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MAY 23 2002

BUREAU OF AIR REGULATION

Ms. Cindy Phillips, P.E.  
FDEP Bureau of Air Regulation  
MS 5505  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

May 6, 2002

Re: **Part 1 Application /MACT Applicability Determination for Source Category (or categories) for Turkey Point Nuclear Plant, Permit No. 0250003-002-AV**

Dear Ms. Phillips,

Pursuant to the general provisions of 40 CFR Part 63 (MACT standards) and the MACT hammer provisions, which implement Section 112(j) of the Clean Air Act (CAA), this letter is to request the **above mentioned determination** regarding the MACT hammer.

**Applicability Determination Request for 112(j)  
Internal Combustion Engine**

1) The name and address (physical location) of the major source.	Florida Power and Light Company – Turkey Point Nuclear Plant 10 miles east of Florida City on Palm Drive Florida City, FL 33035  The Turkey Point Nuclear Plant is located on the shore of Biscayne Bay in Miami-Dade County, Florida approximately 25 miles south of Miami, Florida. (Latitude +25.435000 - Longitude -80.331389)
2) A brief description of the major source and an identification of the relevant source category	The Turkey Point Nuclear Plant consists of two nuclear generating units with a combined capacity of 1332 megawatts. This facility also contains several ancillary pieces of diesel-driven equipment (such as diesel generators and air compressors) and fuel storage tanks as well as miscellaneous unregulated emission units.  As provided in the Title V permit application for this facility (PTN-LIC-96-034), this facility is not a major source of hazardous air pollutants (HAPs). However this facility is located on the <b>same contiguous property</b> as the Turkey Point Fossil Plant (0250003-001-AV) which may be a major source of HAPs.  The relevant source categories, diesel generators and other diesel-driven equipment, for which this determination is submitted, are in the internal combustion engine category.

3) Identification of the types of emission points belonging to the relevant source category.	E.U. ID No./Brief Description -005/ (4) 2.5 MW Diesel Emergency Generators -006/ (5) Other Diesel Emergency Generators -007/ Miscellaneous Diesel Plant Equipment
4) Identification of any affected sources for which a section 112(g) MACT determination has been made at this facility	<b>none</b>

Based on the fact that this facility is not a major source of HAPs, but is co-located on contiguous property with an FPL facility that may be a major source of HAPs, it is conceivable that this facility may be subject to section 112(j) of the Clean Air Act. We reserve the right, however, to withdraw or amend this application should we obtain additional information regarding our status.

As the responsible official, I hereby certify, based on information and belief formed after reasonable inquiry, that the statements and information in this document are true, accurate, and complete.

Should you have any questions regarding this, please contact Quintin Ferrer at (305) 246—6453, Sean Fletcher at (305) 246-7301 or Mary Archer at (561) 691-7057.

Sincerely,

Gary E. Hollinger  
Protection Services Manager  
Turkey Point Nuclear Plant





Jeb Bush  
Governor

# Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

David B. Struhs  
Secretary

June 18, 2002

Mr. Gary E. Hollinger  
Protection Services Manager  
Turkey Point Nuclear Power Plant  
Florida Power & Light Company  
9760 SW 344 Street  
Florida City, FL 33034

Re: Request for Determination of MACT Applicability for Turkey Point Nuclear Power Plant

Dear Mr. Hollinger:

In response to your letter submitted May 20, 2002 which requests that the Department make a determination of MACT applicability for your plant, I have attached Chapter 28-105, F.A.C., Declaratory Statements, which specifies the procedure that you must follow in order for us to comply with your request.

The Department's Agency Clerk is Kathy Carter. Her address is:

Kathy Carter, Agency Clerk  
Florida Department of Environmental Protection  
MS 35  
3900 Commonwealth Boulevard  
Tallahassee FL 32399-3000

Thank you for submitting the 112(j) notification information.

Please be aware that, although your letter refers to this information submittal as a "Part 1 Application," the Department does not recognize your submittal as a state permit application and has no plans to process it as such.

No further 112(j) information is needed from you at this time. If you have any questions, concerning this matter, please contact me at 850/921-9534.

Sincerely,

Cindy L. Phillips, P.E.  
Bureau of Air Regulation

attachment

"More Protection, Less Process"

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## **CHAPTER 28-105, F.A.C.**

### **DECLARATORY STATEMENTS**

#### 28-105.001 Purpose and Use of Declaratory Statement.

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from an agency. A petition for declaratory statement must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

#### 28-105.002 The Petition.

A petition seeking a declaratory statement shall be filed with the clerk of agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

(1) The caption shall read:

Petition for Declaratory Statement

Before (Name of Agency)

(2) The name, address, telephone number, and any facsimile number of the petitioner.

(3) The name, address, telephone number, and any facsimile number of the attorney or qualified representative (if any) of the petitioner.

(4) The statutory provision(s), agency rule(s), or agency order(s) on which the declaratory statement is sought.

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner in the petitioner's particular set of circumstances.

(6) The signature of the petitioner or of the petitioner's attorney or qualified representative.

(7) The date.

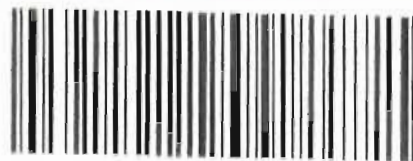
#### 28-105.003 Agency Disposition.

The agency may hold a hearing to consider a petition for declaratory statement. If the agency is headed by a collegial body, it shall take action on a petition for declaratory statement only at a duly noticed public meeting. If a hearing is held, it shall be conducted in accordance with Sections 120.569 and 120.57(2), F.S. The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within 90 days of the filing of the petition, the agency shall render a final order denying the petition or issuing a declaratory statement.

Florida Power & Light  
Turkey Point Nuclear Plant  
9760 SW 344<sup>th</sup> Street  
Florida City, FL 33034

PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7000 0600 0027 8824 0336



0000



32399

U.S. POSTAGE  
PAID  
HOMESTEAD, FL  
33030  
MAY 20, 02  
AMOUNT

**\$4.17**

00086428-17

Florida Department of Environmental  
Protection  
Bureau of Air Regulation  
MS 5505  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**RETURN RECEIPT  
REQUESTED**

ATTN: MS. CINDY PHELIPS, P.E.



May 3, 2002

Ms. Cindy Phillips, P.E.  
FDEP Bureau of Air Regulation  
MS 5505  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

RECEIVED

MAY 13 2002

BUREAU OF AIR REGULATION

**Reason: Request for Applicability Determination for the following Source Category (or Categories) for Turkey Point Fossil Power Plant Permit No. 0250003-001 -AV**

Dear Ms. Phillips,

Thank you for your notice considering the "MACT hammer" notification requirements for the State of Florida. In accordance with your notice and the general provisions of 40 CFR Part 63 (MACT standards) and the MACT hammer provisions, which implement Section 112(j) of the Clean Air Act (CAA), this letter is to request the above mentioned determination regarding the MACT hammer.

**Applicability Determination Request for 112(j)  
Internal Combustion Engine**

1) The name and address (physical location) of the major source.	Florida Power and Light Company - Turkey Point Fossil Plant 9700 SW 344 St. Homestead, Fl. 33035  The plant is located in Turkey Point , 9.5 miles east of Florida City on the Western shore of Biscayne Bay.
2) A brief description of the major source and an identification of the relevant source category	This facility consists of two oil and natural gas fired conventional steam electric generating stations, designated as Units # 1 and #2. Each of two oil and natural gas fired conventional steam electric generating units is a nominal 400 megawatt (MW) class (electric) steam generator which drives a single reheat turbine generator. Also included in this permit are five (5) 2.75 MW "Black Start" Diesel Peaking generators.  Based on the initial Title V permit application received June 12, 1996, this facility is a major source of hazardous air pollutants (HAPs).  The Diesel Peaking Generators falls in the internal combustion engine category.
3) Identification of the types of emission points belonging to the relevant source category.	E.U. ID No. Brief Description 003 (5) 2.75 MW Diesel Peaking Generators
4) Identification of any affected sources for which a section 112(g) MACT determination has been made at this facility	<b>None</b>



Florida Power & Light Company, 9700 S.W. 344 Street, Homestead, FL 33035  
Turkey Point Fossil Plant



Ms. Cindy Phillips, P.E.  
FDEP Bureau of Air Regulation  
MS 5505  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

32399-2400 01

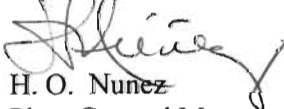


Based on the information available to us at the time of this application, we believe that we may be subject to section 112(j) of the Clean Air Act. We reserve the right, however, to amend or withdraw this application should we obtain new or different information regarding our status.

As the responsible official, I hereby certify, based on information and belief formed after reasonable inquiry, that the statements and information in this document are true, accurate, and complete.

Should you have any questions regarding this, please contact Gary Andersen at (305) 342-3826 or John Hampp at (561) 691-2894.

Sincerely,



H. O. Nunez  
Plant General Manager  
Turkey Point Fossil Power Plant

cc: Air Permitting Section, Air Planning Branch, APTDM,  
USEPA Region 4  
Atlanta Federal Center  
Atlanta, Ga. 30303-8960

Tom Tittle – FDEP Central District  
FDEP Southeast District  
400 North Congress Ave  
West Palm Beach, FL 33401

Scott Sheplak – Title V Permitting  
FDEP Bureau of Air Regulation  
MS 5505  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400





Jeb Bush  
Governor

# Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

David B. Struhs  
Secretary

June 11, 2002

Mr. H. O. Nunez  
Plant General Manager  
Turkey Point Fossil Power Plant  
Florida Power & Light Company  
9700 SW 344 Street  
Homestead, FL 33035

Re: Request for Determination of MACT Applicability for Turkey Point Fossil Power Plant

Dear Mr. Nunez:

In response to your letter received May 13, 2002 which requests that the Department make a determination of MACT applicability for your plant, I have attached Chapter 28-105, F.A.C., Declaratory Statements, which specifies the procedure that you must follow in order for us to comply with your request.

The Department's Agency Clerk is Kathy Carter. Her address is:

Kathy Carter, Agency Clerk  
Florida Department of Environmental Protection  
MS 35  
3900 Commonwealth Boulevard  
Tallahassee FL 32399-3000

Thank you for submitting the 112(j) notification information. Your information submittal appears to meet our current 112(j) requirements.

Please be aware that, although your letter refers to this information submittal as an "application," the Department does not recognize your submittal as a state permit application and has no plans to process it as such.

No further 112(j) information is needed from you at this time. If you have any questions, concerning this matter, please contact me at 850/921-9534.

Sincerely,

Cindy L. Phillips, P.E.  
Bureau of Air Regulation

attachment

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