STATE OF FLORIDA
SITING BOARD

IN RE: FLORIDA POWER CORPORATION, TIGER BAY CO-GENERATION FACILITY POWER PLANT SITING APPLICATION PA 97-36,	)	DOAH CASE NO. 97-4488EPP DEP OGC CASE NO. 97-1651 DEP 98-1063

FINAL ORDER APPROVING CERTIFICATION

On April 30, 1998, an Administrative Law Judge with the Division of Administrative Hearings (hereafter "DOAH") submitted his Recommended Order in this consolidated land use and certification proceeding. The Recommended Order indicated that copies were served upon counsels for the Department of Environmental Protection (hereafter "DEP"), Florida Power Corporation (hereafter "FPC"), and upon counsels or representatives of various governmental entities other than DEP.[1] A copy of the Recommended Order is attached as Exhibit A.

Pursuant to subsection 120.57(1)(i), Florida Statutes, the parties to this proceeding were provided fifteen days in which to file Exceptions to the Recommended Order. Nevertheless, no exceptions to the Recommended Order have been filed on behalf of any of the parties. The matter is now before the Governor and Cabinet, sitting as the Siting Board, for final agency action under the Florida Electrical Power Plant Siting Act (hereafter "PPSA") embodied in §§ 403.501-403.518, Florida Statutes.

BACKGROUND

Since January of 1995, FPC has operated an existing combined-cycle electrical generating plant known as the "Tiger Bay Co-generation Facility" (hereafter "the Facility"). The Facility is located in an unincorporated area of southwest Polk County, Florida, approximately three miles west of the City of Ft. Meade. The Facility consists of a combustion turbine and a steam turbine generator which is currently limited to generating no more than 74.9 megawatts ("MW") of electricity. Because the steam turbine has been

[1] The Recommended Order reflects that copies thereof were also sent to counsels for the Florida Public Service Commission, Florida Game and Fresh Water Fish Commission, Florida Dept. of Community Affairs, Florida Dept. of Transportation, and the Southwest Florida Water Management District. The Recommended Order indicates that additional copies were served on representatives of the Florida Dept. of Health, Florida Dept. of Agriculture and Consumer Services, Central Florida Regional Planning Council, and Polk County

operated by FPC to produce no more than 74.9 MW, the Facility has not been subject to the PPSA.[2]

FPC has determined, however, that the generating capacity of the steam turbine is nominally 10-15 MW greater than the capacity currently being used at the Facility. FPC proposes to utilize the additional steam-electric generating capacity in the steam turbine, thereby increasing the generating capacity above the 75 MW threshold of the PPSA. Consequently, certification under the PPSA is required before FPC can obtain the additional electricity from the Facility.

The Facility was sited on a tract of land approximately six acres in size, and FPC does not propose to expand the site boundaries to obtain the additional electrical generation. FPC's site certification application does not propose to make any physical changes to the existing structures and equipment or to commence new construction at the Facility site in order to generate the additional electricity. Only a minor operational change in the steam turbine controls is required to produce the incremental electricity through more efficient utilization of the steam.

The Facility is currently operating under separate environmental and other permits and approvals issued by DEP, the Southwest Florida Water Management District, Polk County, and other agencies. The Facility has been operated in compliance with those permits and approvals, and the record contains no evidence of any violations since the Facility began operation in 1995. By this certification application, FPC is seeking to consolidate the current permits and approvals for the Facility into a single PPSA certification to authorize the use of the Facility's incremental steam-electric generating capacity.

On September 15, 1997, FPC filed its application for site certification with DEP. On November 18, 1997, the Florida Public Service Commission issued a determination of need for the Facility and its incremental generating capacity. By consent of the parties, the certification hearing and the land use hearing under § 403.508(2), Florida Statutes, were consolidated for purposes of the formal administrative hearing and for entry of final orders. On January 5, 1998, DEP issued its written analysis pursuant to § 403.507(4), Florida

[2] Subsection 403.503(12), Florida Statutes, provides that a "steam or solar electrical generating facility of less than 75 megawatts in capacity" is not subject to the provisions of the PPSA.

Statutes. DEP's written analysis contained reports from other agencies and proposed Conditions of Certification for the Facility.

Pursuant to § 403.508(3), Florida Statutes, a consolidated land use and certification hearing was held in Ft. Meade on February 18, 1998, before Administrative Law Judge P. Michael Ruff (hereafter "ALJ"). The hearing was conducted for the purpose of receiving evidence in order to determine whether the project will comply with the criteria for certification set forth in the PPSA. The hearing also served as the land use hearing under § 403.508(2), Florida Statutes. Evidence was presented at the hearing by FPC and by DEP. The record indicates that no additional agencies or other parties appeared at the hearing. The record also reflects that no members of the general public testified at the time designated for receiving public comment.

RECOMMENDED ORDER

The ALJ entered his Recommended Order on April 30, 1998. The ALJ found that no increase in environmental impacts will result from the proposed 10-15 MW increase in the generating capacity of the Facility, and that the "benefits of the project are that additional electricity is obtained without increasing either fuel use or environmental impacts." The ALJ also found that the project will be consistent with Polk County's land use and zoning ordinances for the site. The ALJ concluded in the Recommended Order that the project will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life. The ALJ ultimately determined that FPC established that the Facility, with the proposed increase in generating capacity, is entitled to certification under the PPSA.

The ALJ therefore recommended that the Siting Board grant PPSA certification of the existing Facility and its increased generating capacity as proposed in FPC's site certification application, subject to DEP's Conditions of Certification. The ALJ also recommended that the Siting Board determine that the Facility site as described in FPC's site certification application is consistent with the applicable land use plans and zoning ordinances of Polk County.

CONCLUSION

As noted above, no exceptions have been filed in these proceedings challenging any of the ALJ's factual findings, legal conclusions, or recommendations. Written reports

recommending site certification of the Facility were submitted by DEP, the Florida Department of Community Affairs, the Florida Game and Freshwater Fish Commission, the Florida Department of Transportation, the Southwest Florida Water Management District, and Polk County. The record is devoid of any recommendation of denial of site certification of this Facility by any state, regional, or local agency. Based on a review of the record in these consolidated proceedings, the Siting Board concludes that site certification of FPC's existing facility, with the proposed increase in generating capacity, serves and protects the broad interests of the public and should be approved.

Having reviewed the Recommended Order and being otherwise duly advised, it is ORDERED that:

A. The ALJ's Recommended Order is adopted in its entirety and is incorporated herein by reference.

B. The site of the Facility is determined to be consistent and in compliance with the existing land use plans and zoning ordinances of Polk County, Florida.

C. Certification of the location and continued operation of the existing Facility, with the increased generating capacity as proposed in FPC's site certification application, is APPROVED, subject to the Conditions of Certification attached as Appendix I to DEP's Staff Analysis Report dated February 16, 1998, and admitted into evidence at the hearing as DEP Exhibit 4.

D. Authority to assure and enforce compliance by FPC and its agents with all of the Conditions of Certification imposed by this Final Order is hereby DELEGATED to DEP, except that any proposed modification to burn a fuel other than natural gas or oil shall be reviewed by this Board.

Any party to this certification proceeding has the right to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of

Appeal. The Notice of Appeal must be filed within 30 days from the date this Final Order is filed with the Clerk of the Department.

DONE AND ORDERED this 24th day of June, 1998, in Tallahassee, Florida, pursuant to a vote of the Governor and Cabinet sitting as the Siting Board at a duly noticed and constituted Cabinet meeting on June 24, 1998.

THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD

BY: Lawton Chiles
THE HONORABLE LAWTON CHILES

FILING AND ACKNOWLEDGMENT FILED, ON THIS DATE, PURSUANT TO §120.52 FLORIDA STATUTES, WITH THE DESIGNATED DEPARTMENT CLERK, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.

Gloria Wiles 6/24/98
DEPUTY CLERK DATE

CERTIFICATE OF SERVICE

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

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Ann Cole, Clerk and
P. Michael Ruff, Administrative Law Judge
Division of Administrative Hearings
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and by hand delivery to:

Hamilton Oven, Administrator
Department of Environmental Protection
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Scott A. Goorland, Esquire
Charles T. Collette, Esquire
Department of Environmental Protection
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this 25th day of June, 1998.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FLORIDA POWER CORPORATION, TIGER BAY CO-GENERATION FACILITY POWER PLANT SITING APPLICATION PA 97-36,	)	
Petitioner,	)	
vs.	)	Case No. 97-4488EPP
STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION,	)	
Respondent.	)	

RECOMMENDED ORDER

Pursuant to notice, this cause came on for formal proceeding before P. Michael Ruff, duly designated Administrative Law Judge of the Division of Administrative Hearings, on February 18, 1998. The hearing was conducted in Fort Meade, Florida.

APPEARANCES

For Petitioner: Douglas S. Roberts, Esquire
Hopping, Green, Sams,
and Smith, P.A.
Post Office Box 6526
Tallahassee, Florida 32314

For Respondent: Scott A. Goorland, Esquire
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STATEMENT OF THE ISSUES

The principal issue to be resolved in this proceeding concerns whether certification should be issued to Florida Power Corporation (FPC) for approval to operate a nominal 269 megawatt (MW) combined-cycle generating unit located at FPC's Tiger Bay

Co-generation Facility west of Ft. Meade, Florida, in accordance with the provisions of Section 403.501(2), Florida Statutes.

The second issue to be resolved in this consolidated proceeding is whether the site of the Tiger Bay Co-generation Facility is in compliance and consistent with the applicable land use plans and zoning ordinances of Polk County, pursuant to Section 403.508(2), Florida Statutes.

PRELIMINARY STATEMENT

This proceeding was held pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Chapter 403, Part II, Florida Statutes, and Chapter 62-17, Florida Administrative Code, to consider FPC's application for power plant site certification of the Tiger Bay Co-generation Facility.

On September 15, 1997, Florida Power Corporation filed it application for site certification with the Florida Department of Environmental Protection. On November 18, 1997, the Florida Public Service Commission issued a determination of need for the Tiger Bay Co-generation Facility and its incremental generating capacity.

By consent of the parties, the certification hearing and the land use hearing under Section 403.508(2), Florida Statutes, were consolidated for purposes of this hearing and entry of final orders. On January 5, 1998, the Florida Department of Environmental Protection issued its written analysis, pursuant to Section 403.507(4), Florida Statutes. DEP's written analysis contained reports from other agencies and proposed Conditions of Certification for the Tiger Bay Co-generation Facility.

On February 13, 1998, the parties filed a prehearing stipulation in this matter, listing witnesses and exhibits and resolving other prehearing matters.

After proper notice, a consolidated land use and certification hearing was held before the undersigned Administrative Law Judge in Ft. Meade, Florida, on February 18, 1998, as required by Section 403.508(3), Florida Statutes. The hearing was conducted for the purpose of receiving evidence as to whether the project is in compliance with the criteria for certification in Section 403.502, Florida Statutes. The hearing also served as the land use hearing under Section 403.508(2), Florida Statutes.

FPC presented the testimony of three witnesses and 13 exhibits were admitted into evidence. The Florida Department of Environmental Protection presented the testimony of Steven Palmer of the DEP Siting Coordination Office and had four exhibits admitted into evidence. No other agency or party appeared at the hearing. No members of the general public testified at the time designated for receiving the public comment.

Following the conclusion of taking evidence, a transcript of the hearing was filed. Proposed Recommended Orders of the parties were timely submitted and have been considered in the rendition of this Recommended Order.

FINDINGS OF FACT

1. Florida Power Corporation is an investor-owned utility that provides electric service to more than 1.2 million customers in its Florida service area. Tiger Bay Limited Partnership

completed the construction of the Tiger Bay Co-generation Facility in late 1994. FPC entered into a power purchase agreement to purchase the power provided by the Tiger Bay Facility. On January 20, 1997, FPC agreed to purchase the Tiger Bay Facility from the Tiger Bay Limited Partnership. FPC now operates the Tiger Bay Plant as one of its electric generating facilities.

2. The Tiger Bay Co-generation Facility is an existing combined-cycle electrical generating plant which has been in operation since January, 1995. The facility consists of a combustion turbine (CT) and a steam turbine generator, that is currently limited to generating no more than 74.9 megawatts (MW) of electricity. The steam turbine has been specifically operated to produce no more than 74.9 MW. Therefore, the Plant was not subject to the Power Plant Siting Act. However, FPC has determined that the generating capacity of the steam turbine is nominally 10-15 MW greater than he capacity currently being used at the Plant.

3. The Tiger Bay facility is currently operating under separate environmental and other permits and approvals issued by FDEP, the Southwest Florida Water Management District (SWFWMD), Polk County and other agencies. The Tiger Bay facility has been operated in compliance with those permits and approval, and no violations of those permits have occurred since the Plant began operation. By this certification application, FPC is seeking to consolidate the current permits and approvals for the Tiger Bay

Facility into a single PPSA certification to authorize the use of the Plant's incremental steam-electric generating capacity.

4. FPC proposes to utilize the additional steam-electric generating capacity in the steam turbine which would increase the generating capacity above the 75 MW threshold of the Power Plant Siting Act. Therefore, certification under the PPSA is required before FPC can obtain the additional electricity from the Plant. No physical changes to the facility or new construction are required to obtain the additional electricity. Only a minor operational change in the steam turbine controls is required to produce the incremental electricity through more efficient utilization of the steam.

5. The Tiger Bay Facility is located on a 6.2 acre tract of land that is leased from the U. S. Agri-Chemical (USAC), Ft. Meade Chemical Complex. The lease extends until 2025 and may be renewed for an additional 25 years. The project's site boundaries will not be expanded to obtain the additional electrical generation. The site is located in southwest Polk County, Florida, approximately 3 miles west of Ft. Meade. The site is bounded on the north by S. R. 630. The project site is in the unincorporated area of Polk County. Ft. Meade is the only local government within a five mile radius of the Facility.

6. The area surrounding the Tiger Bay Facility has been dominated by phosphate mining operations. Most of the land within a five mile radius of the Plant consists of active phosphate mining, reclaimed mine land, and lands in various stages of reclamation. Other land uses in the area include

pasture land and citrus groves, along with limited residential, commercial and industrial uses. The nearest residence is over one mile from the project site. Land use in this area of Polk County is in transition as the phosphate industry completes mining phosphate deposits in the County.

7. The Tiger Bay Plant site contains no significant environmental features. No wetlands, trees, shrubs or listed species or habitats exist within the site. Site vegetation consisted of ruderal and grassy communities prior to development for this project. No jurisdictional natural wetlands exist on the project site. No archaeological or historical sites were found on the project site when developed for this facility.

8. The Tiger Bay Co-generation Facility consists of one combustion turbine and electric generating unit, and one heat recovery steam generator (HRSG) and one steam turbine generator. In the CT, compressed air and fuel are ignited to provide energy to the air as it passes through the expansion section of the CT. The CT drives an electrical generator which has a nominal electrical output of 184 MW. Exhaust gases from the combustion turbine are then routed to the HRSG where water is boiled into steam. The steam from the HRSG powers a steam turbine which drives a second electrical generator, which will now generate 85.5 MW (nominal) of electricity. As a co-generation facility, the Tiger Bay Plant also exports up to 75,000 pounds per hour of low-pressure steam to the adjacent USAC Plant for use in its processes. This steam is extracted from the steam turbine part way through the steam electric generation process.

9. The combined cycle facility is fired primarily with natural gas, with fuel oil as a backup fuel. Natural gas is supplied by a pipeline connected to the Florida Gas Transmission System. Oil will be stored in an onsite tank.

10. The increase in steam generating capacity will be obtained by more efficient use of the steam that is already being produced in the HRSG. Currently, the steam is not fully utilized because its pressure is throttled by an internal control valve. To obtain the additional steam-generated electricity, the controls on this valve will be adjusted to increase the volume and pressure of the steam passing through the steam turbine. This increased steam pressure will generate additional electricity in the steam turbine generator. However, no physical modifications to the Tiger Bay Facility are required to obtain this additional steam generating capacity. Further, no increase in fuel use is required to obtain this additional capacity, and no increase in air emissions will result. All of the air emissions form the Facility are associated with the operation of the combustion turbine, which operates independently from the heat recovery steam generator.

11. The main plant cooling system begins with a steam condenser which cools the steam exhausted from the steam turbine. Heated cooling water is circulated to the on-site cooling tower where it is sprayed within the cooling tower to release the heat to the atmosphere. Fans at the top of the tower pull air into the tower in the opposite direction to the falling water. Cooled water collects in the bottom of the cooling tower and its

returned back to the steam condenser. Approximately five percent of the cooling water is lost in the cooling tower through evaporation and through drift, or water entrained in the air flowing through the tower. Two deep wells on site supply the makeup water for the cooling water system.

12. The other on-site water use is the potable water system, permitted for up to 1,000 gallons per day. Water is piped from an on-site well, filtered, and treated in a chlorinator before being distributed for use in the Plant.

13. Wastewaters from the Plant consist of blowdown, or water withdrawn from the cooling tower and the heat recovery steam generator. This blowdown is necessary to prevent a buildup of dissolved solids in the waters from scaling in the circulating water system. Process wastewater and stormwater that contacts industrial processes are collected and recycled or routed to the adjacent USAC Plant where the wastewater is used in the phosphate production process. The Tiger Bay facility has no off-site discharges of wastewater to either surface water or groundwater. The facility also includes a back-up zero liquid discharge unit, which treats cooling tower blowdown and process waters to remove the solids. The recovered high-quality water is recycled back into the Plant's process water stream.

14. Domestic wastewater is treated and disposed on site through a septic tank system.

15. Solid wastes that are generated at the Plant are typical of those associated with a light industrial facility. These wastes are re-cycled or re-used as much as possible. Solid

wastes not re-cycled are picked up and disposed of in the Polk County landfill. The back-up, zero liquid discharge system, when operational, produces a filter cake as result of drying the wastewater discharge. The non-hazardous material is also sent to the Polk County landfill for disposal.

16. Electricity generated at the Plant is distributed from an on-site switchyard into the Florida Power Corporation transmission system. No changes to this transmission system are required for the additional electricity to be produced.

Project Impacts:

17. The Tiger Bay site is located in an area classified by FDEP as in "attainment" of all criteria air pollutants. The area is designated as Class II from a "prevention of significant deterioration" standpoint. The nearest Class I air-quality area is over 100 km to the northwest of the project site.

18. The Tiger Bay Co-generation Facility operates under an existing FDEP-issued Prevention of Significant Deterioration (PSD) permit. Nitrogen oxide (NOX) emissions are controlled with the use of low NOX burners when using natural gas, and with steam or water injection when firing oil. Particulate matter (PM) emissions are controlled through the use of clean fuels and combustion controls. Carbon monoxide and volatile organic compound emissions are also controlled through good combustion practices. Emissions of sulfur dioxide and metals, such as lead, mercury, beryllium and arsenic, are controlled through the use of clean fuels. PSD increments and ambient air-quality standards will be protected when the facility is being operated.

19. The operation of the Plant at its increased steam generating capacity of 85.5 MW will not require any changes or additions to the facility. No increase in environmental impacts will result from the 10-15 MW (nominal) increase in steam generating capacity. The Plant will continue to operate within the currently permitted quantities of water for the facility, under the existing SWFWMD consumptive use permit.

20. The project will not result in an increase in project-related traffic. The project also will not result in an increase in noise levels at the Plant site.

21. The benefits of the project are that additional electricity is obtained without increasing either fuel use or environmental impacts from the Tiger Bay Plant. These "free megawatts" result from enhancing the efficiency of the Tiger Bay Plant, resulting in savings to FPC's customers. The project also conserves energy by using the additional existing generating capacity without increasing fuel use in the Plant.

Consistency with Local Land-Use Plans and Zoning Ordinances:

22. The Tiger Bay Co-generation Facility is located in a future land-use classification of "PM" or phosphate mining on the Polk County future land-use map. Electrical power plants like the Tiger Bay Co-generation Facility are permitted in that land-use category. The project site is zoned by Polk County as "RC" or rural conservation, which allows electric power generating facilities as a conditional use in that zoning district. Polk County issued a conditional use permit and site approval for the Tiger Bay Co-generation Facility on November 20, 1992.

23. The continued operation of the Tiger Bay Plant with its increased electrical output under site certification will be consistent with the land-use and zoning designations for the project site as well as the conditional use permit since there will be no physical changes made to the facility. The Polk County development approvals for the Tiger Bay Facility were consistent with the Comprehensive Plan in effect at the time the approvals were granted. Further amendments to the Polk County Comprehensive Plan are not retroactively applied to projects once they have received necessary development approvals.

Agency Positions and Stipulations:

24. The DEP, the Florida Department of Community Affairs (DCA), the Florida Game and Freshwater Fish Commission (FG&FWFC), the Southwest Florida Water Management District (SWFWMD), the Florida Department of Transportation (FDOT), and Polk County each prepared written reports on the Project, and all recommended approval of the Tiger Bay Co-generation Project. The DCA determined the project, if certified, would be consistent and on balance with the state comprehensive plan. In its report, Polk County indicated that no changes to zoning at the project site were required as a result of certification of the project. Polk County also determined that the Facility would still meet the conditions of the County's original conditional use permit for the project and no further actions would be required by the Applicant. The Central Florida Regional Planning Council did not submit a report to the Department of Environmental Protection as part of its review of the project. No state, regional or local

agency has recommended denial of certification. The recommended Conditions of Certification incorporate the existing permits for the Facility.

CONCLUSIONS OF LAW

25. The Division of Administrative Hearings has jurisdiction of the parties to and the subject matter of this proceeding. See Chapter 403, Part II, Florida Statutes, the Florida Electrical Power Plant Siting Act.

26. In accordance with Chapters 120 and 403, Florida Statutes, and Chapter 62-17, Florida Administrative Code, proper notice was accorded all persons, entities, and parties entitled thereto, as well as notice being provided to the general public. All necessary and required governmental agencies participated in the certification process. Reports and studies were issued by DEP, DCA, SWFWMD, Polk County, FG&FWFC, and FDOT, in accordance with their various statutory duties.

27. The Florida Public Service Commission has certified the need for the electrical generating facility to be supplied by the Tiger Bay Co-generation Facility as required by Sections 403.508(3) and .519, Florida Statutes.

28. Un-rebutted evidence received at hearing demonstrates that the site of the Tiger Bay Co-generation Facility is consistent and in compliance with the land-use plans and zoning ordinances of Polk County, Florida.

29. Competent, substantial evidence produced by Florida Power Corporation at the certification hearing demonstrates that FPC has met its burden of proving that the Tiger Bay Co-

generation Facility is entitled to the certification. Competent, substantial evidence produced at the hearing demonstrates that the construction and operational safeguards for the Tiger Bay Co-generation Facility are technically sufficient for the welfare and protection of the citizens of Florida and are reasonable and available methods to achieve that protection. The Tiger Bay Co-generation Facility, with its increased electrical output, will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life. The Tiger Bay Facility will not conflict with the goals established by the applicable local comprehensive plan of Polk County. The Tiger Bay Co-generation Facility, if operated and maintained in accordance with this Recommended Order and the recommended Conditions of Certification from the Florida Department of Environmental Protection, will comply with the applicable, non-procedural requirements of all agencies. Certification of the project will fully balance the demand for electrical power plant location and operation with the broad interests of the public.

RECOMMENDATION

Having considered the foregoing Findings of Fact, Conclusions of Law, the Evidence of Record, and the pleadings and argument of the parties, it is,

RECOMMENDED that:

1. Florida Power Corporation be granted final certification, pursuant to Chapter 403, Part II, Florida Statutes, for the location and continued operation of the

existing Tiger Bay Co-generation Facility and its increased steam-electric generation capacity, as proposed in the Site Certification Application, and subject to the Conditions of Certification attached hereto; and

2. The Siting Board find that the site of the Tiger Bay Co-generation Facility, as described in the Site Certification Application, is consistent and in compliance with the existing land-use plans and zoning ordinances of Polk County, as they apply to the site, pursuant to Section 403.508(2), Florida Statutes.

DONE AND ENTERED this 30th day of April, 1998, in Tallahassee, Leon County, Florida.

P. MICHAEL RUFF
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
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Filed with the Clerk of the
Division of Administrative Hearings
this _____ day of April, 1998.

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the final order in this case.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
RE:
FLORIDA POWER CORPPORATION
TIGER BAY COGENERATION FACILITY
PA 97-37

CONDITIONS OF CERTIFICATION

I. GENERAL

The Florida Power Corporation proposes to operate a nominal 269.5 MW cogeneration facility consisting of one combustion turbine generator (184 MW), one heat recovery steam turbine generator (85.5 MW), and ancillary equipment. This facility is located near Ft. Meade, Polk County, Florida. The UTM coordinates are Zone 17, 416.22 km East and 3069.22 km North.

The general and specific conditions contained in these Conditions of Certification shall apply to the operation of the Florida Power Corporation Tiger Bay Cogeneration Facility.

A. Definitions

The meaning of the terms used herein shall be governed by the definitions contained in Chapters 403, 378, 373, 372, and 253, Florida Statutes (F.S.), and any regulation adopted pursuant thereto and the statutes and regulations of any agency. In the event of any dispute over the meaning of a term used in these 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. As used herein:

1. "Application" shall mean the Site Certification Application (SCA) for the Tiger Bay Cogeneration Facility (TBCF), filed with the Department on September 19, 1997, as supplemented or subsequently amended.

2. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.

3. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.

4. "Facility" shall mean the Tiger Bay Cogeneration Facility and all associated structures, including but not limited to: the combined cycle unit, fuel and water storage tanks, natural gas delivery metering station, air pollution control equipment, storm water control facilities, the cooling

towers and related structures.

5. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

6. "Permittee" shall mean the Florida Power Corporation (FPC).

7. "Power plant" shall mean the electric power generating plant and appurtenances to be operated on the Tiger Bay Cogeneration Facility site in Polk County, as generally depicted in the Application.

9. "Project" or "TBCF" shall mean the Tiger Bay Cogeneration Facility and all associated facilities.

10."SWFWMD" shall mean the Southwest Florida Water Management District.

B. Applicable Rules

The construction and operation of the TBCF shall be in accordance with all applicable provisions of at least the following regulations: Chapters 40D-2, 40D-8, 40D-21, 62-4, 62-17, 62-814, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, 62-762, 62-767, 62-769, 62-770, and 62-25 , Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

II. CHANGE IN DISCHARGE

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions beyond the certified initial generating capacities of the existing unit, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, or expansion in steam generation capacity shall be reported by submission of an application for modification pursuant to Chapter 403, F.S.

III. GENERAL CONDITIONS

A. Facilities Operation

1. The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used to achieve compliance with the conditions of this certification, and are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the approval and when required by Department rules.

2. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of air pollution control equipment, operation may be allowed to resume and continue to take place

under an appropriate Department order, provided that the Permittee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, solid waste rules, domestic wastewater rules and industrial wastewater rules. During such malfunction or shutdown, the operation of the facility shall comply with all other requirements of this certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown which is the subject of the Department's order.

3. The Permittee shall comply with the terms and conditions contained in NPDES General Permit FLR00C415 and Permit No. AC53-214903/PSD-FL-190-A and any revisions, modifications or reissuances thereof.

B. Non-Compliance Notification

If, for any reason, the Permittee (defined as the applicant or its successors and or assigns) does not comply with or will be unable to comply with any limitation specified in this certification, the Permittee shall notify the Southwest District office of the DEP by telephone at (813)620-6100. After normal business hours, report any condition that poses a public health threat to the State Warning Point under telephone number (850)413-9911 or (850)413-9912. FPC shall confirm this non-compliance in writing at 3804 Coconut Palm Drive, Tampa, Florida 33619-8218 within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

1. A description of the discharge and cause of noncompliance; and,

2. The period of non-compliance, including exact dates and times; or if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying event.

3. The Permittee shall report all critical (having potential to significantly pollute surface or ground waters) spills of liquid or liquid-solid materials, not confined to a building or similar containment structure, to the Department by telephone immediately after discovery and submit a written report within forty-eight hours, excluding weekends, from the original notification. The telephonic report shall be submitted by calling the Southwest District Industrial Wastewater Compliance/Enforcement Section under telephone number (813)620-6100. After normal business hours, contact the State Warning Point by calling (850)413-9911 or (850)413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the areal size of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.

C. Safety

1. The overall design, layout, and operation 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. The Federal Occupational Safety and Health Standards will be complied with during construction. The Safety Standards specified under Section 442.20, F.S., by the Division of Safety of the Florida Department of Labor and Employment Security shall also be complied with.

2. The Permittee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Permittee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Section 62-520.420, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

D. Enforcement

The Department may take any and all lawful actions as it deems appropriate to enforce any condition of this certification.

E. Design and Performance Criteria

The power plant may be operated at up to the maximum electrical output projected from design information without the need for modifying these conditions. Treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this certification are not to be bypassed without prior DEP approval. Moreover, the Permittee shall take all reasonable steps to minimize any adverse impacts 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.

F. Certification - General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in these conditions of certification are the same as "Permit Conditions" and are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S. Any noncompliance with a condition of certification or condition of a federally delegated or approved permit constitutes a violation of chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. FPC is placed on notice that the Department will review this approval periodically and may initiate enforcement action for any violation of these conditions.

2. This approval is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6), 403.511, and 403.722(5), F.S., the issuance of this approval does not convey any vested rights or any exclusive privileges. Neither 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. This approval is not a waiver of or approval of any other Department approval that may be required for other aspects of the total project under federally delegated programs which are not addressed in this certification.

4. This certification does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this approved source, or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The Permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of these Conditions which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with these Conditions.

5. In accepting this certification, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this approved source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the approved source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

6. This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.

7. These conditions of certification or a copy thereof shall be kept at the work site of the approved activity.

8. The Permittee shall comply with the following:

a. Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The Permittee shall hold at the facility or other location designated by this approval records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the approval, copies of all reports required by this approval, and records of all data used to complete the application for this approval. These materials shall be retained at least three (3) years from the date of the

sample, measurement, report, or application unless otherwise specified by Department rule. Data utilized to prepare the application may be maintained at the following locations:

Florida Power Corporation
Headquarters Office
3201 34th Street South
St. Petersburg, Florida 33733

Florida Power Corporation
Tiger Bay Cogeneration Facility
3912 State Road 630 West
Ft. Meade, Florida 33841

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the dates analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used;
- the results of such analyses.

9. These Conditions may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

10. The Permittee, by accepting these Conditions, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to

a. Enter upon the Permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under these Conditions;

b. Have access to and copy any records that shall be kept under the conditions of these Conditions;

c. Inspect the facilities, equipment, practices, or operations regulated or required under these Conditions; and

d. Sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions or Department rules.

11. In accepting these Conditions, the Permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this

permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by section 403.111, Florida Statutes, or Rule 62-620.302, Florida Administrative Code. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules.

12. When requested by the Department, the Permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating these Conditions, or to determine compliance with the permit. The Permittee shall also provide to the Department upon request copies of records required by these Conditions to be kept. If the Permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department.

13. Unless specifically stated otherwise in Department rules, the Permittee, in accepting these Conditions, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the Permittee does not waive any ~~other~~ rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

14. The Permittee, in accepting these Conditions, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C.

15. The Permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

16. The Permittee shall apply for a revision to any Department issued PSD, Title V, or NPDES permit in accordance with Department Rules in Chapter 62, Florida Administrative Code, at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with applicable rules for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in the applicable portions of Chapter 62, F.A.C.

17. The Permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The Permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of these Conditions. The notice shall include the following information:

a. A description of the anticipated noncompliance;

b. The period of the anticipated noncompliance, including dates and times; and

c. Steps being taken to prevent future occurrence of the noncompliance.

18. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in these Conditions shall be submitted no later than 14 days following each schedule date.

When requested by the Department, the Permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the certification. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

G. Laboratories and Quality Assurance

1. The Permittee shall ensure that all laboratory analytical data submitted to the Department, as required by this certification, must be from a laboratory which has a currently valid and Department approved Comprehensive Quality Assurance Plan (CompQAP) [or a CompQAP pending approval] for all parameters being reported, as required by Chapter 62-160, F.A.C.

2. When a contract laboratory is used to analyze samples required pursuant to this certification, the Permittee is required to have the samples taken by qualified personnel following EPA and Department approved sampling procedures and chain-of-custody requirements in accordance with Rule 62-160, F.A.C.

3. When an in-house laboratory is used to analyze samples required pursuant to this permit, the Permittee is required to have the samples taken by a qualified technician following EPA and Department approved sampling procedures and chain-of-custody requirements. All chain-of-custody records must be retained on-site for at least three (3) years and made available to the Department immediately upon request.

H. Procedures for Post-Certification Submittals

1. *Purpose of Submittals*: Conditions of certification which provide for the post-certification submittal of information to DEP by the Permittee are for the purpose of facilitating DEP's monitoring of the effects arising from the plant facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the conditions of certification, without any further agency action.

2. *Filings*: All post-certification submittals of information by the Permittee are to be filed with DEP. Copies of each submittal shall be simultaneously submitted to any other agency indicated in the specific conditions requiring the post-certification submittals.

3. *Completeness*: The DEP shall promptly review each post-certification submittal for completeness. This review shall include consultation with the other agencies receiving the post-certification submittal. For the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If found to be incomplete, the Permittee shall

be so notified. Failure to issue such a notice within forty-five (45) days after filing of the submittal shall constitute a finding of completeness.

4. *Interagency Meetings*: Within sixty (60) days of the filing of a complete post-certification submittal, DEP may conduct an interagency meeting with other agencies which received copies of the submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether reasonable assurance of compliance with the conditions of certification has been provided. Failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these conditions nor to delay the time frames for review established by these conditions.

5. *Reasonable Assurance of Compliance*: Within ninety (90) days of the filing of a complete post-certification submittal, or 45 days after a submittal is made by the Permittee, or unless another date is specified herein, DEP shall give written notification to the Permittee and the agencies to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, the Permittee shall be notified with particularity and possible corrective measures suggested. Failure to notify the Permittee in writing within ninety (90) days of receipt of a complete post-certification submittal shall constitute a compliance determination.

IV. 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 such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

V. RIGHT OF ENTRY

The Permittee shall allow during normal business hours the Secretary of the Florida Department of Environmental Protection and/or authorized representatives, including representatives of the SWFWMD upon the presentation of credentials:

A. To enter upon the Permittee's premises where an emission or effluent source is located or in which records are required to be kept under the terms and conditions of this certification;

B. To have access during normal business hours (Monday-Friday, 7:00 a.m. to 3:30 p.m.) to any records required to be kept under the conditions of this certification for examination and copying;

C. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants, or monitor any substances or parameters at any location reasonably necessary to assure compliance with this certification or Department rules; and,

D. To assess any damage to the environment or violation of ambient standards.

VI. REVOCATION OR SUSPENSION

This certification may be suspended or revoked for violations of any of its conditions pursuant to Section 403.512, F.S.

VII. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve the Permittee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department or Chapter 403, F.S., or regulations thereunder.

Subject to Section 403.511, F.S., 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.

VIII. PROPERTY RIGHTS

The issuance of this certification does not convey any property rights in either real or personal property, 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.

This certification conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

IX. 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 provisions to other circumstances and the remainder of the certification shall not be affected thereby.

X. REVIEW OF SITE CERTIFICATION

The certification shall be final unless revised, revoked, or suspended pursuant to law. At least every five (5) years from the date of issuance of certification the Department may review these conditions of certification and propose any needed changes.

XI. MODIFICATION OF CONDITIONS

A. Pursuant to Subsection 403.516(1), F.S., the Siting Board hereby delegates the authority to the Secretary to modify any condition of this certification.

B. Subject to the notice requirements of 403.516(1), F.S., the certification shall be automatically modified to conform to subsequent DEP-issued amendments, modifications or renewals of any separately-issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, or National Pollutant Discharge Elimination System (NPDES) permit for the project and the conditions of such permits shall be controlling over these Conditions of Certification.

XII. CONSTRUCTION

No new construction is authorized by these conditions of certification. The Department must be notified in writing and prior written approval must be obtained for any changes, modification, or revision to be made to the project which are in conflict with these conditions of certification. If there are any changes, modification, or revision made to a project approved by the Department without this prior written approval, the project will be considered to have been constructed without departmental approval, the construction will not be cleared for service, and the construction will be considered a violation of the conditions of certification.

XIII. AIR RESOURCES MANAGEMENT

A. Emission Limits: Combustion Turbine

1. The maximum allowable emissions from this source shall not exceed the emission rates listed in the following table:

Pollutant		Fuel[a]	Allowable Emission[b] (Standard / Limitation)				Basis
NO_X	(CT)[c]	Gas	(15 ppmvd @ 15% O_2;	97.2 lbs/hr;	425.7	TPY)[d]	BACT
		Gas	25 ppmvd @ 15% O_2;	161.9 lbs/hr;	709.1	TPY	BACT
		Oil	42 ppmvd @ 15% O_2;	326. lbs/hr;	48.9	TPY	BACT
CO[e]	(CT)	Gas	15 ppmvd;	48.8 lbs/hr;	213.7	TPY	BACT
		Oil	30 ppmvd;	98.4 lbs/hr;	14.8	TPY	BACT
VOC	(CT)	Gas		2.8 lbs/hr;	12.3	TPY	BACT
		Oil		7.5 lbs/hr;	1.1	TPY	BACT
PM_{10}	(CT)	Gas		9. lbs/hr;	39.4	TPY	BACT
		Oil		17. lbs/hr;	1.1	TPY	BACT
SO_2	(CT)	Gas		4.86 lbs/hr;	21.3	TPY	Appl.
		Oil		99.7 lbs/hr;	15.3	TPY	Appl.
H_2SO_4	(CT)	Gas		0.595 lbs/hr;	2.6	TPY	Appl.
		Oil		1.22 lbs/hr;	0.18	TPY	Appl.

Opacity[a]	Gas Oil	10% opacity 20% opacity			BACT BACT
Hg	Oil	0.0000030 lbs/MMBtu;	0.00555 lbs/hr;	0.000832 TPY	Appl.
AS	Oil	0.0000042 lbs/MMBtu;	0.00777 lbs/hr;	0.00117 TPY	BACT
Be	Oil	0.0000025 lbs/MMBtu;	0.00462 lbs/hr;	0.000694 TPY	BACT
Pb	Oil	0.0000089 lbs/MMBtu;	0.0165 lbs/hr;	0.00247 TPY	Appl.

NOTES:

a) Natural gas emissions are based on 8760 hours per year operating time. Distillate fuel oil (0.05% S) emissions are based on fuel usage equivalent to 300 hours per year at maximum capacity (i.e. 3,742,327 gallons per year).

b) CT means combustion turbine.

c) The NO_x maximum emission limit of 97.2 lbs/hr (equivalent to 15 ppmvd @ 15% O_2) will be achieved not later than December 31, 1999 using appropriate combustion technology improvements or SCR.

d) Emission rates are based on 27 °F at base load.

e) At full load conditions.

2. Visible emissions for full load operation shall not exceed 10% opacity when firing natural gas and 20% opacity when firing distillate fuel oil.

B. Operating Rates

1. This source is allowed to operate continuously (8,760 hours per year).

2. This source is allowed to use natural gas as the primary fuel for 8,760 hours per year and low sulfur distillate fuel oil (0.05% S) as the secondary fuel up to 3,742,327 gallons per calendar year.

3. The permitted materials and utilization rates for the combined cycle gas turbine system shall be as stated in the application. The operating parameters include, but are not limited to:

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184 MW Combustion Turbine:

- The maximum heat input of 1,849.9 MMBtu/hr (LHV) at 27°F and at base load for distillate fuel oil.
- The maximum heat input of 1,710 MMBtu/hr at base load for natural gas.

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4. Any change in the method of operation, equipment or operating hours pursuant to Rule 62-212.200, F.A.C., Definitions- Modifications, shall be submitted to DEP's Bureau of Air Regulation and Southwest District offices.

5. Any other operating parameters established during compliance testing and/or inspection that will ensure the proper operation of this facility shall be included in the operating permit.

C. Compliance Determination

1. Compliance with the NO_X, SO_2, CO, PM, PM_{10}, and VOC standards shall be determined (while operating between 95% and 100% of the permitted maximum heat rate input corresponding to the particular ambient conditions) annually by the following reference methods as described in 40 CFR 60, Appendix A (July, 1992 version) and adopted by reference in F.A.C. Rule 62-297:

Method 1	Sample and Velocity Traverses for Stationary Sources
Method 2	Determination of Stack Gas Velocity and Volumetric Flow Rate
Method 3	Gas Analysis
Method 5	Determination of Particulate Emissions from Stationary Sources
	or
Method 17	Determination of Particulate Emissions from Stationary Sources
Method 18	Measurement of Gaseous Organic Compound Emissions by Gas Chromatography
Method 9	Visual Determination of the Opacity of Emissions from Stationary Sources
Method 8	Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions from Stationary Sources
Method 10	Determination of Carbon Monoxide Emission from Stationary Sources
Method 20	Determination of Nitrogen Oxides, Sulfur Dioxide, and Diluent Emissions from Stationary Gas Turbines
Method 25A	Determination of Total Gaseous Organic Concentrations Using a Flame Ionization Analyzer
Method 201A	Determination of PM_{10} Emissions from Stationary and Sources
Method 202	Determination of Condensible Particulate Emissions from Stationary Sources

Other DER approved methods may be used for compliance testing after prior Departmental approval.

Annual VOC testing on the combustion turbine and the duct burner shall be conducted using only Method 25A (Method 18 is not required). However, the annual VOC testing shall not be required provided that the annual CO test demonstrates emissions below the CO limits specified in condition XIII.A.1.

Method 3A may be substituted for Method 3 to determine oxygen concentrations.

2. The opacity emissions test, Method 9, may be used unless the applicable opacity is exceeded. Also, the ambient particulate matter entering the gas turbine can be subtracted from the total particulate matter emissions if that quantity can be measured at the inlet of the gas turbine.

3. Compliance with the SO_2 and sulfuric acid mist emission limit can also be determined by calculations based on fuel analysis using ASTM D4294 for the sulfur content of liquid fuels and ASTM D3246-81 for sulfur content of gaseous fuel.

4. Test results will be the average of three valid runs. The Southwest District office will be notified in writing at least 15 days in advance of the compliance test(s). The sources, combustion turbine and duct burner, shall operate between 95% and 100% of maximum capacity for the ambient conditions experienced during compliance test(s). The turbine manufacturer's capacity vs temperature (ambient) curve shall be included with the compliance test results. Compliance test results shall be submitted to the Southwest District office no later than 45 days after completion.

5. The Permittee shall comply with the following by December 31, 1999: The NO_X maximum emission limit of 97.2 lbs/hr (equivalent to 15 ppmvd @ 15% O_2) firing gas or 326 lbs/hr (equivalent to 42 ppmvd @ 15% O_2) firing distillate fuel oil will be achieved using appropriate combustion technology improvements or SCR.

6. The Permittee shall install, calibrate, maintain, and operate a continuous emission monitor in the stack to measure and record the nitrogen oxides emissions from this source. The continuous emission monitor must comply with 40 CFR 75.

7. A continuous monitoring system shall be installed to monitor and record the fuel consumption on the CT. While water/steam injection is being utilized for NO_x control, the water/steam to fuel ratio at which compliance is achieved shall be incorporated into the permit and shall be continuously monitored. The system shall meet the requirements of 40 CFR Part 60, Subpart GG.

8. Sulfur and nitrogen content and lower heating value of the fuel being fired in the combustion turbines shall be determined as specified in 40 CFR 60.334(b). Any request for a future custom monitoring schedule shall be made in writing and directed to the Southwest District office. Any custom schedule approved by DER pursuant to 40 CFR 60.334(b) will be recognized as enforceable provisions of the permit, provided that the holder of this permit demonstrates that the provisions of the schedule will be adequate to assure continuous compliance. The records of distillate fuel oil usage shall be kept by the company for a two-year period for regulatory agency inspection purposes. For sulfur dioxide, periods of excess emissions shall be reported if the fuel being fired in the gas turbine exceeds 0.05 percent sulfur by weight.

D. Emissions Limits: Spray Dryer and Bag House

1. This source is permitted for continuous operation (8,760 hr/yr).

2. The spray dryer unit air heater shall be fired only with natural gas and at a maximum heat input rate not to exceed 3.07 MMBtu/hr.

3. Particulate matter emissions from the spray dryer unit baghouse exhaust shall not exceed 0.021 lbs/hr and 0.092 TPY.

4. Due to the expense and complexity of conducting a stack test on a minor source of particulate matter, and because this source is equipped with a baghouse control device, the Department, pursuant to the authority granted under Rule 62-297.620(4), F.A.C., hereby establishes a visible emission limitation not to exceed an opacity of 5% in lieu of a particulate stack test.

5. Compliance with the visible emission limitation of condition XIII.D.4 shall be determined using EPA Method 9 contained in 40 CFR 60, Appendix A and adopted by reference in Rule 62-297, F.A.C. The visible emissions test shall be conducted by a certified observer and be a minimum of 30 minutes in duration. The test observation period shall include the period during which the highest opacity can reasonably be expected to occur. The minimum requirements for stationary point source emission test procedures and reporting shall be in accordance with Rule 62-297, F.A.C. and 40 CFR 60 Appendix A.

6. Compliance testing shall be conducted during operation of the wastewater treatment system and spray dryer unit under conditions that could be reasonably expected to represent the worst case particulate loading to the baghouse. The test report shall include a description of the wastewater treatment system and spray dryer unit operating conditions during the test, including the following:

- spray dryer wastewater brine feed rate (gal/min or other appropriate units);
- spray dryer air heater heat input rate (MMBtu/hr); and
- any other operating parameters (such as pressure drops, temperatures, baghouse gas flow rate [acfm], etc.) that the permittee feels are indicative of the operating conditions during the test.

Failure to submit the above operating information and or operating at conditions which do not reflect the normal operating conditions may invalidate the data and fail to provide reasonable assurance of compliance.

7. The spray dryer unit baghouse exhaust stack shall be tested for visible emissions (VE) on or during the 60 day period prior to the date of September 27 of each year. A test report shall be submitted to the Air Compliance Section of the Southwest District Office of the Department within 45 days after the test is completed.

8. The permittee shall notify the Air Compliance Section of the Southwest District Office of the Department at least 15 days prior to the date on which each formal compliance test is to begin.

This notice shall include the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted.

9. Should the Department have reason to believe the particulate emission standard is not being met, the Department may require that compliance with the particulate emission standard be demonstrated by stack testing in accordance with Rule 62-297, F.A.C.

10. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter in accordance with the provisions of Rule 62-296.310(3)(c), F.A.C. These provisions are applicable to any source, including but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as unloading, storing, and handling.

11. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

12. Each calendar year, on or before March 1, the permittee shall submit to the Air Program of the Southwest District Office of the Department a completed DER Form 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility," for the preceding calendar year.

E. Rule Requirements

1. The sources shall comply with all requirements of 40 CFR 60, Subpart GG, and F.A.C. Rule 62.204-800,(2)(a), Standards of Performance for Stationary Gas Turbines and Standards of Performance for Industrial, Commercial, and Institutional Steam Generating Units.

2. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal permitting requirements and regulations (F.A.C. Rule 62-210.300(1)).

3. This source shall be in compliance with all applicable provisions of F.A.C. Rules 62-210.650: Circumvention; 62-210.700: Excess Emissions; 62-204.800: Standards of Performance for New Stationary Sources (NSPS); 62-297: Stationary Sources-Emissions Monitoring; and,62-4.130: Plant Operation-Problems.

4. Quarterly excess emission reports, in accordance with the July 1, 1992 version of 40 CFR 60.7 and 60.334 shall be submitted to the Department's Southwest District office.

5. Pursuant to F.A.C. Rule 62-210.300(2), Air Operating Permits, the Permittee is required to submit annual reports on the actual operating rates and emissions from this facility. These reports shall include, but are not limited to the following: sulfur content and the lower heating value of the fuel being fired, fuel usage, hours of operation, air emissions limits, etc. Annual reports shall be sent to the Department's Southwest District office by March 1 of each calendar year.

XIV. WATER RESOURCES MANAGEMENT

A. Stormwater Discharge

1. The facility's existing non-contact surface water management system is permitted to discharge storm water under the terms and conditions imposed by EPA's storm water general permit issued for use in the state of Florida. The facility's permit number is FLR00C415. The Permittee is required to continue to update the facility's Storm Water Pollution Prevention Plan (SWPPP) annually, as required by the general permit; and to implement the annual revisions to the SWPPP.

2. Contact stormwater (rainfall that has come in contact with industrial equipment or processes) runoff is to be completely contained and recycled as process water or entered into the process wastewater stream directly.

3. New construction on the facility site must meet the requirements of Rules 62-25, F.A.C. and 62-17.211, F.A.C., as well as the design requirements presented in the Site Certification Application (SCA). New stormwater facilities associated with the facility will not become operational until an engineer practicing in the State of Florida in compliance with Section 471.003(2)(d) Florida Statutes, and with the appropriate experience in surface water design, certifies that these facilities have been constructed in accordance with the design as approved by the Florida Department of Environmental Protection (DEP).

B. Domestic Wastewater Treatment and Disposal

1. The Permittee is approved to continue to operate the existing, permitted septic tank system as shown on any previously-submitted and approved drawings, plans, and other documents attached thereto or on file with the DEP or the Polk County Health Department and made a part thereof.

2. All sludge material removed from the septic tank will be disposed of offsite in an authorized manner. No sludge is to be disposed of onsite.

3. Any future request for alternative treatment will require approval to construct and operate any such new facility and will be subject to the non-procedural provisions of Chapter 403, F.S., and F.A.C. Rules 62-3, 62-4, pertinent chapters within the 62-300, 62-500 and 62-600 series, and 62-17.211.

C. Potable Water Supply

1. The approval to operate the existing potable water distribution system is subject to the non-procedural provisions of Chapter 403, F.S., and pertinent Chapters within the F.A.C. Rules in Chapter 62-500 Series and Chapter 62-699. The Permittee is approved to continue to operate the existing, permitted potable water system as shown on any previously-submitted and approved drawings, plans, and other documents attached thereto or on file with the DEP or the Polk County Department of Health and made a part thereof.

2. A Department of Health and Rehabilitative Services certified laboratory shall test the potable water system water quality annually for coliform bacteria and submit the results to the Polk County Health Department. The system shall otherwise be operated in accordance with section 381.0062, F.S. and Rule 10D-4, F.A.C.

3. Pursuant to Rule 62-555.540, F.A.C., any proposed extension of the potable water system may be undertaken following the filing with the DEP a completed copy of DEP Form 62-555.910(1), F.A.C. Such form shall be submitted no later than 90 days prior to beginning work on the extension of the distribution system to serve the new connections. This activity shall be subject to the requirements of Rules 62-555.540, F.A.C. and 62-17.211.

D. Groundwater Management

1. The total quantity of groundwater withdrawal authorized for this facility is:

AVERAGE: 1,700,000 gpd
PEAK MONTHLY: 2,100,000 gpd

2. Authorized groundwater withdrawal points:

I.D. No. (Permittee's/WMD's)	Location	Diameter	Depth (total/cased)	Use[1]	MGD Average	Per Day Peak Monthly.
P1 / 1	Lat: 27°44'43" Long: 81°50'59"	16 in	800 ft / 360 ft	I/C	1.7[2]	2.1[2]
P2 / 2	Lat: 27°44'43" Long: 81°50'58"	16 in	800 ft / 360 ft	I/C	1.7[2]	2.1[2]
P1/1 and P2/2 Combined					1.7	2.1
P3 / 3	Lat: 27°44'43" Long: 81°50'58"	4 in	500 ft / 360 ft	I/C	0.001	0.002

[1] I/C= Industrial or Commercial

[2] Note that the total withdrawals can all be from either well or partially from both but the total from both wells cannot exceed the combined value.

3. All reports required by these Conditions to be submitted to the Southwest Florida Water Management District shall be submitted to the District on or before the tenth day of the month following data collection and shall be addressed to:

Permits Data Section, Resource Regulation
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609-6899

Unless otherwise indicated, three copies of each plan or report are required by these Conditions except reports of pumpage, rainfall, evapotranspiration, water level or water quality data, which require one copy,.

4. Within 90 days of Certification issuance, completion of construction of the withdrawal facility or prior to activation of a stand-by source, District ID Nos. 1 and 2, Permittee ID Nos. P1 and P2, shall be equipped with non-resettable, totalizing flow meter(s), or other measuring device(s) as approved in writing by the SWFWMD Permitting Department Director, Resource Regulation, unless an extension is granted by the Director. Such device e(s) shall have and maintain an accuracy within five percent of the actual flow as installed. Total withdrawal and meter readings from each metered withdrawal shall be recorded on a monthly basis and reported to the Permits Data Section (using District forms) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the Permits Data Section indicating zero gallons. Prior to meter installation, non-use shall be documented with monthly pumpage reports indicating zero gallons withdrawn.

5. Water quality samples shall be collected and analyzed, for parameter(s), and frequency(ies) specified below. Water quality samples from production wells shall be collected whether or not the well is being used, unless infeasible. If sampling is infeasible the Permittee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Health and Rehabilitative Services (DHRS) certified laboratory under Environmental Laboratory Certifcation General Category "1". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, the Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the SWFWMD Permitting Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permits Data Section (using District forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the SWFWMD Permitting Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

District ID No.	Permittee ID No.	Minimum Pumping Time (minutes)	Parameter	Sampling Frequency
1	P1	30	TDS Chlorides	February, May, August, November

Sulfates

6. Water quality samples shall be collected based on the following timetable:

Weekly:	Same day of each week
Monthly:	Same week of each month
Quarterly:	Same week of months specified
Semi-annually:	Same week of months specified

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

7. The Permittee shall construct the Certified wells according to the surface diameter and casing depth specifications below. The casing depth specified is to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth that at which high producing zones are encountered. However, it is the Permittee's responsibility to have the water in the well sampled, during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee and to ensure that withdrawals from the well will not cause salt-water intrusion.

District ID No.	Permittee ID No.	Surface Diameter	Minimum Casing Depth	Estimated Total Depth
1	P1	16 in.	360 ft.	800 ft.
2	P2	16 in.	360 ft.	800 ft.
3	P3	4 in.	360 ft.	500 ft.

NOTE:

The casing shall be continuous from land surface to the minimum depth stated above.

All well casing (including liner; and/or pipe) must be sealed with neat cement to the depth specified above.

The wells shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.

A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells, and all wells six (6) inches or more in diameter.

The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Permitting Department Director, Resource Regulation, or the Supervisor of the Well Construction Permitting Section in Brooksville.

Advance approval from the Permitting Department Director, Resource Regulation is necessary should the Permittee propose to change the well location or casing diameter.

8. For the purpose of determining site-specific transmissivity, a step drawdown and constant rate specific capacity test shall be performed on District ID No. 1, Permittee ID No. P1, after the well has been fully developed. The test shall be performed in accordance with the specifications set forth in Design Aid 3.B, Water Use Permit Information Manual, SWFWMD. The recorded raw data shall be submitted to the Permits Data Section within thirty days of completion of the well.

9. In the event the SWFWMD declares that a Water Shortage exists pursuant to Chapter 40D-21, the Department shall alter, modify, or declare inactive all or parts of these Conditions as necessary to address the water shortage.

10. The SWFWMD shall collect water samples from any withdrawal point listed in these Conditions or shall require the Permittee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

11. The Permittee shall cease or reduce withdrawal as directed by the SWFWMD if water levels in aquifers fall below the minimum levels established by the Governing Board.

12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the SWFWMD Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.

E. Surface Water Management

There shall be no discharge from this facility of any industrial wastewater, domestic wastewater, or contact stormwater to any surface water or land surface.

XV. SOLID AND HAZARDOUS WASTE MANAGEMENT

1. No solid or hazardous waste is to be permanently stored onsite.

2. Salt cake from the industrial wastewater treatment and cooling water systems is to be sent off-site for disposal.

3. Sanitary waste sludge from the septic tank system is to be collected and delivered off-site for disposal.