



Jeb Bush
Governor

Department of Environmental Protection

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

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DEP 0 3-0 2 0 8

David B. Struhs
Secretary

March 21, 2003

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Yolanta E. Jonyas
Gainesville Regional Utilities
Post Office Box 147117
Station A136
Gainesville, Florida 32614-7117

**RE: Deerhaven Generating Station
Modification to Conditions of Certification
DEP Case Number PA 74-04E
OGC Case Number 03-0402**

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Jonyas:

On January 1, 2000, the Department issued the Title V air operation permit No. 0010006-001-AV for the Deerhaven Generating Station. Pursuant to Rule 62-17.211(4), Florida Administrative Code ("F.A.C.") the Department is required to modify the Conditions of Certification for this facility to conform them to the Title V permit.

On September 25, 2002, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on October 4, 2002, notice of the Department's intent to modify the Conditions of Certification for this facility was published in the Florida Administrative Weekly ("FAW"), and on the Department's internet home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." Those notices specified that pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, F.A.C., all parties to the certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to file a written objection to the modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the FAW to object in writing; that pursuant to Rule 62-17.280(1)(c), F.A.C., failure to act within the time frame

constitutes a waiver of the right to become a party; and that the Department will issue a Final Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

On October 31, 2002, the Department received notice of objections to portions of the proposed modification from the Gainesville Regional Utilities. No other objections to the modification have been received by the Department. Pursuant to Rule 62-17.211(1)(b)5., F.A.C., if written objections are filed which only address a portion of the requested modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed. The Conditions of Certification for the Deerhaven Generating Station are hereby modified, in accordance with those portions of the proposed modifications for which no objection was received, as follows:

I. AIR

~~The construction and operation of the Unit No. 2 at the Deerhaven steam electric power plant shall be in accordance with all applicable provisions of Chapters 17-2, 17-5 and 17-7, Florida Administrative Code. In addition to the foregoing, the permittee shall comply with the following specific conditions of certification:~~

The operation of the Gainesville Regional Utilities Deerhaven Generating Station shall be in accordance with all applicable provisions of Title V Air Operation Permit 0010006-001-AV and of any updates or modifications thereto, and of Chapters 62-210 through 62-297, F.A.C. In addition to the foregoing, the Licensee shall comply with the following conditions of certification as indicated.

A. Emission Limitations

1. No change.

~~2. The percent maximum allowable sulfur content of coal consumed shall be limited as follows:~~

~~% Maximum allowable sulfur content = 6.3×10^{-5} BTU per lb. of coal.~~

~~However, the applicant may petition the Department to revise this condition by installing a flue gas desulfurization unit that will insure compliance with Section 17-2.600(5), F.A.C. The boiler shall not be operated unless this condition is complied with.~~

2.3. The height of the boiler exhaust stack for Unit No. 2 shall not be less than 350 feet above grade.

3.4. The permittee shall provide a plot plan of equipment prior to the start of construction, showing the proposed tentative location of flue gas desulfurization equipment so that such equipment can be added at a later date, if installation of such equipment should

subsequently become necessary. Prior to installation of any FGD equipment, plans and specifications for such equipment shall be submitted to the Department for review and approval.

4 5. Particulate emissions from the coal handling facilities:

a. No change.

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, guaranteed efficiency and emission rates, and, 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 4 5(a) above.

B. No change.

C. 1. through 4. No Change

5. Stack tests for particulates and SO₂ shall be performed annually in accordance with conditions 2; and 3 and 4 above. The owner or operator shall provide the Department 15 days prior notice of such tests.

D. through H. No change.

II. through XII. No change.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the 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 thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.



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

Deerhaven Generating Station
Order Modifying Conditions of Certification
DEP Case Number PA74-04E
March 21, 2003

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

Linda F. Kowkows 3/21/03
Clerk Date

CC:

James W. Antista, Esq.
Tom Brown, Esq.
Kathy Carter
Scott Goorland, Esquire
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