



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

July 12, 2004

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Vincent Laudato, Environmental Group Manager
Turkey Point Nuclear Plant
Florida Power & Light Company
9760 SW 344th Street
Florida City, Florida 33035

Re: FPL Turkey Point Nuclear Plant
Title V Air Operation Permit No. 0250003-004-AV
Exemption for Portable, Temporary Concrete Batcher

Dear Mr. Laudato:

On June 11, 2004, the Department received your letter describing several temporary emissions units that will be used during the upcoming maintenance outage at the nuclear plant. These units were identified as "insignificant". However, the small portable concrete batcher is subject to a specific state regulation (Rule 62-296.414, F.A.C.). On June 29, 2004, the Department received an email requesting an exemption for the temporary concrete batching operation.

Based upon the information provided, the Department has determined that the use of a temporary portable concrete batcher as described will not cause the issuance of air contaminants in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State. Therefore, in accordance with Rule 62-4.040 of the Florida Administrative Code (F.A.C.), the Department conditionally exempts the concrete batcher from the requirement to obtain an air construction permit subject to the attached conditions.

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 (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department 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), F.S. must be filed within fourteen days of receipt of this notice of intent. Under Section 120.60(3), F.S., 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 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 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

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Vincent Laudato
 Environmental Group Manager
 Turkey Point Nuclear Plant
 Florida Power & Light Co.
 9760 SW 344th Street
 Florida City, FL 33035

2. Article Number (Copy from service label)

7000 0600 0026 4129 7972

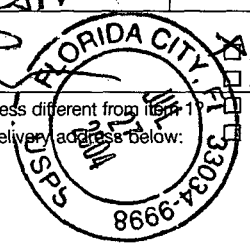
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John Cam

C. Signature

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Agent
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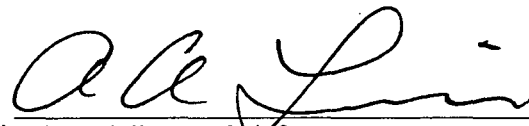
Mr. Vincent Laudato, Turkey Point Plant
 Street, Apt. No., or PO Box No.
 9760 SW 344th St.
 City, State, ZIP+4
 Florida City, FL 33035

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; 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, F.A.C.

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.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Program Administrator, Air Permitting South at the above letterhead address. If you have any other questions, please contact Jeff Koerner at 850/921-9536.

Executed in Tallahassee,

for 
Trina Vielhauer, Chief
Bureau of Air Regulation


CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this PERMIT EXEMPTION was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on July 12th, 2004 to the person(s) listed:

- Ms. Mary Archer, FPL
- Mr. Tom Tittle, SED
- Mr. Patrick Wong, Dade County DERM

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) 7/12/04
(Date)

CONDITIONS OF EXEMPTION

Project Description

FPL has scheduled an outage for Units 1 and 2 to perform maintenance activities related to the inside liner of the Containment Building. Several pieces of temporary equipment will be required including a small concrete batch plant. This unit is portable (wheeled) and will have the following approximate specifications:

- A portable concrete batching unit for temporary operation;
- A production capacity of approximately 8 cubic yards per batch (~ 75 cubic yards per hour); and
- A fabric filter controlling particulate matter from the cement silo and batching operation.

The equipment will be located on site from about July 2004 through June 2005. Between July and October, approximately 2 or 3 batches per week will be made for material testing purposes, which will result in a total of about 200 cubic yards of concrete. It is estimated that 120 cubic yards of concrete will be needed for each unit to repair the containment wall, which will be produced over a 1-2 day period. After the repair is complete, the equipment will be moved to the St. Lucie Nuclear Plant for a similar outage.

Discussion

EPA's emissions factor document (AP-42) estimates a plant-wide particulate matter emission factor for a central mix operation of "0.036 lb/cubic yard of concrete". This factor assumes control of the mixer operation with a fabric filter. Based on this factor, 16 pounds of particulate matter emissions would be emitted as a result of the estimated 440 yards of concrete needed for the repair excluding fugitive dust sources such as truck traffic. Therefore, it is reasonable to expect that particulate emissions from the containment wall repair project will be much less than 1 ton per year even twice the estimated concrete is needed.

Rule 62-296.414, F.A.C. regulates concrete batch plants. Emissions from silos, weigh hoppers (batchers), and other enclosed storage and conveying equipment must be controlled so that visible emissions do not exceed 5% opacity. Reasonable precautions must be taken to minimize fugitive dust emissions from the storage and traffic areas. A visible emissions test on the fabric filter is required to demonstrate compliance.

Normally such operations could be authorized with the general permit available for concrete batch plants. However, the nuclear plant has been determined to be part of the fossil fuel power plant and operates under a Title V permit. The general permit for concrete batch plants precludes Title V sources from also obtaining the general permit. Also, there is no categorical exemption in Rule 62-210.300(3)(a), F.A.C. for concrete batching. Although particulate matter emissions meet the criteria (< 5 tons per year) for a generic emissions unit exemption in Rule 62-210.300(3)(b)1, F.A.C., the activity is not eligible because it is subject to a unit-specific applicable requirement for concrete batch plants. Therefore, FPL requests a case-by-case exemption in accordance with Rule 62-4.040, F.A.C. for this activity.

The Department agrees that this activity "... will not cause the issuance of air ... contaminants in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified." Based on the temporary nature of this project, the predicted low emission impacts, and the information provided by FPL, the Department exempts the temporary concrete batching operation from the requirement to obtain an air construction permit, subject to the following conditions:

Conditions

1. The portable concrete batching equipment shall be installed and operated in accordance with the manufacturer's recommendations.
2. A fabric filter shall be installed and operated to control particulate matter emissions from silo loading and mixing.
3. FPL shall notify the Department upon delivery of the equipment to the site and upon its removal.
4. The installed equipment shall comply with Rule 62-296.414, F.A.C. as follows:

CONDITIONS OF EXEMPTION

62-296.414 Concrete Batching Plants.

The following requirements apply to new and existing emissions units producing concrete and concrete products by batching or mixing cement and other materials. This rule also applies to facilities processing cement and other materials for the purposes of producing concrete.

- (1) **Stack Emissions.** Emissions from silos, weigh hoppers (batchers), and other enclosed storage and conveying equipment shall be controlled to the extent necessary to limit visible emissions to 5 percent opacity.
- (2) **Unconfined Emissions.** The owner or operator shall take reasonable precautions to control unconfined emissions from hoppers, storage and conveying equipment, conveyor drop points, truck loading and unloading, roads, parking areas, stock piles, and yards as required by Rule 62-296.320(4)(c), F.A.C. For concrete batching plants the following shall constitute reasonable precautions:
 - (a) **Management of roads, parking areas, stock piles, and yards,** which shall include one or more of the following:
 1. Paving and maintenance of roads, parking areas, and yards.
 2. Application of water or environmentally safe dust-suppressant chemicals when necessary to control emissions
 3. Removal of particulate matter from roads and other paved areas under control of the owner or operator to mitigate re-entrainment, and from building or work areas to reduce airborne particulate matter.
 4. Reduction of stock pile height or installation of wind breaks to mitigate wind entrainment of particulate matter from stock piles.
 - (b) Use of spray bar, chute, or partial enclosure to mitigate emissions at the drop point to the truck.
- (3) **Test Methods and Procedures.** All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.
 - (a) The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C.
 - (b) Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.
 - (c) Visible emissions tests of silo dust collector exhaust points shall be conducted while loading the silo at a rate that is representative of the normal silo loading rate. The minimum loading rate shall be 25 tons per hour unless such rate is unachievable in practice. If emissions from the weigh hopper (batcher) operation are also controlled by the silo dust collector, the batching operation shall be in operation during the visible emissions test. The batching rate during the emissions test shall be representative of the normal batching rate and duration. Each test report shall state the actual silo loading rate during emissions testing and, if applicable, whether or not batching occurred during emissions testing.
 - (d) If emissions from the weigh hopper (batcher) operation are controlled by a dust collector which is separate from the silo dust collector, visible emissions tests of the weigh hopper (batcher) dust collector exhaust point shall be conducted while batching at a rate that is representative of the normal batching rate and duration. Each test report shall state the actual batching rate during emissions testing.
- (4) **Compliance Demonstration.** Per the conditions of Rule 62-297.310(7)(a), F.A.C., each dust collector exhaust point shall be tested annually for compliance with the visible emission limiting standard of Rule 62-296.414(1), F.A.C.

During the initial cement silo loading, the permittee shall demonstrate compliance with the visible emissions standard by conducting a DEP Method 9 test at the fabric filter exhaust. No later than 30 days after beginning concrete batching, the permittee shall demonstrate compliance with the visible emissions standard by conducting a DEP Method 9 test at the fabric filter exhaust while operating the mixer.
5. If the information providing the basis of this exemption is substantially changed, the owner or operator shall notify the Department's Bureau of Air Regulation at which time this exemption may be revoked.
6. Issuance of this conditional exemption from permitting does not relieve the owner or operator from compliance with any other applicable federal, state, or local requirements for approval and operation of these units. It does not preclude complying with Department rules regarding any future requirements to obtain an air permit should these units become subject to such requirements through rule changes.