the units in question, these monitors should be used to ensure compliance with the opacity standard. Requiring that the opacity monitors be used for conducting periodic monitoring imposes little or no additional burden on FP&L.

(2) Periodic Monitoring - The permit does not require sufficient periodic monitoring to ensure compliance with the applicable particulate matter standard. The Riviera permit requires an annual emission test to verify compliance with the applicable three-hour particulate emission standard. It has not been demonstrated that an annual emission test alone will constitute the basis for a credible certification of compliance with the particulate emission standard for Units 1 and 2. If the State believes that no additional monitoring is warranted to ensure compliance with the particulate standard it must provide a technical demonstration in the statement of basis identifying the rationale for basing the compliance certification only on data from a short-term annual test. Otherwise, the permit must be revised to identify additional monitoring that will be conducted in order to ensure compliance with the particulate matter standard. We suggest the following approaches to periodic monitoring:

- a) Correlate COM data to PM standard - this approach would not require additional monitoring equipment to be installed.
- b) Correlate injection rate of specific compounds to ash content of the fuel and emission rate. Recordkeeping would consist of ash content and corresponding injection rate.

c) Other monitoring approach demonstrated by the permittee to be a valid method for assuring compliance with the applicable three-hour particulate matter standard.

In addition, the Riviera permit states that magnesium oxide, magnesium hydroxide and related compounds may be injected into each boiler. Information provided to EPA indicates that these injected compounds (additives) are used to control both particulate matter and nitrogen oxide emissions and that the amount of additive is dependent upon the ash content of the fuel. No provision exists within the permit which addresses the approval and use of additives. The units should be required to operate during compliance tests at an injection rate consistent with normal operations. This could be corrected by adding to the particulate compliance language: "the tests shall be conducted under both sootblowing and non-sootblowing conditions, and shall be conducted while injecting approved additives consistent with normal operating practices approved by the Department."

(3) Deviation from Applicable Requirement - Florida rule 62-296.405(1)(f) 1.a, requires all emissions units to install continuous monitoring systems for monitoring opacity. The only exemption appears to be for units that do not use emission control equipment. Since emissions from these units are controlled with multiple cyclones, it appears that Florida regulations would require the use of COMs to determine compliance with the opacity standard. This applicable requirement must be included in the permit, or clarification must be provided in the statement of basis as to why this requirement does not apply.

(4) Deviation from Applicable Requirement - Florida rule 62-296.405(1)(a) requires fossil fuel steam generators to comply with a 20 percent opacity standard, with the exception that sources electing to test for particulate matter emission compliance quarterly shall be allowed visible emissions of 40 percent opacity. The Riviera permit requires compliance with a 40 percent opacity standard; however, it only requires an annual compliance test for particulate matter emissions. We understand that this variance from the SIP's quarterly testing requirement was granted by a State Order. However, this variance was never submitted by the State of Florida as a SIP revision, and therefore, was never approved into the SIP. Therefore, the Manatee permit must ensure compliance with the requirements of the SIP as stated in rule 62-296.405(1)(a).

(5) Deviation from Applicable Requirement - Condition A.9 states that 'The sulfur dioxide emission limitation shall apply at all times including startup, shutdown, and load change, but shall not apply during malfunction provided best operational practices to minimize emissions are adhered to and the duration of excess emissions are minimized and does not exceed two hours in any 24-hour period.' These units do not have sulfur dioxide controls. Please provide a definition of what constitutes a malfunction as used in this permit condition for the Riviera Plant. The SIP rules (62- 296.405(1)(c) and 62-296.405(1)(c)) do not provide for a relaxation of the SIP limit during a malfunction. This condition should be revised to be consistent with the applicable regulations.

(6) Exemptions from Permitting: Appendix E-1- It is our understanding that the changes to F.A.C. rules 62-213.300, and 62-213. 420-440 addressed in a preliminary draft dated June 2, 1997, were officially adopted by the State on November 13, 1997. Therefore, the State needs to revise the permit, specifically Section II, item 6 and Appendix E-1, to delete the term "exempted from permitting" and replace it with the language contained in rules 62-213.300, and 62-213. 420-440. Additionally, as agreed in previous conversations between Regional staff and the State, the State needs to remove the reference to F.A.C. rule 62-4, since it is not related to activities that may be considered "insignificant" under the title V program.

(7) Periodic Monitoring - Condition A.8 allows particulate matter emissions up to an average of 0.3 lbs. per million BTU heat input during a 3-hour period in any 24-hour period for soot blowing and load change. In addition, Condition A.6 allows visible emissions up to 60 percent opacity during soot blowing and load changes. A load change is defined to occur when the operational capacity of a unit is in the 10 percent to 100 percent capacity range, other than startup or shutdown, which exceeds 10 percent of the unit's rated capacity and which occurs at a rate of 0.5 percent per minute or more. There does not, however, appear to be any conditions that require the source to record the time, date, and duration of these events. The permit must require that the facility keep records of these events to ensure compliance with this requirement.

In addition to the above objections, our review has identified the following concerns regarding the Riviera permit:

1. Section II, Facility-Wide Conditions.

Condition 7 should be identified as "Not Federally Enforceable."

2. Conditions A.15 and A.23 indicate that the permittee shall demonstrate compliance with the sulfur dioxide limit using CEMs.

Condition A.23 also appears to offer the source the opportunity to use EPA test methods 6, 6A, 6B, 6C for demonstrating compliance with the applicable SO₂ standard. If the source is required to use CEMs as a method of demonstrating compliance, it is unclear why Condition A.23 indicates alternative test methods. The Region recommends that the language in A.23, which allows the above test methods for measuring sulfur dioxide emissions, be removed from Condition A.23 in order to avoid confusion.

Condition A.23 also allows the source to obtain an alternate procedure under the provisions of Rule 62-297.620, F.A.C.. Rule 62-297.620 (Exceptions and Approval of Alternate Procedures and Requirements) does not allow the source to obtain an alternative to continuous monitoring requirements. Therefore, it appears that the language in Condition A.23 which suggests that the source has the option of obtaining an alternative procedure to CEMs for demonstrating compliance with the SO₂ limit should be removed to avoid confusion. Please, refer to the Turkey Point permit which contains requirements for CEMs in conditions A.9 and A.13, but does not include the confusing language mentioned above.



CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD.
(561) 845-4010

RIVIERA BEACH, FLORIDA 33404
FAX (561) 840-3353

OFFICE OF
CITY MANAGER

June 26, 2003

Peter Merritt
Regional Ecologist
Treasure Coast Regional Planning Council
301 East Ocean Boulevard
Suite 300
Stuart, Florida 34994

Subject: FPL - Ten Year Power Plant Site Plan

Dear Mr. Merritt:

The City of Riviera Beach has reviewed the FPL Ten Year Power Plant Site Plan document that you submitted to us for comments and would like to provide the following comments to you.

- ▶ The document does not address any planned upgrades to the existing Riviera Beach FPL plant. As you know, this plant is quite old and outdated and has been the subject of numerous complaints from the public regarding the soot from the facility. The City strongly objects to the fact that no upgrades are planned for the Riviera Beach plant.
- ▶ The document mentions the potential for the Riviera Beach plant as the site for a "potential site for future generation additions to meet FPL's 2007 - on capacity needs." However the document does not explain what this designation means in terms of possible new construction and/or upgrades to the existing plant. The City is requesting additional information regarding the designation of the Riviera Beach site as a "potential site for future generation additions..."

The City of Riviera Beach is extremely concerned about the efficiency and appearance of the existing Riviera Beach plant and would like to see major upgrades occur at this plant.

Should you have any questions, or need additional information from the City, please do not hesitate to contact my office.

Sincerely,

William E. Wilkins
City Manager

cc Mayor and City Council Members
Dr. James Baugh, CRA Executive Director
Paul White, Assistant City Manager
Mary McKinney, Director of Community Development
Paul Cherry, Kimley-Horn & Associates

HALTRSO3UM0626 FPL comments.wpd

RECEIVED

SEP 23 2003

BUREAU OF AIR REGULATION

9/23/2003 hearing in West Palm Beach re FPL pollution in Riviera Beach

Ladies and Gentlemen: My name is SAL. I live in the north end of Palm Beach, opposite the plant. I am an engineer with extensive background in combustion engineering.

I can provide some history and background to what is being addressed here today. I regret that Mr. Abrishame is not here. He was in charge of the plant some 10 years ago. I remember him as an exceptionally fine gentleman, as well as being competent. As a representative for many Northend residents, I met with Mr. Abrishami to look into a severe, low frequency noise coming from the plant, that truly shook some windows and was disturbing the piece and quiet. I suggested, that the plant in trying to achieve better combustion efficiency, was preheating the oil to a too high temperature, thereby "detonating" the fuel, rather than burning it, not only causing vibrations, but also doing damage to the plant's combustion chambers. I served as a remote listening post for Mr. Abrishami and I am happy that he listened to me as well. The plant then made extensive and expensive changes to the combustion system, which solved the problem, for both the plant and the suffering "listeners", I am happy to acknowledge.

There are large amounts of soot coming from the stacks, some of it dropping down on my boat, creating a mess. I met with people at the plant about that problem a few years ago, but ultimately got a typical corporate brush-off and denials. What we are discussing here today is a form of "double-speak". On the one side, we can read in the newspapers that corporate FPL is one of the cleanest in the country, but also that the local plant is one of the dirtiest. If you want to see how dirty the exhaust really is, I suggest that you look up against the sky after dark, when you can see what is not there during daylight hours, perhaps because the plant is then burning cleaner alternate fuels.

I have read that power concerns can apply "browny" points (no pun intended) or credits from plants that are running cleaner and below the maximum federal standards and apply those credits to other dirty plants. That will accomplish to clean up the average, but will not change the smoke in the air and what is blown in your eyes. *It is still 2x higher than max, or more*

I am happy that the EPA is looking into the matter and hope that there will finally be action to protect the environment, our health, as well as my boat. Thank you for listening.

generally allowed

⊗ several \$ millions

RECEIVED

SEP 23 2003

BUREAU OF AIR REGULATION

WRITTEN COMMENT INFORMATION

If you wish to provide written comments to the Department on this project to be considered and addressed in the permit process, comments must be received by the Department by 5:00 p.m. on September 25, 2003. You may write your comments below and place this form in the comment box located at the table as you came in the door, or you may send your comments to:

Mr. Scott M. Sheplak, P.E.
Administrator Title V Program
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station #5505
Tallahassee, Florida 32399-2400
Or email:
Scott.Sheplak@dep.state.fl.us

COMMENTS:

The FPL Riverbank Electric Power Plant should be dismantled. To continue operating a plant that is so dirty it jeopardizes the health of the local community, and is a significant contributor to Global Warming. The irresponsible leadership from the White House is no excuse for a monopolistic Corporation to not be responsible to its surrounding communities. FPL SHOULD CLEAN UP THEIR ACT

RECEIVED

SEP 23 2003

BUREAU OF AIR REGULATION

JOAN H. GATE'S
9693 E CLARK LAKE RD
BOYNTON BEACH, FL 33437

WRITTEN COMMENT INFORMATION

If you wish to provide written comments to the Department on this project to be considered and addressed in the permit process, comments must be received by the Department by 5:00 p.m. on September 25, 2003. You may write your comments below and place this form in the comment box located at the table as you came in the door, or you may send your comments to:

Mr. Scott M. Sheplak, P.E.
Administrator Title V Program
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station #5505
Tallahassee, Florida 32399-2400
Or email:
Scott.Sheplak@dep.state.fl.us

COMMENTS:

The FPL power plant in Riviera Beach, FL, ~~should~~^{must} be made to "more" conform to the latest Air Pollution standards of Law in FL, most probably with "scrubbers".

Anthony J. Cannon
Ret. Civil Engr.
Gandy City Engr.

RECEIVED

SEP 23 2003

BUREAU OF AIR REGULATION

WRITTEN COMMENT INFORMATION

If you wish to provide written comments to the Department on this project to be considered and addressed in the permit process, comments must be received by the Department by 5:00 p.m. on September 25, 2003. You may write your comments below and place this form in the comment box located at the table as you came in the door, or you may send your comments to:

Mr. Scott M. Sheplak, P.E.
Administrator Title V Program
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station #5505
Tallahassee, Florida 32399-2400
Or email:
Scott.Sheplak@dep.state.fl.us

COMMENTS:

I am fed up with having to
wash my car every day &
having to wash my clothes
again after hanging them outside

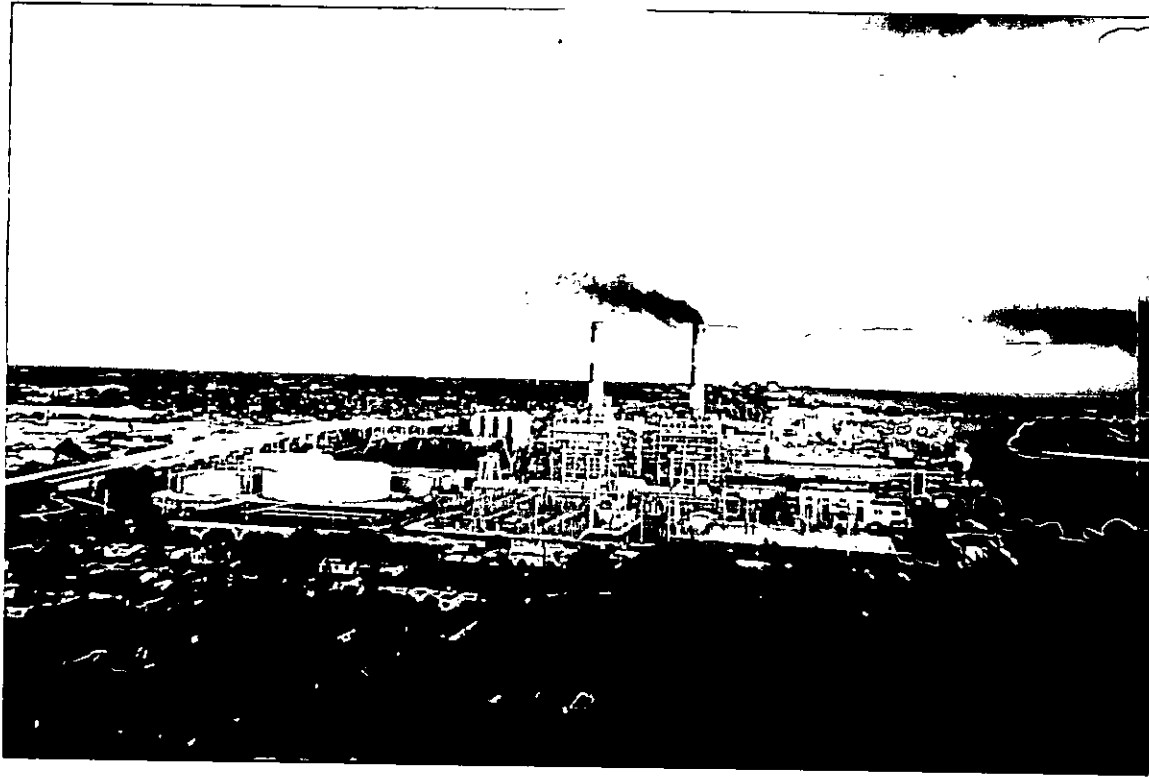
RECEIVED

SEP 23 2003

BUREAU OF AIR REGULATION



Bob Nelson
FPL Riviera
9/23/03



Bob Nelson
GPL Riviera
9/23/03

ENV. HEALTH & ENG.

03 SEP 23 PH 1: 23

September 22, 2003

Environmental Science and Engineering
901 Evernia Street
West Palm Beach, Fl 33401

Gentlemen:

We are home owners in Northwood at 427 26th Street, West Palm Beach, Fl 33407 and want you to know that we are opposed to the renewal of the permit for the horrible power plant that is blight on our neighborhood and to our environment. Please do not renew the permit and insist that the plant relocate and, before it does, clean up its emissions.

Thank you,



Anne Obolensky Owens
P.O. Box 691
Palm Beach, Fl 33480

RECEIVED

SEP 23 2003

BUREAU OF AIR REGULATION

NOTICE

The Department of Environmental Protection, Division of Air Resource Management, announces that it has extended the period for receiving written public comments on the DRAFT Title V Air Operation Permit Renewal for the Florida Power & Light Company's Riviera Beach Plant, Project Number 0990042-003-AV, until 5:00 p.m. on October 6, 2003. Comments may be sent to:

Mr. Scott M. Sheplak, P.E.
Administrator Title V Program
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station #5505
Tallahassee, Florida 32399-2400
Or email:
Scott.Sheplak@dep.state.fl.us
Or fax:
(850) 922-6979, Attention Scott M. Sheplak

Notice of the Department's Intent to Issue for this project was published on August 26, 2003.

***Official Notice of the Florida Department of Environmental Protection—
Authorized Under Section 120.551, F.S.
Publication Date—September 12, 2003***

NOTICE OF PUBLIC MEETING

The Department of Environmental Protection announces a public meeting to which all persons are invited:

DATE AND TIME: Tuesday, September 23, 2003 from 5:00 p.m. until 7:00 p.m.

PLACE: Palm Beach County Health Department, Division of Environmental Science & Engineering, 901 Evernia Street West Palm Beach, Florida.

PURPOSE: To receive public comments on the Title V Air Operation Permit Renewal for the Florida Power & Light Company's Riviera Beach Plant, Project Number 0990042-003-AV.

A copy of the agenda may be obtained by writing to: Barbara Friday, Department of Environmental Protection, at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399 or by calling Barbara Friday at 850/921-9524.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Bureau of Personnel Services at (850)245-2511. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 800-955-8771 (TDD).

Sheplak, Scott

From: Vielhauer, Trina
Sent: Friday, September 19, 2003 2:32 PM
To: 'info@floridapirg.org'
Cc: Sheplak, Scott
Subject: FPL Riviera Title V permit renewal

To whom it may concern:

You have requested notification of any Department of Environmental Protection proposed actions regarding the Florida Power and Light Company's Riviera facility. The Department will be holding a public meeting on the draft Title V air operation permit renewal for this facility from 5:00 pm until 7:00 p.m. on Tuesday, September 23, 2003 at the Palm Beach County Health Department, Division of Environmental Science & Engineering, 901 Evernia Street, West Palm Beach, Florida. The Department will be receiving comments from the public at this time and will accept written comment through the close of business September 25, 2003.

I am attaching an agenda and a frequently asked question list for your review.

Sincerely,

Trina Vielhauer
Chief
Bureau of Air Regulation
Department of Environmental Protection

9/19/2003

Sheplak, Scott

From: Vielhauer, Trina
Sent: Friday, September 19, 2003 2:33 PM
To: 'info@floridapirg.org'
Cc: Sheplak, Scott
Subject: RE: FPL Riviera Title V permit renewal

-----Original Message-----

From: Vielhauer, Trina
Sent: Friday, September 19, 2003 2:32 PM
To: 'info@floridapirg.org'
Cc: Sheplak, Scott
Subject: FPL Riviera Title V permit renewal

To whom it may concern:

You have requested notification of any Department of Environmental Protection proposed actions regarding the Florida Power and Light Company's Riviera facility. The Department will be holding a public meeting on the draft Title V air operation permit renewal for this facility from 5:00 pm until 7:00 p.m. on Tuesday, September 23, 2003 at the Palm Beach County Health Department, Division of Environmental Science & Engineering, 901 Evernia Street, West Palm Beach, Florida. The Department will be receiving comments from the public at this time and will accept written comment through the close of business September 25, 2003.

I am attaching an agenda and a frequently asked question list for your review.

Sincerely,

Trina Vielhauer
Chief
Bureau of Air Regulation
Department of Environmental Protection

Sheplak, Scott

From: Vielhauer, Trina
Sent: Friday, September 19, 2003 2:37 PM
To: 'aneda2@mac.com'
Cc: Sheplak, Scott
Subject: FPL Riviera Title V permit renewal

Ms. Sanders:

You have requested notification of any Department of Environmental Protection proposed actions regarding the Florida Power and Light Company's Riviera facility. The Department will be holding a public meeting on the draft Title V air operation permit renewal for this facility from 5:00 pm until 7:00 p.m. on Tuesday, September 23, 2003 at the Palm Beach County Health Department, Division of Environmental Science & Engineering, 901 Evernia Street, West Palm Beach, Florida. The Department will be receiving comments from the public at this time and will accept written comment through the close of business September 25, 2003.

I am attaching an agenda and a frequently asked question list for your review.

Sincerely,

Trina Vielhauer
Chief
Bureau of Air Regulation
Department of Environmental Protection

9/19/2003

Sheplak, Scott

From: Vielhauer, Trina
Sent: Friday, September 19, 2003 4:04 PM
To: Sheplak, Scott
Subject: FW: FPL Riviera Title V air permit renewal

-----Original Message-----

From: Vielhauer, Trina
Sent: Friday, September 19, 2003 4:02 PM
To: 'agreene@co.palm-beach.fl.us'; 'kmarcus@co.palm-beach.fl.us'
Subject: FPL Riviera Title V air permit renewal

Dear Commissioners:

You have requested notification of any Department of Environmental Protection proposed actions regarding the Florida Power and Light Company's Riviera facility. The Department will be holding a public meeting on the draft Title V air operation permit renewal for this facility from 5:00 pm until 7:00 p.m. on Tuesday, September 23, 2003 at the Palm Beach County Health Department, Division of Environmental Science & Engineering, 901 Evernia Street, West Palm Beach, Florida. The Department will be receiving comments from the public at this time and will accept written comment through the close of business September 25, 2003.

I am attaching an agenda and a frequently asked question list for your review.

Sincerely,

Trina Vielhauer
Chief
Bureau of Air Regulation
Department of Environmental Protection

9/19/2003

Sheplak, Scott

From: Vielhauer, Trina
Sent: Friday, September 19, 2003 2:39 PM
To: 'TSAD@IX.netcom.com'
Cc: Sheplak, Scott
Subject: FPL Riviera Title V permit renewal

Mr. Sadler:

You have requested notification of any Department of Environmental Protection proposed actions regarding the Florida Power and Light Company's Riviera facility. The Department will be holding a public meeting on the draft Title V air operation permit renewal for this facility from 5:00 pm until 7:00 p.m. on Tuesday, September 23, 2003 at the Palm Beach County Health Department, Division of Environmental Science & Engineering, 901 Evernia Street, West Palm Beach, Florida. The Department will be receiving comments from the public at this time and will accept written comment through the close of business September 25, 2003.

I am attaching an agenda and a frequently asked question list for your review.

Sincerely,

Trina Vielhauer
Chief
Bureau of Air Regulation
Department of Environmental Protection

9/19/2003

Sheplak, Scott

From: Sheplak, Scott
Sent: Friday, September 05, 2003 11:45 AM
To: 'aneda2@mac.com'
Cc: Friday, Barbara
Subject: FPL-Riviera Beach Title V Air Operation Permit Renewal

Per your request attached is the meeting notice for the FPL-Riviera Beach Title V Air Operation Permit Renewal. The public notice was published on August 26. We mailed you a copy of the proof of publication as requested.

If you should have any questions, please contact Ed Svec or Barbara Friday at 850/921-9524.

Sincerely,

Scott M. Sheplak, P.E.
Administrator
Title V Program
State of Florida, Department of Environmental Protection
Mail Station #5505
2600 Blair Stone Road
Tallahassee, FL 32399

850/921-9532
Scott.Sheplak@dep.state.fl.us

Sheplak, Scott

From: Sheplak, Scott
Sent: Thursday, September 04, 2003 11:48 AM
To: 'kmarcus@co.palm-beach.fl.us'
Subject: Riviera Beach Power Plant

I spoke with your office this morning. I am faxing you an invitation to attend our upcoming public meeting on the FPL-Riviera Beach Power Plant's Title V Air Operation Permit Renewal. If you should have any questions, please contact Ed Svec at 850/921-8985 or myself.

Sincerely,

Scott M. Sheplak, P.E.
Administrator
Title V Program
State of Florida, Department of Environmental Protection
Mail Station #5505
2600 Blair Stone Road
Tallahassee, FL 32399

850/921-9532
Scott.Sheplak@dep.state.fl.us

Sheplak, Scott

From: Sheplak, Scott
Sent: Thursday, September 04, 2003 11:48 AM
To: 'agreene@co.palm-beach.fl.us'
Subject: FPL-Riviera Beach Power Plant's Title V Air Operation Permit Renewal

I spoke with your office this morning. I am faxing you an invitation to attend our upcoming public meeting on the FPL-Riviera Beach Power Plant's Title V Air Operation Permit Renewal. If you should have any questions, please contact Ed Svec at 850/921-8985 or myself.

Sincerely,

Scott M. Sheplak, P.E.
Administrator
Title V Program
State of Florida, Department of Environmental Protection
Mail Station #5505
2600 Blair Stone Road
Tallahassee, FL 32399

850/921-9532
Scott.Sheplak@dep.state.fl.us