

BEFORE THE GOVERNOR AND CABINET
OF THE STATE OF FLORIDA

In Re:)
)
The application for Power Plant)
Site Certification submitted by) DOAH Case No. 78-679
the City of Lakeland and the)
Orlando Utilities Commission.)
(DER Case No. PA 74-06-SR))
)

The following persons were present and participated in
the disposition of this matter:

Honorable Reubin O'D. Askew
Governor

Honorable Jesse J. McCrary
Secretary of State

Honorable Robert L. Shevin
Attorney General

Honorable Gerald A. Lewis
Comptroller

Honorable Doyle Conner
Commissioner of Agriculture

Honorable Ralph D. Turlington
Commissioner of Education

RECEIVED
DEC 12 1978

PERMIT

CERTIFICATION ORDER

BY THE GOVERNOR AND CABINET:

The Governor and Cabinet, having heard presentations by
the parties; having reviewed the Recommended Order dated November 14,
1978, (attached and incorporated as Exhibit I), as well as the
conditions of certification referred to therein and attached thereto

and the exceptions taken therefrom; having considered the evidence of record; and being otherwise fully advised herein, it is

ORDERED:

1. The present application seeking authority to construct and operate Unit 3 as a joint venture between the City of Lakeland and the Orlando Utilities Commission replaces a prior application for a smaller unit submitted solely by the City of Lakeland. Accordingly, the previous certification issued in December of 1976 is revoked and the instant site certification is substituted in its place and stead.

2. The suggestion submitted by the East Lake Parker residents appears meritorious. Sound levels of 60 dBA (L_{10}) and 70 dBA (L_1) between the hours of 7 a.m. and 10 p.m., and of 60 dBA (L_{10}) and 65 dBA (L_1) between 10 p.m. and 7 a.m. at the nearest existing residential boundary are imposed upon Unit 3. The applicants, the Department of Environmental Regulation and the East Lake Parker Residents are directed to agree upon a reasonable program of non-continuous monitoring in order to insure compliance therewith, specifically including the time durations for sound measurements required to be taken.

The results of that monitoring program are to be submitted to the Department of Environmental Regulation at intervals to be determined in the program. The authority to modify the noise standards imposed upon Unit 3 is specifically delegated to the Secretary of the Department of Environmental Regulation.

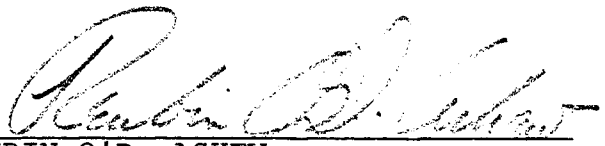
No citation, however, will be issued against Unit 3 for violation of these noise standards without prior approval of the Board.

3. In all other regards, the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order are approved and adopted. The conditions of certification referenced therein and

attached thereto are approved and the certification of McIntosh Unit 3, including the transmission line, is made specifically subject to those conditions as well as to the condition relating to noise imposed above.

DONE AND ORDERED this 7th day of December, 1978, subsequent to a vote of the Governor and Cabinet at a duly constituted Cabinet meeting of December 5, 1978.

FOR THE GOVERNOR AND FLORIDA
CABINET:


REUBIN O'D. ASKEW

Vote:

For:

Against:

Unanimous

Copies Furnished to all Parties

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing CERTIFICATION ORDER has been furnished by United States Mail to the following: Barrett G. Johnson, Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32304; William Schoup, City of Orlando, Post Office Box 3193, Orlando, Florida 32803; Don Feaster, Southwest Florida Water Management District, Brooksville, Florida 33511; Mike Opalinski, City of Lakeland, Post Office Box 368, Lakeland, Florida 33802; Hal Roberts, City Attorney, Post Office Box 368, Lakeland, Florida 33802; Larry Keesey, Division of State Planning, 530 Carlton Building, Tallahassee, Florida 32304; Wings Benton, Department of Natural Resources, Crown Building, Tallahassee, Florida 32304; Andrew Reilly, Post Office Box 203, Haines City, Florida; Ervin Cowie, Attorney for Polk County, Post Office Box 60, Bartow, Florida 33830; Russell Blain, Blain & Cone, Post Office Box 399, Tampa, Florida 33601; Thomas B. Tart, Post Office Box 1273, Orlando, Florida; and East Lake Parker Residents, c/o 1735 East Lake Parker Drive, Lakeland, Florida, this 11th day of December, 1978.



SHERI W. SMALLWOOD

Assistant General Counsel

Department of Environmental
Regulation

2600 Blair Stone Road
Twin Towers Office Building
Tallahassee, Florida 32301

State of Florida Department of Environmental Regulation
City of Lakeland
C.D. McIntosh, Jr. Power Plant - Unit No. 3
Case No. PA 74-06-SR
CONDITIONS OF CERTIFICATION

GENERAL

1. Change in Discharge

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any pollutant not identified in the application, or any discharge more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions, production increases, or process modifications which will result in new, different or increased discharges or expansion in steam generating capacity will require a submission of a new or supplemental application pursuant to Chapter 402, Florida Statutes.

2. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any limitation specified in this certification, the permittee shall notify the Southwest District Manager of the Department by telephone during the working day during which said noncompliance occurs and shall confirm this situation in writing within seventy-two (72) hours of first becoming aware of such conditions, supplying the following information:

- a. A description and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying event.

3. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this certification. Such systems are not to be bypassed without prior department approval.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including but not limited to such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

5. Right of Entry

The permittee shall allow the Secretary of the Florida Department of Environmental Regulation and/or authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit; and
- b. To have access to and copy all records required to be kept under the conditions of this certification; and
- c. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants, and
- d. To assess any damage to the environment or violation of ambient standards.

6. Revocation or Suspension

This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes, or for violations of any General or Special Condition.

7. Civil and Criminal Liability

This certification does not relieve the permittee from civil or criminal responsibility or liability for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or Chapter 403, Florida Statutes, or regulations thereunder.

Subject to Section 403.511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve the permittee from any responsibilities or penalties established pursuant to any other applicable State Statutes or regulations.

8. Property Rights

The issuance of this certification does not convey any property rights in either real or personal property tangible or intangible, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. The applicant will obtain title, lease or right of use from the State of Florida, to any sovereign submerged lands occupied by plant, transmission line structures, or appurtenant facilities.

9. Severability

The provisions of this certification are severable, and if any provision of this certification, or the application of any provision of this certification to any circumstances, is held invalid, the application of such provision to other circumstances and the remainder of the certification shall not be affected thereby.

10. Definitions

The meaning of terms used herein shall be governed by the definitions contained in Chapter 403, Florida Statutes, and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these general or special conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department.

11. Review of Site Certification

The certification shall be final unless revised, revoked or suspended pursuant to law. At least every five years from the date of issuance of this certification or any National Pollutant Discharge Elimination System Permit issued pursuant to the Federal Water Pollution Control Act Amendments of 1972, for the plant units, the Department shall review all monitoring data that has been submitted to it during the preceding five-year period, for the purposes of determining the extent of the permittee's compliance with the conditions of this certification and the environmental impact of this facility. The Department shall submit the results of its review and recommendations to the permittee. Such review will be repeated at least every five years thereafter.

12. Modification of Conditions

The conditions of this certification may be modified in the following manner:

- a. The Board hereby delegates to the Secretary the authority to modify, after notice and opportunity for hearing, any conditions pertaining to monitoring or sampling.
- b. All other modifications shall be made in accordance with Section 403.516, F.S.

State of Florida Department of Environmental Regulation
City of Lakeland
C. D. McIntosh, Jr. Power Plant Unit No. 3
Case No. PA 74-06-SR
CONDITIONS OF CERTIFICATION

SPECIAL

Table of Contents

	Page
I. Air	1
A. Emission Limitations	1
B. Air Monitoring Program	2
C. Stack Testing	2
D. Reporting	3
E. Coal Characteristics and Contracts	3
F. Coal Information	3
G. Reporting	4
II. Water Discharges	4
A. Pretreatment Standards	4
1. Cooling Tower Blowdown	4
2. pH	4
3. Polychlorinated Biphenyl Compounds	4
4. Chemical Wastes and Boiler Blowdown	5
5. Sluice Pond Overflow	5
6. Flue Gas Desulfurization Sludge Pond Overflow	5
B. In-Plant Water Monitoring Program	5
III. Groundwater	5
A. General	5
B. Well Criteria	5
C. Groundwater Use Limitations	5
IV. Leachate	6
A. Compliance	6
B. Monitoring	6
C. Corrective Action	6
V. Control Measures During Construction	6
A. Stormwater Runoff	6
B. Sanitary Wastes	7
C. Environmental Control Program	7
VI. Solid Wastes	7
VII. Operation Safeguards	7
VIII. Solid Waste Utilization System	7
IX. Screening	7
X. Potable Water Supply System	8
XI. Transformer and Electric Switching Gear	8
XII. Toxic, Deleterious, or Hazardous Materials	8
XIII. Transmission Line	8
A. Construction	8
B. Maintenance	9
XIV. Construction in Waters of the State	9
XV. Cooling Water Treatment	9

State of Florida Department of Environmental Regulation
City of Lakeland
Power Plant No. 3 - Unit No. 3
Case No. PA 74-06
CONDITIONS OF CERTIFICATION

SPECIAL

I. Air

The construction and operation of the Unit No. 3 at the McIntosh Plant shall be in accordance with all applicable provisions of Chapters 17-2, 17-5, and 17-7, Florida Administrative Code. The permittee shall comply with the following conditions of certification:

A. Emission Limitations

1. Stack emissions shall not exceed those specified in Chapter 17-2.04(6)(e) 1., FAC.
2. The permittee shall not burn a fuel oil containing more than an average of 0.7% sulfur unless it can be demonstrated that either, a) heat efficiency is such as to insure compliance with all applicable emission limitations, or b) that a flue gas desulfurization unit is installed that will insure compliance with applicable emission limitations.
3. The height of the boiler exhaust stack for Unit 3 shall be not less than 250 feet above grade. The height of stacks for future units shall be determined after review of supplemental applications.
4. Particulate emissions from the coal handling facilities:
 - a. The applicant shall not cause to be discharged into the atmosphere from any coal processing or conveying equipment, coal storage system or coal transfer and loading system processing coal, visible emissions which exceed 20 percent opacity.
 - b. The applicant must submit to the Department within five (5) working days after it becomes available, copies of technical data pertaining to the selected particulate emissions control for the coal handling facility. These data should include, but not be limited to, a copy of the formal bid from the successful bidder, guaranteed efficiency and emission rates, and major design parameters such as air/cloth ratio and flow rate. The Department may, upon review of these data, disapprove the use of such device if the Department determines the selected control device to be inadequate to meet the visible emission limit specified in 5 (a) above.

B. Air Monitoring Program

1. The permittee shall install and operate continuously monitoring devices for the Unit No. 3 boiler exhaust for sulfur dioxide, nitrogen dioxide and opacity. The monitoring devices shall meet the applicable requirements of 17-2.08, FAC.
2. The permittee shall operate two ambient monitoring device for sulfur dioxide in accordance with EPA reference methods in 40 CFR, Part 53 and two ambient monitoring device for suspended particulates. New and existing monitoring devices shall be located as designated by the Department. The frequency of operation shall be every six days or as specified by the Department.
3. The permittee shall maintain a daily log of fuels used and copies of fuel analyses containing information on sulfur content, ash content and heating values to facilitate calculations of emissions.
4. The permittee shall provide sampling ports into the stack and shall provide access to the sampling ports, in accordance with Standard Sampling Techniques and Methods of Analysis for The Determination of Air Pollutants from Point Sources, July 1975.
5. The ambient monitoring program may be reviewed annually beginning two years after start-up of Unit No. 2 by the Department and the permittee.
6. Emission Control Systems:
Prior to operation of the source, the owner or operator shall submit to the Department a standardized plan or procedure that will allow the company to monitor emission control equipment efficiency and enable the company to return malfunctioning equipment to proper operation as expeditiously as possible.

C. Stack Testing:

1. Within 60 days after achieving the maximum capacity at which the facility will be operated, but no later than 180 days after initial startup, the owner or operator shall conduct performance tests for particulates and SO₂ and promptly furnish the Department a written report of the results of such performance tests.

2. Performance tests shall be conducted and data reduced in accordance with methods and procedures in accordance with Standard Sampling Techniques and Methods of the Determination on Air Pollutants from Point Sources, July 1975.
3. Performance tests shall be conducted under such conditions as the Department shall specify based on representative performance of the facility. The owner or operator shall make available to the Department such records as may be necessary to determine the conditions of the performance tests.
4. The owner or operator shall provide the Department with 30 days prior notice of the performance tests and afford the Department the opportunity to have an observer present.
5. Stack tests for particulates NO_x and SO₂ shall be performed annually in accordance with conditions 2, 3 and 4 above.

D. Reporting

1. Stack monitoring, fuel usage and fuel analysis data shall be reported to the Department on a quarterly basis in accordance with 40 CFR, Part 60, Section 60.7 and in accordance with 17-2.08, FAC.
2. Ambient air monitoring data shall be reported to the Department quarterly by the last day of the month following the quarterly reporting period utilizing the SAROAD or other format approved by the Department in writing.

E. Coal Characteristics and Contracts

- Before approval can be granted by the Department for use of control devices, characteristics of the coal to be fired must be known. Therefore, before these approvals are granted, the applicant must submit to the Department copies of coal contracts which should include the expected sulfur content, ash content, and heat content of the coal to be fired. These data will be used by the Department in its evaluation of the adequacy of the control devices.

F. Coal Information

As an alternative to the ^Esubmittal of contracts for purchase of coal under condition ~~A~~ above, the applicant may submit the following information:

1. The name of the coal supplier;
2. The sulfur content, ash content, and heat content of the coal as specified in the purchase contracts;
3. The location of the coal deposits covered by the contract (including mine name and seam);
4. The date by which the first delivery of coal will be made;

5. The duration of the contract; and
6. An opinion of counsel for the applicant that the contract(s) are legally binding enforceable.

G. Reporting:

Beginning one month after certification the applicant shall submit to the Department a quarterly status report briefly outlining progress made on engineering design and purchase of major pieces of equipment (including control equipment). All reports and information required to be submitted under this condition shall be submitted to Mr. Hamilton S. Owen, Jr., Administrator of Power Plant Siting, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32301.

II. Water Discharges

Discharges during construction and operation of the Unit No. 3 shall be in accordance with all applicable provisions of Chapter 17-3, Florida Administrative Code and 40 CFR 423, Effluent Guidelines and Standards for Steam Electric Power Generating Point Source Category. In addition, the permittee shall comply with the following conditions of certification:

A. Pretreatment Standards

Wastewater discharged from Unit No. 3 to the Lakeland municipal sewerage system shall comply with the pretreatment standards for new sources as contained in 40 CFR, Part 423.16 and amendments. The specific standards applicable to the facilities as planned are:

1. Cooling Tower Blowdown

There shall be no detectable amounts of materials added for corrosion inhibition, including but not limited to zinc and chromium in cooling tower blowdown discharged to the sewer system.

2. pH

The pH of all discharges shall be within the range of 6.0 to 9.0.

3. Polychlorinated Biphenyl Compounds

There shall be no release to the environment of polychlorinated biphenyl compounds.

4. Chemical Wastes and Boiler Blowdown

All low volume wastes (demineralizer regeneration, cooling tower basin cleaning wastes, floor drainage, sample drains and similar wastes), metal cleaning wastes (including preheater and fireside wash) and boiler blowdown shall be treated as required for pH adjustment and removal of chemical constituents. These wastewaters will be discharged to an adequately sized and constructed spray evaporation basin.

5. Sluice Pond Overflow

Sluice pond overflow (coal pile runoff from less than 10-year, 24-hour rainfall and bottom and fly ash transport water) shall be treated if required (detention basin) and discharged to an adequately sized and constructed spray evaporation pond.

6. Flue Gas Desulfurization Sludge Pond Overflow

The flue gas desulfurization sludge pond overflow shall be discharged to an adequately sized and constructed spray evaporation pond.

B. In-Plant Water Monitoring Program

A monitoring program shall be undertaken by the City of Lakeland on the effluent streams within the facility to determine compliance by Unit 3 with the applicable pretreatment standards for those wastes discharged to the Lakeland municipal sewerage system.

III. Groundwater

A. General

The use of groundwater shall be minimized to the greatest extent practicable.

B. Well Criteria

The well locations shall be approved by the Southwest Florida Water Management District. Design and construction of new wells shall be in accordance with the applicable rules of the Department of Environmental Regulation and Southwest Florida Water Management District.

C. Groundwater Use Limitations

1. Groundwater used for makeup for the cooling tower for Unit No. 3 shall be limited to emergency use only, not to exceed 0.2166 million gallons per day on an average annual basis or 5.271 mgd on a maximum daily basis from 3 new wells.

2. Daily water use from the new wells shall be reported quarterly to the Southwest Florida Water Management District.

IV. Leachate

A. Compliance

Leachate from coal storage piles, settling and spray ponds and flue gas desulfurization sludge ponds (FGD) shall not contaminate waters of the State (including both surface and groundwaters) in excess of the limitations of Chapter 17-3, FAC.

B. Monitoring

A monitoring well system shall be used to determine whether or not leachate from the spray evaporation pond, as sluice ponds, and the flue gas desulfurization sludge ponds is reaching the groundwater. The permittee shall keep a monthly record of the monitoring results and shall notify the Central Subdistrict Office of the Department and the Southwest Florida Water Management District when said measurements become abnormal or excessive. A quarterly summary of the results of monitoring shall be provided to the Central Subdistrict Manager.

C. Corrective Action

When the leachate monitoring system indicates significant leakage to the groundwater in the shallow aquifer, the appropriate ponds (settling spray or sludge) shall be sealed, relocated or closed, or the operation of the affected pond shall be altered in such a manner as to assure the Department that no significant contamination of the groundwater will occur.

V. Control Measures During Construction

A. Stormwater Runoff

During construction and plant operation, necessary measures shall be used to settle, filter, treat or absorb silt containing or pollutant laden stormwater runoff to limit the suspended solids to 50 mg/l or less during rainfall periods not exceeding the 10-year, 24-hour rainfall, and to prevent an increase in turbidity to more than 50 Jackson Turbidity Units above background in waters of the State.

Control measures shall consist at the minimum, of filters, sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt and sediment laden runoff. The pH shall be kept within the range of 6.0 to 8.5.

B. Sanitary Wastes

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the Department and appropriate local health agency.

C. Environmental Control Program

An environmental control program shall be established under the supervision of a qualified person to assure that all construction activities conform to good environmental practices and the applicable conditions of certification.

The permittee shall notify the Department if unexpected harmful effects or evidence of irreversible environmental damage are detected during construction, shall immediately cease work and shall provide an analysis of the problem and a plan to eliminate or significantly reduce the harmful effects or damage, and to prevent reoccurrence.

VI. Solid Wastes

Solid Wastes resulting from construction or operation shall be disposed of in accordance with the applicable regulations of Chapter 17-7, FAC.

Open burning in connection with land clearing shall be in accordance with Chapter 17-5, FAC, no additional permits shall be required, but the Division of Forestry shall be notified. Open burning shall not occur if the Division of Forestry has issued a ban on burning due to fire hazard conditions.

VII. Operation Safeguards

The overall design and layout of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions.

VIII. Solid Waste Utilization System

The solid waste utilization facility shall be designed and operated in compliance with all applicable regulations of the Department, including but not limited to Chapter 17-7, FAC.

IX. Screening

The permittee shall provide screening of the site through the use of aesthetically acceptable structures, vegetated earthen walls and/or existing or planted vegetation.

X. Potable Water Supply System

The potable water supply system shall be designed and operated in conformance with Chapter 17-22, FAC. Information as required in 17-22.05 shall be submitted to the Department prior to construction and operation. The operator of the potable water supply system shall be certified in accordance with Chapter 17-23, FAC.

. Transformer and Electric Switching Gear

The foundations for transformers, capacitors, and switching gear necessary for McIntosh Unit 3 to the existing distribution system shall be constructed of an impervious material and shall be constructed in such a manner to allow complete collection and recovery of any spills or leakage of oily, toxic, or hazardous substances.

XII. Toxic, Deleterious, or Hazardous Materials

The spill of any toxic, deleterious, or hazardous materials shall be reported in the manner specified by General Condition 2.

XIII. Transmission Line

Directly associated transmission lines shall be constructed and maintained in a manner to minimize environmental impacts in accordance with Chapter 403, F.S., and Chapter 22F-6, FAC.

A. Construction

1. Filling and construction in waters of the State shall be minimized to the extent practicable. No such activities shall take place without obtaining lease or title from the Department of Natural Resources.
2. Placement of fill in wetland areas shall be minimized by spanning such areas with the maximum transmission lines span practicable. Such areas should be bridged by maintenance or access roads.
3. Construction and access roads should avoid wetlands and be located in surrounding uplands. Any fill required in wetlands for construction but not required for maintenance purposes shall be removed and the ground restored to its original contours after transmission line placement.
4. Keyhole fills from upland areas are preferable to a single road and should be oriented as nearly parallel to surface water flow lines as possible.
5. Sufficient culverts shall be placed through fill causeways to maintain sheet flow. The number and locations of such culverts will be determined in the field by consultation with DER field inspectors.

6. Maintenance roads shall be planted with native species to prevent erosion and subsequent water quality degradation.
7. Construction activities should proceed as much as possible during the dry season.
8. Turbidity control measures, where needed, shall be employed to prevent violation of water quality standards.
9. Good environmental practices as described in Environmental Criteria for Electric Transmission Systems or published by the U.S. Department of Interior and the U.S. Department of Agriculture should be followed.
10. Any archaeological sites discovered during construction of the transmission line shall be disturbed as little as possible and such discovery shall be communicated to the Department of State, Division of Archive History and Records Management.

B. Maintenance

1. Vegetative removal for maintenance should be carried out in the following manner:

Vegetative clearing operations to be carried out within the corridor should follow the general standards for clearing rights-of-way for overhead transmission lines, thus preserving immature tree species along the peripheries of the right-of-way. These standards define the zone that shall be cleared of all tree growth as the area between structures 10 ft. to either side of the outside conductor. The remainder of the right-of-way from the cleared area to the right-of-way limit shall be screened. This translates to mean that only trees in excess of 10 ft. in height would be removed from the outer zone.

2. Herbicides shall not be used for vegetation control along the transmission line without prior approval of the Department.

XIV. Construction in Waters of the State

No construction in waters of the State shall commence without obtaining lease or title from the Department of Natural Resources.

XV. Cooling Water Treatment

A study to determine the presence of pathogenic organisms in the sewage treatment plant effluent shall be performed to determine the degree of treatment required prior to use in cooling towers. A plan or study will be developed by the Department and the Department of Health & Rehabilitative Services. Based on the number of pathogenic organisms detected, the final degree of treatment and amount of chlorination to be required will be determined by the Department.