

**BEST AVAILABLE COPY**

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

1/4/86

In the Matter of;	)	
	)	
Petition for Reduction in	)	
Quarterly Particulate	)	
Emissions Compliance Testing,	)	OGC Case No.: 85-1420
Sanford Unit No. 5;	)	
FLORIDA POWER & LIGHT COMPANY	)	
	)	
Petitioner.	)	

ORDER

On December 26, 1984, the Petitioner, Florida Power & Light Company, filed a Petition for Reduction in Quarterly Particulate Emissions Compliance Testing pursuant to Florida Administrative Code Rule 17-2.600(5)(b)1. for the following fossil fuel steam generating unit:

Sanford Unit No. 5

Pursuant to Florida Administrative Code Rule 17-2.600(5)(b)1., Petitioner has conducted quarterly particulate emission compliance tests. Florida Administrative Code Rule 17-2.600(5)(b)1. provides that the Department may reduce the frequency of particulate testing upon a demonstration that the particulate standard of 0.1 pounds per million Btu heat input has been regularly met. The petition and supporting documentation submitted by Petitioner indicate that, since September 8, 1983, Petitioner has regularly met the particulate standard. It is therefore,

ORDERED that the Petition for Reduction in Quarterly Particulate Emissions Compliance Testing is GRANTED. Petitioner may immediately commence testing on an annual basis. Test results from the first regularly scheduled compliance test conducted in FY 86 (October 1, 1985 - September 30, 1986), provided the results of that test meet the particulate standard and the 40% opacity standard, shall be accepted as results from the first annual test.

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Failure of Sanford Unit 5 to meet either the particulate standard or the 40% opacity standard in the future shall constitute grounds for revocation of this authorization.

Persons whose substantial interests are affected by the above proposed agency action has a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative determination (hearing) on the proposed action. The Petition must conform to the requirements of Chapters 17-103 and 28-5, Florida Administrative Code, and must be filed (received) with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301, within fourteen (14) days of publication of this notice. Failure to file a petition within the fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, Florida Statutes.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the proposed agency action. Persons whose substantial interests will be affected by any decision of the Department have the right to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207, Florida Administrative Code, at least five (5) days before the final hearing and be filed with the Hearing Officer if one has been assigned at the Division of Administrative Hearings, Department of Administration, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no Hearing Officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to an administrative determination (hearing) under Section 120.57, Florida Statutes.

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DONE AND ORDERED this 2 day of January, 1986, in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION**

*Victoria J. Schinkel*  
VICTORIA J. SCHINKEL  
Secretary

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32301  
Telephone (904) 488-4805

**FILED AND ACKNOWLEDGEMENT**

On this date, pursuant to S120.52 (9), minutes, with the designated Department, receipt of which is hereby acknowledged.

*Reginald Brown*  
Clerk

1-3-86  
Date

**BEST AVAILABLE COPY****CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing ORDER has been furnished by United States Mail to Peter C. Cunningham, Esquire, Hopping, Boyd, Green & Sams, Post Office Box 6326, Tallahassee, Florida 32314, on this 3 day of January, 1986, in Tallahassee, Florida.

  
E. GARY EARLY  
Assistant General Counsel

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