

Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

May 20, 2005

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Barbara P. Linkiewicz
Florida Power & Light Company
700 Universal Boulevard
Juno Beach, FL 33408

**RE: Florida Power & Light's Martin Power Plant
Modification to Conditions of Certification
DEP Case Number PA89-27I
OGC Case Number 05-0262**

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Linkiewicz:

The Siting Board issued the Site Certifications for the Martin Power Plant February 12, 1991 and April 14, 2003, and on August 15, 1995. These certifications authorized the construction and operation of 2400 megawatts (MW) of gas-fired steam electric power plant units and ancillary facilities. The Department of Environmental Protection has subsequently modified the Conditions of Certification on eight different occasions by final orders.

On December 14, 2004, Florida Power & Light Company submitted a petition to the Department requesting a modification to the site certification for the Martin Power Plant Site to authorize the construction and operation of gas fired heaters for the Gulfstream Natural Gas System metering station. On August 20, 2004, the DEP issued Air Permit No. 0850141-001-AC for the Gulfstream Meter Station. On October 20, and December 21, 2004, the DEP issued minor revisions to the NPDES Permit FL0030988 for the Martin Power Plant. Pursuant to §§ 403.516(1), F.S. and Rule 62-17.211(1), Florida Administrative Code (F.A.C.) the Department proposes to modify the Conditions of Certification for the gas heater project, to conform to the amended NPDES Permit and to replace the term "Permittee" with "Licensee".

On or before April 08, 2005, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on April 08, 2005, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Department's website. Those notices specified that pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., all parties to the certification

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proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which file a written objection to the modification; that failure of any of the parties to file a response will constitute a waiver of objection to the modification; and that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing.

No objections to the modification have been received by the Department. The Conditions of Certification for the Martin Expansion Project are hereby modified as follows:

"Permittee" shall be replaced by "Licensee" throughout.

III. Definitions

A. – E. No change

F. "Licensee" ~~"Permittee"~~ shall mean Florida Power and Light Company (FPL) or Gulfstream Natural Gas System, L.L.C. [Gulfstream] (where applicable) as owners and operators of the certified facilities.

IV. AIR

The construction and operation of Martin Expansion Project shall be in accordance with all applicable provisions of Chapters 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. In addition to the foregoing, the project shall comply with the General Requirements, Testing Requirements, Records and Reports requirements of PSD Permits PSD-FL-286 and FL 327, and Air Permit No. 0850141-001-AC, as may be subsequently modified, and the following conditions of certification as indicated. (The following emission limitations and conditions in paragraph IV.A. reflect final BACT determinations, as determined by the Department under the PSD review, for Units 3 and 4 and preliminary determinations for Units 5 and 6; paragraph IV.B. are for simple cycle units 8A and 8B; and Paragraph IV.C. is for Unit 8 in the combined cycle mode firing natural gas and oil. However, emission limitations in these Conditions do not establish BACT. Emission limitations and conditions concerning phases III and IV of the project were preliminary based on information furnished by the Licensee in order to support certification of ultimate site capacity and shall be determined finally upon review of supplemental applications.)

A. – H. No change

I. Gulfstream Gas Heaters (this Condition I. is applicable to Gulfstream)

<u>E.U. ID NO.</u>	<u>EMISSION UNIT DESCRIPTION</u>
<u>001</u>	<u>Gas-fired, natural gas fuel heater at 10 MMBtu per hour capacity</u>
<u>002</u>	<u>Gas-fired, natural gas fuel heater at 10 MMBtu per hour capacity</u>

1. Fuel Heaters: The Licensee is authorized to install two new fuel heaters designed to preheat pipeline natural gas before delivery to the adjacent power plant. Each fuel heater shall be designed for a maximum heat input rate of 10 MMBtu per hour from the firing of natural gas. Each fuel heater shall fire natural gas as the exclusive fuel. [Rule 62-210.200(PTE), F.A.C.]

2. Restricted Operation: The hours of operation of the fuel heaters are not limited (8760 hours per year). [Rule 62-210.200(PTE), F.A.C.]

3. Reporting and Recordkeeping Requirements of 40 CFR 60.48c:

a. The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction and actual startup, as provided by §60.7 of this part. This notification shall include:

i. The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.

ii. The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

iii. Notification if an emerging technology will be used for controlling SO₂ emissions. The Administrator will examine the description of the control device and will determine whether the technology qualifies as an emerging technology. In making this determination, the Administrator may require the owner or operator of the affected facility to submit additional information concerning the control device. The affected facility is subject to the provisions of §60.42c (a) or (b) (1), unless and until this determination is made by the Administrator.

b. The owner or operator of each affected facility shall record and maintain records of the amounts of each fuel combusted during each day.

c. All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

4. License Review Authority: All documents related to a request for permission to operate an emissions unit shall be submitted to the Air Resource Section of the Department's Southeast District Office at 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401.

5. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Air Resource Section of the Department's

Southeast District Office at 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401.

6. Applicable Regulations, Forms and Application Procedures: Unless otherwise indicated in these conditions, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403 of the Florida Statutes (F.S.); Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.); and Title 40, Part 60 of the Code of Federal Regulations (CFR), adopted by reference in Rule 62-204.800, F.A.C. The terms used in these Conditions have specific meanings as defined in the applicable chapters of the Florida Administrative Code. The licensee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of these Conditions does not relieve the licensee from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]

7. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the licensee to conform to new or additional conditions. The Department shall allow the licensee a reasonable time to conform to the new or additional conditions, and on application of the licensee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]

8. Modifications: The licensee shall notify the Compliance Authority and the Siting Office upon commencement of construction. No emissions unit or facility subject to these Conditions shall be constructed or modified without obtaining permission from the Department. Such permission shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1) (a), F.A.C.]

9. Authorization to Construct: The authorization to construct the emissions units specified by this certification expires on August 31, 2005.

10. Permission to Operate: These Conditions (IV.I.) authorizes construction of the permitted emissions units and initial operation to determine compliance. An air operation approval is required for regular operation of the licensed emissions units. At least 90 days before the "authorization to construct" expires, the licensee shall submit the required information using an application form for an air operation permit to the Permitting Authority. [Rules 62-4.030, 62-4.050, and 62-4.220, F.A.C.]

V. Surface Water Discharges

A. Plant Effluents and Receiving Body of Water

Discharges into surface waters of the state during construction and operation of the project shall be in accordance with applicable provisions of 62-4, 62-160, 62-302, 62-601, 62-650, and 62-660, F.A.C., DEP Permit No. FL0030988-005-IWB/MR, and the following Conditions of Certification:

1. - 6. No change

7. The permittee is authorized to discharge from **Outfall D-001-Cooling Pond Overflow** to the St. Lucie Canal. This outfall includes, or will include at a future date, discharges from Internal Outfalls I-004, I-006, I-007, I-008, I-009, I-010, I-011, I-012, I-013 and non-contact cooling water from Units 1-6 and Unit 8 cooling tower blowdown to the Plant Intake /Discharge Canal then to St. Lucie Canal.

8. – 11. No change

12. The Licensee is authorized to discharge from Internal Outfall I-007– Combined Cycle Wastewater Treatment System Effluent (includes combined cycle process wastewater and equipment area stormwater from simple cycle 8A and 8B Units 3, 4 and Unit 8) to the Cooling Pond.

D. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods and method detection limits (MDLs) applicable to these Conditions shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled “Florida Department of Environmental Protection Table as Required By Rule 62-4.246(4) Testing Methods for Discharges to Surface Water” dated June 21, 1996, is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for these Conditions. Any method included in the list may be used for reporting as long as it meets the following requirements:

a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;

b. The laboratory reported PQL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as “report only” in the permit shall use methods that provide a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and

c. If the PQLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated PQL shall be used.

Where the analytical results are below method detection or practical quantification limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. However, where necessary, the permittee may request approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 and 62-160.530, F.A.C.

2. Monitoring results obtained for each calendar month shall be summarized for that month and reported on a Discharge Monitoring Report (DMR), Form 62-620.910(10), postmarked no later than the 28th day of the month following the completed calendar month. For example, data for January shall be submitted by February 28. Signed copies of the DMR shall be submitted to the address specified below:

Florida Department of Environmental Protection
Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

If no discharge occurs during the reporting period, sampling requirements of these Conditions do not apply. The statement "No discharge" shall be written on the DMR form. If, during the term period of these Conditions, the facility ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

Monitoring results obtained for Outfalls D-003, I-004, I-06A, I-06B and I-007 shall be reported monthly on the DMR.

Monitoring results obtained for Outfalls D-001, D-002 shall be reported quarterly on the DMR for the month following the completed quarter.

Monitoring results obtained for Outfalls D-05A, D-05B, D-05D, D-05E, I-008, I-009, I-010, I-011, I-012 and I-013 shall be reported annually on the DMR in the month following the completed calendar year.

3. Unless specified otherwise in these Conditions, all other reports and notifications required by these Conditions, including twenty-four hour notifications, shall be submitted to or reported to, as appropriate, the Department's Southeast District Branch Office at the address specified below:

Florida Department of Environmental Protection
Southeast District Branch Office
1801 SE Hillmoor Dr. Suite C-204
Port St. Lucie, FL 34952
Phone Number (561) 398-2806

4. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

5. The permittee shall report all visible discharges of floating materials, such as ash or oil sheen, to the Department when submitting DMR's. Field data sheets shall have appropriate blank(s) to report observations.

6. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to lakes, rivers, or other waters of the State is prohibited unless specifically authorized elsewhere in these Conditions. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit. Discharge of chlorine from the use of chlorine gas, sodium hypochlorite or other similar chlorine compounds for disinfection in plant potable and service water systems, sewage treatment and once-through cooling water is authorized. In addition discharge of Continuum AEC 3108, Continuum AEC 3145, Inhibitor OP8413 and Inhibitor AZ8104, Sulfuric acid, Sodium hypochlorite and biocides such as Spectrus NX 1100 and spectrus CT1300 from the use in the cooling tower is authorized.

An approval from the Department shall be required prior to the use of any biocide or chemical additive used in the cooling system or any other portion of the treatment system which may be toxic to aquatic life. The request for approval shall include:

a. Name and general composition of biocide or chemical

b. Frequencies of use

c. Quantities to be used

d. Proposed effluent concentrations

e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA/600/4-90/027 entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, or most current addition.)

f. Product data sheet

g. Product label

The Department shall review the above information to determine if a major or minor permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without a permit revision by the Department. Permit revisions shall be processed in accordance with the requirements of Chapter 62-620, F.A.C.

7. The monitoring requirements of Condition V.A will become effective on the first day of the month following the issuance date of DEP Permit No FL 0030988-005.

8. Discharge of any waste resulting from the combustion of toxic, hazardous, or metal cleaning wastes to any waste stream which ultimately discharges to waters of the State is prohibited, unless specifically authorized elsewhere in these Conditions.

9. The permittee shall not store coal, soil, or other similar erodable materials in a manner in which runoff is uncontrolled, or conduct construction activities in a manner which produces uncontrolled runoff.

10. Unless otherwise specifically permitted in these Conditions, there shall be no point source discharges of any wastes to waters of the State, or to any waste stream which enters such waters. These wastes include but are not limited to, low volume wastes (including, but not limited to, boiler blowdown, wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drains, cooling tower basin cleaning wastes, and blowdown from recirculating house service water systems) chemical or non-chemical metal cleaning wastes (cleaning compounds, rinse waters, or any waterborne residues derived from cleaning any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning and air preheater cleaning; and specifically including such waster wash operations as hosing down boiler fireside surfaces), contaminated area runoff, sanitary wastes, and water softener regeneration wastewater.

11. The permittee shall operate and maintain loading and unloading facilities in such a manner in order to preclude spillage of coal, chemicals, etc., used at the facility, and shall take all actions necessary to clean-up and control any such spill which may occur.

12. The permittee is authorized to discharge storm water from the diked petroleum storage or handling areas, provided the following conditions are met:

a. The facility shall have a valid Spill Prevention Control and Countermeasure (SPCC) plan pursuant to 40 CFR Part 112.

b. In draining the diked area, a portable oil skimmer or similar device or absorbent material shall be used to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.

c. Monitoring records shall be maintained in the form of a log and shall contain the following information, as a minimum.

i. Date and time of discharge;

ii. Estimated volume of discharge;

iii. Initials of the person making visual inspection and authorizing discharge; and

iv. Observed conditions of the storm water discharged.

d. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil sheen at any time.

13. Any water drained from the fuel oil storage tanks or other water which meets the definition of "Petroleum Contact Water" as defined in F.A.C. Rule 62-740.030(1) shall be disposed of at a Department approved facility in accordance with F.A.C. Chapter 62-740.

14. The discharge of intake screen backwash water to the plant intake canal (and cooling pond) is authorized without limitations or monitoring requirements, except there shall be no discharge of a visible oil sheen.

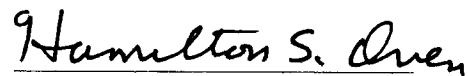
15. These Conditions constitutes certification of compliance with State Water Quality Standards (Section 401, PL 92-800).

Written objections must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. If the Department does not receive any written objections, then an Order Modifying the Conditions of Certification shall be issued by the Department. If written objections are timely filed which address only a portion of the modification, then pursuant to Rule 62-17.211(1)(b)5., F.A.C., the Department shall issue an Order approving that portion of the modification to which no objections were filed, unless that portion of the modification is substantially related to or necessary to implement the portion to which written objections are filed. If written objections are raised, then pursuant to Section 403.516(1)(c), F.S., the applicant may file a petition for modification with the Department and the Division of Administrative Hearings seeking approval for those portions of the modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Any questions regarding this Final Order to Modify Conditions of Certification should be directed to Hamilton S. Oven at (850) 245-8002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Such contact with any of the above does not constitute an objection to the modification.

Sincerely,



Hamilton S. Oven, P.E.
Administrator, Siting Coordination Office

Attach:

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

Janda Karakono
Clerk

5/20/05
Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order has been sent by United States Postal Service to:

Peter C. Cunningham, Esquire
Douglas S. Roberts, Esquire
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314

Tyson Waters, Esquire
Krista Storey, Esquire
Martin County Attorney's Office
2401 Southeast Monterey Road
Stuart, FL 34996

James V. Antista, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600

Craig Varn, Esquire
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2555 Shumard Oak Boulevard
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Gerald Gunter Building
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Susan Roeder Martin, Esquire
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Sheauching Yu, Esquire
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Suwannee Street
Tallahassee, FL 32399-0450

Roger Saberson, Esquire
Treasure Coast Regional Planning Council
70 Southeast Fourth Avenue
Delray Beach, FL 33483-4514

and by hand delivery to:

Scott A. Goorland, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000