Florida Department of
Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Electronically Sent – Received Receipt Requested

NOTICE OF ADMINISTRATIVE PERMIT CORRECTION

In the Matter of the Need for an Administrative Permit Correction:

Mr. Jan C. Aspuru
Vice President, Power Resources Business Unit
Orlando Utilities Commission
500 South Orange Avenue
P.O. Box 3193
Orlando, Florida 32802

Project No. 0950137-013-AV
Administrative Correction to Permit No. 0950137-006-AV
Curtis H. Stanton Energy Center

Enclosed is an ADMINISTRATIVELY CORRECTED page to the Title V Operation Permit No. 0950137-006-AV for the operation of the Curtis H. Stanton Energy Center, located at 5100 Alafaya Trail, Orlando, Orange County. This correction is issued pursuant to Rule 62-210.360, Florida Administrative Code and Chapter 403, Florida Statutes (F.S.). This change is made to correct a word sequencing error. This corrective action does not alter the effective dates of the existing permit.

A copy of this notice of intent shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

The Department's proposed agency action shall become final unless a timely petition for an administrative determination (hearing) is filed under sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department 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 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 discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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 how and when 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 indicate; (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 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 Department'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.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department 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 in this proceeding.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Administrative Permit Correction was sent by electronic mail (with received receipt requested) before the close of business on 4/10/01 to the person(s) listed:

Jan C. Aspuru, OUC: jaspuru@ouc.com
Louis Brown, OUC: lbrown@ouc.com
Gracy Danois, EPA Region 4: danois.gracy@epa.gov
Len Kozlov, P.E., Central District Office: Len.Kozlov@dep.state.fl.us
Denise Stalls, OUC: dstalls@ouc.com

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

(Clerk) (Date) 4/10/01

One specific condition in Title V Air Operation Permit No. 0950137-006-AV is hereby modified as shown below.

Double-underline denotes additions and strikethrough (~~strikethrough~~) indicates deletions.

C.4. During each federal fiscal year (October 1 - September 30), unless otherwise specified by rule, order, or permit, the permittee shall have formal compliance test conducted on each ~~silo~~ baghouse for opacity. Additionally, each silo baghouse shall be visually inspected on a daily basis to ensure that emissions are not visible. Records shall be maintained documenting that such inspections took place. Should emissions from a baghouse be visible, corrective action should be undertaken as well as conducting a Method 9 V.E. Records should include color, duration, and density of the plume of any abnormal visible emissions detected, as well as the cause and corrective action taken for any abnormal visible emissions.
{Permitting note: It is presumed that the threshold of visibility for opacity is equal to 5%.}
[Rule 62-297.310(7)(a)4., F.A.C., Rule 62-213.440, F.A.C.]