

# Memorandum

# Florida Department of Environmental Protection

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TO: Trina L. Vielhauer, Bureau of Air Regulation  
THROUGH: Jonathan Holtom, Title V Section 84.  
FROM: Yousry Attalla YHA.  
DATE: January 26, 2009  
SUBJECT: Draft/Proposed Air Permit No. 0250003-012-AV  
Florida Power & Light Company operates the Turkey Point Fossil Plant  
Title V Air Operation Permit Revision

Attached for your review are the following items:

- Written Notice of Intent to Issue Air Permit;
- Public Notice of Intent to Issue Air Permit;
- Statement of Basis; and
- Draft/Proposed Permit

The Draft/Proposed Permit incorporates the Clean Air Interstate Rule (CAIR) Part Form into the Title V air operation permit at Turkey Point Fossil Plant, which is located in Miami-Dade County, Florida. The Statement of Basis provides a summary of the project.

The application was received and deemed complete on April 28, 2008.

I recommend your approval of the attached Draft/Proposed Permit.

Attachments



# 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

January 26, 2009

*Electronic Mail – Received Receipt Requested*

H. O. Nunez, Plant Manager  
Florida Power & Light Company  
9700 SW 344<sup>th</sup> Street  
Homestead, Florida 33035

Re: Draft/Proposed Permit No. 0250003-012-AV  
Florida Power & Light Company, Turkey Point Fossil Plant  
Title V Air Operation Permit Revision  
Clean Air Interstate Rule Part

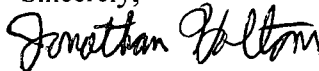
Dear Mr Nunez:

On May 28, 2008 you submitted a Clean Air Interstate Rule (CAIR) Part Form (DEP Form No. 62-210.900(1)(b)) for incorporation into the Title V air operation permit for Turkey Point Fossil Plant. This facility is located in Dade County at 9700 SW 344<sup>th</sup> Street, Homestead in Miami-Dade County, Florida.

Enclosed are the following documents:

- The draft/proposed Title V air operation permit revision includes the CAIR Part which specifies that the owner/operator will operate the facility and each CAIR unit at the facility in accordance with 40 Code of Federal Regulations (CFR) 96 and Rule 62-296.470, Florida Administrative Code (F.A.C.).
- The Statement of Basis, which summarizes the facility, the equipment, the primary rule applicability, and any changes since the last Title V air operation permit revision.
- The Written Notice of Intent to Issue Title V Air Operation Permit Revision provides important information regarding: the Permitting Authority's intent to issue an air permit for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue an air permit; the procedures for submitting comments on the revised draft/proposed permit; the process for filing a petition for an administrative hearing; and the availability of mediation.
- The Public Notice of Intent to Issue Title V Air Operation Permit Revision is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The Public Notice of Intent to Issue Title V Air Operation Permit Revision must be published as soon as possible and the proof of publication must be provided to the Department within seven days of the date of publication.

If you have any questions, please contact the Project Engineer, Yousry Attalla (Joe), by telephone at (850) 921-9527 or by email at [yousry.attalla@dep.state.fl.us](mailto:yousry.attalla@dep.state.fl.us)

Sincerely,  
  
for Trina L. Vielhauer, Chief  
Bureau of Air Regulation

tlv/jkh/yha  
Enclosures

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**WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION**

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*In the Matter of an  
Application for Air Permit by:*

Florida Power & Light Company  
9700 SW 344<sup>th</sup> Street  
Homestead, Florida 33035

Draft/Proposed Permit No. 0250003-012-AV  
Facility ID No. 0250003  
Turkey Point Fossil Plant  
CAIR Project  
Miami-Dade County, Florida

*Responsible official:*  
H. O. Nunez, Plant Manager

**Facility Location:** Florida Power & Light Company operates the Turkey Point Fossil Plant, which is located at 9700 SW 344<sup>th</sup> Street, Homestead in Miami-Dade County, Florida.

**Project:** The applicant has submitted a complete and certified Clean Air Interstate Rule (CAIR) Part Form and has requested its incorporation into the existing Title V air operation permit. Details of the project are provided in the application and the enclosed Statement of Basis.

The existing facility consists of the following emissions units:

- Two residual fuel oil and natural gas-fueled 440 megawatts (MW) fossil fuel steam electrical generators (Units 1 and 2) with low-nitrogen oxides (low NO<sub>x</sub>) burners and mechanical cyclone dust collectors;
- Five fuel oil-fired black start 2.75 MW diesel peaking generators supporting Units 1 and 2;
- One natural gas-fueled 1,150 MW combined cycle unit (Unit 5);
- One 4.2 million gallon distillate fuel oil tank that serves (Unit 5);
- One 22 cell mechanical cooling tower that serves (Unit 5);
- Two 2.25 MW emergency diesel generators that serve (Unit 5); and
- Unregulated and/or insignificant emissions units and activities.

The separate collocated Turkey Point Nuclear Plant (Units 3 and 4) is licensed by the Nuclear Regulatory Commission and includes several diesel-fueled emergency generators that are addressed in a separate Title V permit (DEP File No. 0250003-004-AV).

**Permitting Authority:** Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-296.470 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The 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, 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/proposed permit, the Statement of Basis, the CAIR Part Form, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed permit by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue 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, 62-213, 62-214, 62-296 and 62-297, F.A.C.

## WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

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The Permitting Authority will issue a final permit in accordance with the conditions of the proposed draft/proposed 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.

**Public Notice:** Pursuant to Sections 403.815 and 403.087, F.S. and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**Comments:** The Permitting Authority will accept written comments concerning the draft/proposed Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the official web site for notices at Florida Administrative Weekly (FAW) at <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft/Proposed Permit, the Permitting Authority shall issue a Revised 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. 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 the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, 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

## WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

of the agency action or proposed decision; (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 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.

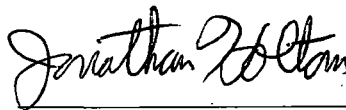
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. Persons whose substantial interests 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.

**EPA Review:** EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

**Objections:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public 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. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

Executed in Tallahassee, Florida.



for

Trina L. Vielhauer, Chief  
Bureau of Air Regulation

**WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION**

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Public Notice, the Statement of Basis, and the Draft/Proposed Permit), or a link to these documents available electronically on publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on 1/26/09 to the persons listed below.

Mr. H. O. Nunez, Plant Manager, FPL ([ed\\_nunez@fpl.com](mailto:ed_nunez@fpl.com))

Mr. John C. Hampp, FPL ([john\\_hampp@fpl.com](mailto:john_hampp@fpl.com))

Mr. Kennard F. Kosky, P.E., Golder Associates Inc. ([kkosky@golder.com](mailto:kkosky@golder.com))

Mr. Lee Hoefert, DEP Southeast District ([lee.hoefert@dep.state.fl.us](mailto:lee.hoefert@dep.state.fl.us))

Ms. Mallika Muthia, DERM ([muthim@miamidade.gov](mailto:muthim@miamidade.gov))

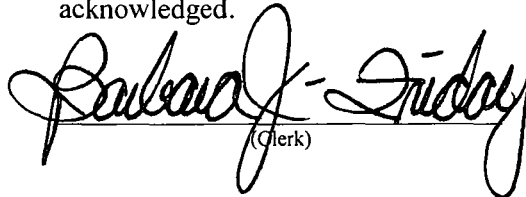
Ms. Katy Forney, EPA Region 4 ([Forney.Kathleen@epa.gov](mailto:Forney.Kathleen@epa.gov))

Ms. Victoria Gibson, DEP BAR ([victoria.gibson@dep.state.fl.us](mailto:victoria.gibson@dep.state.fl.us)) (for reading file)

Ms. Barbara Friday, DEP BAR ([barbara.friday@dep.state.fl.us](mailto:barbara.friday@dep.state.fl.us)) (for posting with U.S. EPA, Region 4)

Clerk Stamp

**FILED AND ACKNOWLEDGMENT FILED**, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

 1/26/09  
(Clerk) (Date)

**STATEMENT OF BASIS**

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**PROJECT DESCRIPTION**

On April 28, 2008, the applicant submitted a CAIR Part Form in order to incorporate the Clean Air Interstate Rule provisions into Title V permit 0250003-011-AV

**FACILITY DESCRIPTION**

The Turkey Point Fossil Plant consists of:

- Two residual fuel oil and natural gas-fueled 440 megawatts (MW) fossil fuel steam electrical generators (Units 1 and 2) with low-nitrogen oxides (low NOX) burners and mechanical cyclone dust collectors;
- Five fuel oil-fired black start 2.75 MW diesel peaking generators supporting Units 1 and 2;
- One natural gas-fueled 1,150 MW combined cycle unit (Unit 5);
- One 4.2 million gallon distillate fuel oil tank that serves Unit 5;
- One 22 cell mechanical cooling tower that serves Unit 5;
- Two 2.25 MW emergency diesel generators that serve Unit 5; and
- Unregulated and/or insignificant emissions units and activities.

The separate collocated Turkey Point Nuclear Plant (Units 3 and 4) is licensed by the Nuclear Regulatory Commission and includes several diesel-fueled emergency generators that are addressed in a separate Title V permit (DEP File No. 0250003-004-AV).

**PRIMARY REGULATORY REQUIREMENTS**

The existing facility is regulated under:

Title III: The facility is not identified as a major source of hazardous air pollutants (HAP).

Title IV: The facility operates units subject to the acid rain provisions of the Clean Air Act.

Title V: The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.

PSD: The facility is a Prevention of Significant Deterioration (PSD)-major source of air pollution in accordance with Rule 62-212.400, F.A.C.

NSPS: The facility operates units subject to the New Source Performance Standards (NSPS) of 40 Code of Federal Regulations (CFR) 60.

CAIR: The facility is subject to the Clean Air Interstate Rule (CAIR) set forth in Rule 62-296.470, Florida Administrative Code (F.A.C).

CAM: Compliance Assurance Monitoring (CAM) does not apply to any of the units at the facility, because continuous emissions monitors are used to demonstrate continuous compliance with the NO<sub>x</sub> emissions limits.

**APPLICABLE REGULATIONS**

In addition to federal rules above, this facility is subject to the following rules:

Regulation	EU No(s).
State Rule Citations	
Rule 62-4, Florida Administrative Code (F.A.C.) (Permitting Requirements)	
Rule 62-204, F.A.C. (Ambient Air Quality Requirements, PSD Increments, and Federal Regulations Adopted by Reference)	001, 002, 003, 009, 010, 011, 012, 013, 014, 015
Rule 62-210, F.A.C. (Permits Required, Public Notice, Reports, Stack Height Policy, Circumvention, Excess Emissions, and Forms)	

**STATEMENT OF BASIS**

Regulation	EU No(s).
Rule 62-213, F.A.C. (Title V Air Operation Permits for Major Sources of Air Pollution)	001, 002, 003, 009, 010, 011, 012, 013, 014, 015
Rule 62-212, F.A.C. (Preconstruction Review, PSD Review and Best Available Control Technology (BACT))	009, 010, 011, 012, 013, 014, 015
Rule 62-214, F.A.C. (Requirements For Sources Subject To The Federal Acid Rain Program)	001, 002, 009, 010, 011, 012
Rule 62-296, F.A.C. (Emission Limiting Standards)	001, 002, 003
Rule 62-297, F.A.C. (Test Methods and Procedures, Continuous Monitoring Specifications, and Alternate Sampling Procedures)	001, 002, 003, 009, 010, 011, 012, 013
Federal Rule Citations	
40 CFR 60, Subpart A, NSPS General Provisions	009, 010, 011, 012
40 CFR 60, NSPS Subpart Da	009, 010, 011, 012
40 CFR 60, NSPS Subpart GG	009, 010, 011, 012
40 CFR 63, Subpart A, NESHAP General Provisions	009, 010, 011, 012
40 CFR 63, Subpart YYYY	009, 010, 011, 012
40 CFR 63, Subpart ZZZZ	015
40 CFR 75 Acid Rain Monitoring Provisions	001, 002, 003, 009, 010, 011, 012, 013

**PROJECT REVIEW**

The CAIR Part Form is now a part of this permit, and has been incorporated as Section V, CAIR Part Form. This section identifies the units that must comply with the standard requirements and special provisions set forth in the CAIR Part Form. Section V Appendices was renumbered to section VI - Appendices. In addition, Facility-wide condition FW10 of the renewed Title V permit, No. 0250003-011-AV, which was effective on January 1, 2009, is hereby deleted.

~~**FW10. Clean Air Interstate Rule (CAIR) Applicable Units.** This facility contains emissions units that are subject to CAIR. On July 11, 2008, the U.S. Court of Appeals for the District of Columbia recommended vacature of the Clean Air Interstate Rule. Because of this decision, the applicable CAIR requirements that were identified in the renewal application are not being included in the permit at this time. If, and at such time that, CAIR is ultimately upheld, you must begin complying with the CAIR program requirements contained in the renewal application and the Title V permit must be revised accordingly. [Rules 62-213.440 and 62-296.470, F.A.C.]~~

**CONCLUSION**

This project revises Title V air operation permit No. 0250003-011-AV, which was issued on January 1, 2009. Title V Air Operation Permit Revision is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and this Chapters 62-4, 62-210 and 62-213, F.A.C. In accordance with the terms and conditions of this permit, the above named permittee is hereby authorized to operate the facility as shown on the application and approved drawings, plans, and other documents, on file with the permitting authority.



## PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

Florida Department of Environmental Protection  
Division of Air Resource Management, Bureau of Air Regulation  
Draft/Proposed Air Permit No. 0250003-012-AV  
Florida Power & Light Company, Turkey Point Fossil Plant  
Miami-Dade County, Florida

**Applicant:** The applicant for this project is Florida Power & Light Company (FPL). The applicant's authorized representative and mailing address is: H. O. Nunez, Plant Manager, Florida Power & Light Company, Turkey Point Fossil Plant, 9700 SW 344<sup>th</sup> Street, Homestead, Florida, 33035.

**Facility Location:** Florida Power & Light Company operates the existing Turkey Point Fossil Plant, which is located in Miami-Dade County at 9700 SW 344<sup>th</sup> Street in Homestead, Florida.

**Project:** The applicant has submitted a complete and certified Clean Air Interstate Rule (CAIR) Part Form and has requested its incorporation into the existing Title V air operation permit.

The existing facility consists of the following emissions units:

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**Permitting Authority:** Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-296.470 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The 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, 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 address indicated above for the Permitting Authority. The complete project file includes the draft/proposed Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the Draft/Proposed Permit by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**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 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, 62-213, 62-214 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed draft/proposed Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or

(Public Notice to be Published in the Newspaper)

## **PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION**

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 draft/proposed Title V air operation Permit for a period of 30 days from the date of publication of this Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the official web site for notices at Florida Administrative Weekly (FAW) at <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the draft/proposed Permit, the Permitting Authority shall issue a Revised 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. 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 rights will be affected by the agency determination; (c) A statement of when and how the 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 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 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 of Intent to Issue Air Permit. 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

**(Public Notice to be Published in the Newspaper)**

## **PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION**

proceeding, in accordance with the requirements set forth above.

**Mediation:** Mediation is not available for this proceeding.

**EPA Review:** EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The Final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

**Objections:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30 day public comment period provided in the Public 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. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

**Florida Power & Light  
Turkey Point Fossil Plant**

**Facility ID No. 0250003**  
Miami-Dade County

**Title V Air Operation Permit Revision**

**Draft/Proposed Permit No. 0250003-012-AV**  
(1<sup>st</sup> Revision of Title V Air Operation Permit No. 0250003-011-AV)

**Permitting Authority**

State of Florida  
Department of Environmental Protection  
Division of Air Resources Management  
Bureau of Air Regulation  
North Permitting Section

Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Telephone: 850/488-0114  
Fax: 850/921-9533

**Compliance Authority**

State of Florida  
Miami-Dade County Department of Environmental Resources Management  
Air Quality Management Division  
701 NW 1<sup>st</sup> Court  
Suite 400  
Miami, Florida 33136

Telephone: 305/372-6925  
Fax: 305/372-6954

# Title V Air Operation Permit Revision

Draft/Proposed Permit No. 0250003-012-AV

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***(Draft/Proposed)***

**Permittee:**

Florida Power & Light Company  
9700 SW 344<sup>th</sup> Street  
Homestead, Florida 33035

Air Permit No. 0250003-012-AV  
Facility ID No. 0250003  
SIC Nos.: 49, 4911  
Project: Title V CAIR Part Revision

The purpose of this permit is for the revision of Title V Air Operation Permit No. 0250003-011-AV to incorporate the Clean Air Interstate Rule (CAIR) Part as an enforceable section of the permit. The existing facility is located at 9700 SW 344<sup>th</sup> Street, Homestead, Miami-Dade County, Florida. The UTM coordinates are Zone 17, 567.4 km East and 2,813.5 km North. In addition, Facility-wide condition FW10 of the recently renewed Title V permit, No. 0250003-011-AV, is hereby deleted.

This Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, 62-214, 62-296 and 62-297. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

**Effective Date:** January 1, 2009

**Revision Effective Date:**

**Renewal Application Due Date:** May 20, 2013

**Expiration Date:** December 31, 2013

***(Draft/Proposed)***

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Joseph Kahn, Director  
Division of Air Resource Management

tlv/jkh/yha

**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

**Clean Air Interstate Rule (CAIR).**

**Operated by:** Florida Power & Light (FPL)  
**Plant:** Turkey Point Fossil Plant  
**ORIS Code:** 000621

The emissions units below ARE regulated under the Clean Air Interstate Rule.

EU No.	Brief Description
001	440 megawatts (MW) Boiler (EPA ID # PTP1)
002	440 MW Boiler (EPA ID # PTP2)
009	Unit 5A gas turbine (170 MW) with supplementary-fired heat recovery steam generator
010	Unit 5B gas turbine (170 MW) with supplementary-fired heat recovery steam generator
011	Unit 5C gas turbine (170 MW) with supplementary-fired heat recovery steam generator
012	Unit 5D gas turbine (170 MW) with supplementary-fired heat recovery steam generator

1. Clean Air Interstate Rule Application. The Clean Air Interstate Rule Part Form submitted for this facility is a part of this permit. The owners and operators of these CAIR units as identified in this form must comply with the standard requirements and special provisions set forth in the CAIR Part Form (DEP Form No. 62-210.900(1)(b)) dated March 16, 2008, which is attached at the end of this section. [Chapter 62-213, F.A.C. and Rule 62-210.200, F.A.C.]

**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

## Clean Air Interstate Rule (CAIR) Part

For more information, see instructions and refer to 40 CFR 96.121, 96.122, 96.221, 96.222, 96.321 and 96.322; and Rule 62-296.470, F.A.C.

This submission is:  New     Revised     Renewal

**STEP 1**

Identify the source by plant name and ORIS or EIA plant code

Plant Name: Turkey Point	State: Florida	ORIS or EIA Plant Code:  000621
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**STEP 2**

In column "a" enter the unit ID# for every CAIR unit at the CAIR source.

In columns "b," "c," and "d," indicate to which CAIR program(s) each unit is subject by placing an "X" in the column(s).

For new units, enter the requested information in columns "e" and "f."

a	b	c	d	e	f
Unit ID#	Unit will hold nitrogen oxides (NO <sub>x</sub> ) allowances in accordance with 40 CFR 96.106(c)(1)	Unit will hold sulfur dioxide (SO <sub>2</sub> ) allowances in accordance with 40 CFR 96.206(c)(1)	Unit will hold NO <sub>x</sub> Ozone Season allowances in accordance with 40 CFR 96.306(c)(1)	New Units Expected Commence Commercial Operation Date	New Units Expected Monitor Certification Deadline
PTP1	X	X	X		
PTP2	X	X	X		
TPCT5A	X	X	X	12/19/06	4/1/07
TPCT5B	X	X	X	12/27/06	4/1/07
TPCT5C	X	X	X	12/12/06	4/1/07
TPCT5D	X	X	X	12/4/06	4/1/07

DEP Form No. 62-210.900(1)(b) – Form Effective: 3/16/08



**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

**STEP 3**

**Read the  
standard  
requirements.**

Plant Name (from STEP 1) Turkey Point

**CAIR NO<sub>x</sub> ANNUAL TRADING PROGRAM**

CAIR Part Requirements.

- (1) The CAIR designated representative of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall:
  - (i) Submit to the DEP a complete and certified CAIR Part form under 40 CFR 96.122 and Rule 62-298.470, F.A.C., in accordance with the deadlines specified in Rule 62-213.420, F.A.C.; and
  - (ii) [Reserved];
- (2) The owners and operators of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall have a CAIR Part included in the Title V operating permit issued by the DEP under 40 CFR Part 98, Subpart CC, and operate the source and the unit in compliance with such CAIR Part.

Monitoring, Reporting, and Recordkeeping Requirements.

- (1) The owners and operators, and the CAIR designated representative, of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR Part 96, Subpart HH, and Rule 62-298.470, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 96, Subpart HH, shall be used to determine compliance by each CAIR NO<sub>x</sub> source with the following CAIR NO<sub>x</sub> Emissions Requirements.

NO<sub>x</sub> Emission Requirements.

- (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> allowances available for compliance deductions for the control period under 40 CFR 96.154(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for the control period from all CAIR NO<sub>x</sub> units at the source, as determined in accordance with 40 CFR Part 96, Subpart HH.
- (2) A CAIR NO<sub>x</sub> unit shall be subject to the requirements under paragraph (1) of the NO<sub>x</sub> Requirements starting on the later of January 1, 2009, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 96.170(b)(1) or (2) and for each control period thereafter.
- (3) A CAIR NO<sub>x</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (1) of the NO<sub>x</sub> Requirements, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> allowance was allocated.
- (4) CAIR NO<sub>x</sub> allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Allowance Tracking System accounts in accordance with 40 CFR Part 96, Subparts FF and CC.
- (5) A CAIR NO<sub>x</sub> allowance is a limited authorization to emit one ton of NO<sub>x</sub> in accordance with the CAIR NO<sub>x</sub> Annual Trading Program. No provision of the CAIR NO<sub>x</sub> Annual Trading Program, the CAIR Part, or an exemption under 40 CFR 96.105 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.
- (6) A CAIR NO<sub>x</sub> allowance does not constitute a property right.
- (7) Upon recordation by the Administrator under 40 CFR Part 96, Subpart EE, FF, or GG, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> allowance to or from a CAIR NO<sub>x</sub> unit's compliance account is incorporated automatically in any CAIR Part of the source that includes the CAIR NO<sub>x</sub> unit.

Excess Emissions Requirements.

If a CAIR NO<sub>x</sub> source emits NO<sub>x</sub> during any control period in excess of the CAIR NO<sub>x</sub> emissions limitation, then:

- (1) The owners and operators of the source and each CAIR NO<sub>x</sub> unit at the source shall surrender the CAIR NO<sub>x</sub> allowances required for deduction under 40 CFR 96.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable state law, and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 96, Subpart AA, the Clean Air Act, and applicable state law.

Recordkeeping and Reporting Requirements.

- (1) Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the DEP or the Administrator.
  - (i) The certificate of representation under 40 CFR 96.113 for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 40 CFR 96.113 changing the CAIR designated representative.
  - (ii) All emissions monitoring information, in accordance with 40 CFR Part 96, Subpart HH, of this part, provided that to the extent that 40 CFR Part 96, Subpart HH, provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Annual Trading Program.
  - (iv) Copies of all documents used to complete a CAIR Part form and any other submission under the CAIR NO<sub>x</sub> Annual Trading Program or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Annual Trading Program.
- (2) The CAIR designated representative of a CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall submit the reports required under the CAIR NO<sub>x</sub> Annual Trading Program, including those under 40 CFR Part 98, Subpart HH.

**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

Plant Name (from STEP 1)	Turkey Point
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**STEP 3,**  
**Continued**

Liability.

- (1) Each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit shall meet the requirements of the CAIR NO<sub>x</sub> Annual Trading Program.
- (2) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program that applies to a CAIR NO<sub>x</sub> source or the CAIR designated representative of a CAIR NO<sub>x</sub> source shall also apply to the owners and operators of such source and of the CAIR NO<sub>x</sub> units at the source.
- (3) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program that applies to a CAIR NO<sub>x</sub> unit or the CAIR designated representative of a CAIR NO<sub>x</sub> unit shall also apply to the owners and operators of such unit.

Effect on Other Authorities.

No provision of the CAIR NO<sub>x</sub> Annual Trading Program, a CAIR Part, or an exemption under 40 CFR 96.105 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO<sub>x</sub> source or CAIR NO<sub>x</sub> unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

**CAIR SO<sub>2</sub> TRADING PROGRAM**

CAIR Part Requirements.

- (1) The CAIR designated representative of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall:
  - (i) Submit to the DEP a complete and certified CAIR Part form under 40 CFR 96.222 and Rule 62-296.476, F.A.C., in accordance with the deadlines specified in Rule 62-213.420, F.A.C.; and
  - (ii) [Reserved];
- (2) The owners and operators of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall have a CAIR Part included in the Title V operating permit issued by the DEP under 40 CFR Part 96, Subpart CCC, for the source and operate the source and each CAIR unit in compliance with such CAIR Part.

Monitoring, Reporting, and Recordkeeping Requirements.

- (1) The owners and operators, and the CAIR designated representative, of each CAIR SO<sub>2</sub> source and each SO<sub>2</sub> CAIR unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR Part 96, Subpart HHH, and Rule 62-296.470, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 96, Subpart HHH, shall be used to determine compliance by each CAIR SO<sub>2</sub> source with the following CAIR SO<sub>2</sub> Emission Requirements.

SO<sub>2</sub> Emission Requirements.

- (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall hold, in the source's compliance account, a tonnage equivalent in CAIR SO<sub>2</sub> allowances available for compliance deductions for the control period, as determined in accordance with 40 CFR 96.254(a) and (b), not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO<sub>2</sub> units at the source, as determined in accordance with 40 CFR Part 96, Subpart HHH.
- (2) A CAIR SO<sub>2</sub> unit shall be subject to the requirements under paragraph (1) of the Sulfur Dioxide Emission Requirements starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 96.270(b)(1) or (2) and for each control period thereafter.
- (3) A CAIR SO<sub>2</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (1) of the SO<sub>2</sub> Emission Requirements, for a control period in a calendar year before the year for which the CAIR SO<sub>2</sub> allowance was allocated.
- (4) CAIR SO<sub>2</sub> allowances shall be held in, deducted from, or transferred into or among CAIR SO<sub>2</sub> Allowance Tracking System accounts in accordance with 40 CFR Part 96, Subparts FFF and GGG.
- (5) A CAIR SO<sub>2</sub> allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO<sub>2</sub> Trading Program. No provision of the CAIR SO<sub>2</sub> Trading Program, the CAIR Part, or an exemption under 40 CFR 96.205 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.
- (6) A CAIR SO<sub>2</sub> allowance does not constitute a property right.
- (7) Upon recordation by the Administrator under 40 CFR Part 96, Subpart FFF or GGG, every allocation, transfer, or deduction of a CAIR SO<sub>2</sub> allowance to or from a CAIR SO<sub>2</sub> unit's compliance account is incorporated automatically in any CAIR Part of the source that includes the CAIR SO<sub>2</sub> unit.

Excess Emissions Requirements.

- If a CAIR SO<sub>2</sub> source emits SO<sub>2</sub> during any control period in excess of the CAIR SO<sub>2</sub> emissions limitation, then:
- (1) The owners and operators of the source and each CAIR SO<sub>2</sub> unit at the source shall surrender the CAIR SO<sub>2</sub> allowances required for deduction under 40 CFR 96.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable state law, and
  - (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 96, Subpart AAA, the Clean Air Act, and applicable state law.

**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

Plant Name (from STEP 1) Turkey Point

**STEP 3,  
Continued**

Recordkeeping and Reporting Requirements.

- (1) Unless otherwise provided, the owners and operators of the CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Department or the Administrator.
- (i) The certificate of representation under 40 CFR 96.213 for the CAIR designated representative for the source and each CAIR SO<sub>2</sub> unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 40 CFR 96.213 changing the CAIR designated representative.
- (ii) All emissions monitoring information, in accordance with 40 CFR Part 96, Subpart HHH, of this part, provided that to the extent that 40 CFR Part 96, Subpart HHH-1, provides for a 3-year period for recordkeeping, the 3-year period shall apply.
- (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR SO<sub>2</sub> Trading Program.
- (iv) Copies of all documents used to complete a CAIR Part form and any other submission under the CAIR SO<sub>2</sub> Trading Program or to demonstrate compliance with the requirements of the CAIR SO<sub>2</sub> Trading Program.
- (2) The CAIR designated representative of a CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall submit the reports required under the CAIR SO<sub>2</sub> Trading Program, including those under 40 CFR Part 96, Subpart HHH.

Liability.

- (1) Each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit shall meet the requirements of the CAIR SO<sub>2</sub> Trading Program.
- (2) Any provision of the CAIR SO<sub>2</sub> Trading Program that applies to a CAIR SO<sub>2</sub> source or the CAIR designated representative of a CAIR SO<sub>2</sub> source shall also apply to the owners and operators of such source and of the CAIR SO<sub>2</sub> units at the source.
- (3) Any provision of the CAIR SO<sub>2</sub> Trading Program that applies to a CAIR SO<sub>2</sub> unit or the CAIR designated representative of a CAIR SO<sub>2</sub> unit shall also apply to the owners and operators of such unit.

Effect on Other Authorities.

No provision of the CAIR SO<sub>2</sub> Trading Program, a CAIR Part, or an exemption under 40 CFR 96.205 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR SO<sub>2</sub> source or CAIR SO<sub>2</sub> unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

**CAIR NO<sub>x</sub> OZONE SEASON TRADING PROGRAM**

CAIR Part Requirements.

- (1) The CAIR designated representative of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall:
- (i) Submit to the DEP a complete and certified CAIR Part form under 40 CFR 96.322 and Rule 62-296.470, F.A.C., in accordance with the deadlines specified in Rule 62-213.420, F.A.C.; and
- (ii) [Reserved].
- (2) The owners and operators of each CAIR NO<sub>x</sub> Ozone Season source required to have a Title V operating permit or air construction permit, and each CAIR NO<sub>x</sub> Ozone Season unit required to have a Title V operating permit or air construction permit at the source shall have a CAIR Part included in the Title V operating permit or air construction permit issued by the DEP under 40 CFR Part 96, Subpart CCCC, for the source and operate the source and the unit in compliance with such CAIR Part.

Monitoring, Reporting, and Recordkeeping Requirements.

- (1) The owners and operators, and the CAIR designated representative, of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR Part 96, Subpart HHHH, and Rule 62-296.470, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 96, Subpart HHHH, shall be used to determine compliance by each CAIR NO<sub>x</sub> Ozone Season source with the following CAIR NO<sub>x</sub> Ozone Season Emissions Requirements.

NO<sub>x</sub> Ozone Season Emission Requirements.

- (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> Ozone Season allowances available for compliance deductions for the control period under 40 CFR 96.354(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for the control period from all CAIR NO<sub>x</sub> Ozone Season units at the source, as determined in accordance with 40 CFR Part 96, Subpart HHHH.
- (2) A CAIR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under paragraph (1) of the NO<sub>x</sub> Ozone Season Emission Requirements starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 96.370(b)(1), (2), or (3) and for each control period thereafter.
- (3) A CAIR NO<sub>x</sub> Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (1) of the NO<sub>x</sub> Ozone Season Emission Requirements, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> Ozone Season allowance was allocated.
- (4) CAIR NO<sub>x</sub> Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System accounts in accordance with 40 CFR Part 96, Subparts FFFF and GGGG.
- (5) A CAIR NO<sub>x</sub> Ozone Season allowance is a limited authorization to emit one ton of NO<sub>x</sub> in accordance with the CAIR NO<sub>x</sub> Ozone Season Trading Program. No provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program, the CAIR Part, or an exemption under 40 CFR 96.305 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

- (6) A CAIR NO<sub>x</sub> Ozone Season allowance does not constitute a property right.  
 (7) Upon recordation by the Administrator under 40 CFR Part 96, Subpart EEEE, FFFF or GGGG, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Ozone Season allowance to or from a CAIR NO<sub>x</sub> Ozone Season unit's compliance account is incorporated automatically in any CAIR Part of the source that includes the CAIR NO<sub>x</sub> Ozone Season unit.

Plant Name (from STEP 1)	Turkey Point
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**STEP 3,**  
**Continued**

**Excess Emissions Requirements.**

If a CAIR NO<sub>x</sub> Ozone Season source emits NO<sub>x</sub> during any control period in excess of the CAIR NO<sub>x</sub> Ozone Season emissions limitation, then:  
 (1) The owners and operators of the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall surrender the CAIR NO<sub>x</sub> Ozone Season allowances required for deduction under 40 CFR 96.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable state law; and  
 (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 96, Subpart AAAA, the Clean Air Act, and applicable state law.

**Recordkeeping and Reporting Requirements.**

- (1) Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the DEP or the Administrator.  
 (i) The certificate of representation under 40 CFR 96.313 for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 40 CFR 96.113 changing the CAIR designated representative.  
 (ii) All emissions monitoring information, in accordance with 40 CFR Part 96, Subpart HHHH, of this part, provided that to the extent that 40 CFR Part 96, Subpart HHHH, provides for a 3-year period for recordkeeping, the 3-year period shall apply.  
 (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Ozone Season Trading Program.  
 (iv) Copies of all documents used to complete a CAIR Part form and any other submission under the CAIR NO<sub>x</sub> Ozone Season Trading Program or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Ozone Season Trading Program.  
 (2) The CAIR designated representative of a CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall submit the reports required under the CAIR NO<sub>x</sub> Ozone Season Trading Program, including those under 40 CFR Part 96, Subpart HHHH.

**Liability.**

- (1) Each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit shall meet the requirements of the CAIR NO<sub>x</sub> Ozone Season Trading Program.  
 (2) Any provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program that applies to a CAIR NO<sub>x</sub> Ozone Season source or the CAIR designated representative of a CAIR NO<sub>x</sub> Ozone Season source shall also apply to the owners and operators of such source and of the CAIR NO<sub>x</sub> Ozone Season units at the source.  
 (3) Any provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program that applies to a CAIR NO<sub>x</sub> Ozone Season unit or the CAIR designated representative of a CAIR NO<sub>x</sub> Ozone Season unit shall also apply to the owners and operators of such unit.

**Effect on Other Authorities.**

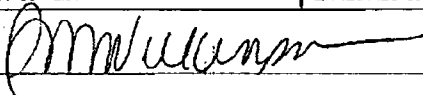
No provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program, a CAIR Part, or an exemption under 40 CFR 96.305 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO<sub>x</sub> Ozone Season source or CAIR NO<sub>x</sub> Ozone Season unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

**STEP 4**

**Certification (for designated representative or alternate designated representative only)**

**Read the certification statement; provide name, title, owner company name, phone, and e-mail address; sign, and date.**

I am authorized to make this submission on behalf of the owners and operators of the CAIR source or CAIR units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name: Sheila Wilkinon	Title: PGD Environmental Manager (DR)
Company Owner Name: Florida Power & Light	
Phone: 561-691-2287	E-mail Address: Sheila_M_Wilkinson@fpl.com
Signature 	Date: 5/27/08

SECTION VI. APPENDICES

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- Appendix A, Glossary.
- Appendix ASP, ASP Number 97-B-01 (With Scrivener's Order Dated July 9, 1997).
- Appendix I, List of Insignificant Emissions Units and/or Activities.
- Appendix MD, Miami-Dade County Code, Sections 24-41.1 & 3.
- Appendix NESHAP, Subpart A – General Provisions. (Unit 5 and ancillary equipment)
- Appendix NESHAP, Subpart YYYY. (Unit 5)
- Appendix NESHAP, Subpart ZZZZ. (Unit 015)
- Appendix NSPS, Subpart A – General Provisions. (Unit 5 and ancillary equipment)
- Appendix NSPS, Subpart Da. (Unit 5)
- Appendix NSPS, Subpart GG. (Unit 5)
- Appendix RR, Facility-wide Reporting Requirements.
- Appendix SO, Order of the Department's Secretary dated April 24, 1984.
- Appendix TR, Facility-wide Testing Requirements.
- Appendix TV, Title V General Conditions.
- Appendix U, List of Unregulated Emissions Units and/or Activities.

DRAFT PROPOSED

**Friday, Barbara**

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**To:** ed\_nunez@fpl.com  
**Cc:** john.hampp@fpl.com; 'KKosky@Golder.com'; Hoefert, Lee; muthim@miamidade.gov; Forney.Kathleen@epamail.epa.gov; Gibson, Victoria; Attalla, Yousry; Holtom, Jonathan  
**Subject:** FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT; 0250003-012-AV  
**Attachments:** 0250003012AVWrittenNoticeofIntent.pdf

Dear Sir/ Madam:

Attached is the official **Written Notice of Intent to Issue Air Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". **We must receive verification that you are able to access the documents.** Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:

[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/0250003.012.AV.D\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0250003.012.AV.D_pdf.zip)

Attention: Yousry Attalla

Owner/Company Name: FLORIDA POWER and LIGHT (PTF)

Facility Name: TURKEY POINT POWER PLANT

Project Number: 0250003-012-AV

Permit Status: DRAFT/PROPOSED

Permit Activity: PERMIT REVISION

Facility County: MIAMI-DADE

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "*Air Permit Documents Search*" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)

## Friday, Barbara

---

**From:** Exchange Administrator  
**Sent:** Monday, January 26, 2009 2:51 PM  
**To:** Friday, Barbara  
**Subject:** Delivery Status Notification (Relay)  
**Attachments:** ATT128429.txt; FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT; 0250003-012-AV

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

[ed\\_nunez@fpl.com](mailto:ed_nunez@fpl.com)  
[john.hampp@fpl.com](mailto:john.hampp@fpl.com)

## Friday, Barbara

---

**From:** Hampp, John [John.Hampp@fpl.com]  
**To:** Friday, Barbara  
**Sent:** Monday, January 26, 2009 2:51 PM  
**Subject:** Read: FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT;  
0250003-012-AV

Your message

To: [John.Hampp@fpl.com](mailto:John.Hampp@fpl.com)  
Subject:

was read on 1/26/2009 2:51 PM.



## Friday, Barbara

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**From:** Mail Delivery System [MAILER-DAEMON@mx1.golder.com]  
**Sent:** Monday, January 26, 2009 2:51 PM  
**To:** Friday, Barbara  
**Subject:** Successful Mail Delivery Report  
**Attachments:** Delivery report; Message Headers

This is the mail system at host mx1.golder.com.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<KKosky@Golder.com>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent  
497E141A\_25724\_94199\_1 83C5D1CF0AF1

## Friday, Barbara

---

**From:** Mail Delivery System [MAILER-DAEMON@in01.sjc.mx.trendmicro.com]  
**Sent:** Monday, January 26, 2009 2:51 PM  
**To:** Friday, Barbara  
**Subject:** Successful Mail Delivery Report  
**Attachments:** Delivery report; Message Headers

This is the mail system at host in01.sjc.mx.trendmicro.com.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<[muthim@miamidade.gov](mailto:muthim@miamidade.gov)>: delivery via  
scan3.sjc.tk.trendmicro.com[10.30.239.9]:25: 250 2.0.0 Ok: queued as  
8A901239A25

## Friday, Barbara

---

**From:** System Administrator  
**To:** Hoefert, Lee  
**Sent:** Monday, January 26, 2009 2:51 PM  
**Subject:** Delivered:FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT;  
0250003-012-AV

Your message

**To:** [ed\\_nunez@fpl.com](mailto:ed_nunez@fpl.com)  
**Cc:** 'john.hampp@fpl.com'; 'KKosky@Golder.com'; Hoefert, Lee; [muthim@miamidade.gov](mailto:muthim@miamidade.gov);  
[Forney.Kathleen@epamail.epa.gov](mailto:Forney.Kathleen@epamail.epa.gov); Gibson, Victoria; Attalla, Yousry; Holtom,  
Jonathan  
**Subject:** FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT; 0250003-012-AV  
**Sent:** 1/26/2009 2:51 PM

was delivered to the following recipient(s):

Hoefert, Lee on 1/26/2009 2:51 PM

## Friday, Barbara

---

**From:** Hoefert, Lee  
**To:** Friday, Barbara  
**Sent:** Monday, January 26, 2009 4:30 PM  
**Subject:** Read: FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT;  
0250003-012-AV

Your message

**To:** [ed\\_nunez@fpl.com](mailto:ed_nunez@fpl.com)  
**Cc:** 'john.hampp@fpl.com'; 'KKosky@Golder.com'; Hoefert, Lee; [muthim@miamidade.gov](mailto:muthim@miamidade.gov);  
[Forney.Kathleen@epamail.epa.gov](mailto:Forney.Kathleen@epamail.epa.gov); Gibson, Victoria; Attalla, Yousry; Holtom,  
Jonathan  
**Subject:** FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT; 0250003-012-AV  
**Sent:** 1/26/2009 2:51 PM

was read on 1/26/2009 4:30 PM.

## Friday, Barbara

---

**From:** Mail Delivery System [MAILER-DAEMON@mseive02.rtp.epa.gov]  
**Sent:** Monday, January 26, 2009 2:51 PM  
**To:** Friday, Barbara  
**Subject:** Successful Mail Delivery Report  
**Attachments:** Delivery report; Message Headers

This is the mail system at host mseive02.rtp.epa.gov.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<[Forney.Kathleen@epamail.epa.gov](mailto:Forney.Kathleen@epamail.epa.gov)>: delivery via 127.0.0.1[127.0.0.1]:10025: 250  
OK, sent 497E143A\_31927\_2187\_6 8E20D1DC004

## Friday, Barbara

---

**From:** System Administrator  
**To:** Attalla, Yousry; Gibson, Victoria  
**Sent:** Monday, January 26, 2009 2:51 PM  
**Subject:** Delivered:FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT;  
0250003-012-AV

### Your message

**To:** [ed\\_nunez@fpl.com](mailto:ed_nunez@fpl.com)  
**Cc:** 'john.hampp@fpl.com'; 'KKosky@Golder.com'; Hoefert, Lee; [muthim@miamidade.gov](mailto:muthim@miamidade.gov);  
[Forney.Kathleen@epamail.epa.gov](mailto:Forney.Kathleen@epamail.epa.gov); Gibson, Victoria; Attalla, Yousry; Holtom,  
Jonathan  
**Subject:** FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT; 0250003-012-AV  
**Sent:** 1/26/2009 2:51 PM

was delivered to the following recipient(s):

Attalla, Yousry on 1/26/2009 2:51 PM  
Gibson, Victoria on 1/26/2009 2:51 PM

## Friday, Barbara

---

**From:** Attalla, Yousry  
**To:** Friday, Barbara  
**Sent:** Monday, January 26, 2009 3:49 PM  
**Subject:** Read: FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT;  
0250003-012-AV

Your message

**To:** [ed\\_nunez@fpl.com](mailto:ed_nunez@fpl.com)  
**Cc:** 'john.hampp@fpl.com'; 'KKosky@Golder.com'; Hoefert, Lee; [muthim@miamidade.gov](mailto:muthim@miamidade.gov);  
[Forney.Kathleen@epamail.epa.gov](mailto:Forney.Kathleen@epamail.epa.gov); Gibson, Victoria; Attalla, Yousry; Holtom,  
Jonathan  
**Subject:** FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT; 0250003-012-AV  
**Sent:** 1/26/2009 2:51 PM

was read on 1/26/2009 3:49 PM.

## Friday, Barbara

---

**From:** Gibson, Victoria  
**To:** Friday, Barbara  
**Sent:** Monday, January 26, 2009 2:56 PM  
**Subject:** Read: FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT;  
0250003-012-AV

Your message

**To:** [ed\\_nunez@fpl.com](mailto:ed_nunez@fpl.com)  
**Cc:** 'john.hampp@fpl.com'; 'KKosky@Golder.com'; Hoefert, Lee; [muthim@miamidade.gov](mailto:muthim@miamidade.gov);  
[Forney.Kathleen@epamail.epa.gov](mailto:Forney.Kathleen@epamail.epa.gov); Gibson, Victoria; Attalla, Yousry; Holtom,  
Jonathan  
**Subject:** FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT; 0250003-012-AV  
**Sent:** 1/26/2009 2:51 PM

was read on 1/26/2009 2:56 PM.



**Friday, Barbara**

---

**From:** System Administrator  
**To:** Holtom, Jonathan  
**Sent:** Monday, January 26, 2009 2:51 PM  
**Subject:** Delivered:FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT;  
0250003-012-AV

Your message

**To:** [ed\\_nunez@fpl.com](mailto:ed_nunez@fpl.com)  
**Cc:** 'john.hampp@fpl.com'; 'KKosky@Golder.com'; Hoefert, Lee; [muthim@miamidade.gov](mailto:muthim@miamidade.gov);  
[Forney.Kathleen@epamail.epa.gov](mailto:Forney.Kathleen@epamail.epa.gov); Gibson, Victoria; Attalla, Yousry; Holtom,  
Jonathan  
**Subject:** FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT; 0250003-012-AV  
**Sent:** 1/26/2009 2:51 PM

was delivered to the following recipient(s):

Holtom, Jonathan on 1/26/2009 2:51 PM

## Friday, Barbara

---

**From:** Holtom, Jonathan  
**To:** Friday, Barbara  
**Sent:** Monday, January 26, 2009 4:29 PM  
**Subject:** Read: FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT;  
0250003-012-AV

Your message

**To:** [ed\\_nunez@fpl.com](mailto:ed_nunez@fpl.com)  
**Cc:** 'john.hampp@fpl.com'; 'KKosky@Golder.com'; Hoefert, Lee; [muthim@miamidade.gov](mailto:muthim@miamidade.gov);  
[Forney.Kathleen@epamail.epa.gov](mailto:Forney.Kathleen@epamail.epa.gov); Gibson, Victoria; Attalla, Yousry; Holtom,  
Jonathan  
**Subject:** FLORIDA POWER & LIGHT COMPANY - TURKEY POINT POWER PLANT; 0250003-012-AV  
**Sent:** 1/26/2009 2:51 PM

was read on 1/26/2009 4:29 PM.