Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Electronically Sent – Received Receipt Requested

Mr. Byron T. Burrows, P.E., Air Programs Manager
Environmental Health and Safety
Tampa Electric Company (TEC)
P.O. Box 111
Tampa, FL 33601-0111

Re: Project No. 0570039-056-AC
Big Bend Station, Units 1 and 2
Letter of Authorization, Extension of PM Testing Relief for Federal Fiscal Year 2012

Dear Mr. Burrows:

On December 1, 2011, the Department received a letter from Mr. Robert Velasco, TEC, which requests an extension of the temporary relief from the current stack testing requirements for Units 1 and 2 in Title V air operation permit No. 0570039-045-AV, which was previously authorized by letter on June 9, 2011 (permit No. 0570039-046-AC). Condition A.43 of permit No. 0570039-045-AV requires annual stack testing for particulate matter (PM), nitrogen oxides (NO_X) and sulfur dioxide (SO_2). The emissions standards for Units 1 and 2 are identical. After NO_X control by selective catalytic reduction (SCR) and particulate control by separate electrostatic precipitators (ESP), the flue gas exhaust from Units 1 and 2 are combined by common ductwork, controlled by a common wet flue gas desulfurization (FGD) system and exit a common exhaust stack. There is a single continuous emissions monitoring system (CEMS) for SO_2 emissions at the shared inlet to the FGD system as well as a single CEMS (SO_2, NO_X carbon dioxide and flow) in the shared exhaust stack (CS0W1). Because of the shared equipment, Condition A.53 requires Unit 2 to be shut down when Unit 1 is tested for PM and vice-versa.

Due to the difficulties involved with scheduling testing around unit outages, the Department granted TEC's previous request in a letter of authorization (LOA) (0570039-046-AC), but included a requirement to submit an air construction permit application by January 30, 2012 to revise Condition A.53. On August 19, 2011, TEC subsequently submitted an air construction permit application (EPSAP Application No. 2982-1) to fulfill the requirements of the LOA. However, TEC submitted two subsequent amendments that have substantially delayed the processing of the application.

TEC is tentatively planning to test Units No. 1 and 2 on December 14, 2011. The main reason for pursuing this selected test date is unit availability and general logistics, as it is difficult to achieve the requirements of Condition A.53 in a timely manner due to unit availability. In fiscal year 2011, approximately thirty three renotification correspondences were submitted to the Department and Hillsborough County EPC to reschedule stack tests on Units No. 1 and 2. With the historical challenges of performing compliance tests for Units No. 1 and 2 in a reasonable time frame, TEC believes it is prudent to be proactive and begin scheduling and conduction necessary stack tests in order to meet the testing requirements. Therefore, for federal fiscal year 2012, TEC seeks additional relief from Condition A.53 to allow stack testing of both Units No. 1 and 2 simultaneously in common stack CS0W1 to demonstrate compliance for each unit, pending the completion of the construction permitting project that was submitted on August 19, 2011.

Based on the given circumstances, the Department grants additional relief from the requirement to shut down one unit to test the other (Condition A.53) for the current federal fiscal year (October 1, 2011 through September 30, 2012), provided:

For this fiscal year, the permittee shall conduct PM stack tests and visible emissions observations on the exhaust stack common to Units 1 and 2 (CS0W1) to demonstrate compliance with the PM and visible emissions standards for Units 1 and 2. Particulate matter emissions determined in the common stack shall demonstrate compliance with the emissions standards (pounds per million British thermal units) for each unit. The mass emission rates (lb/hour) determined in the common stack shall be prorated based on the heat input rate contribution from a given unit to demonstrate compliance for that unit.

TEC shall continue to work diligently with the Department to assure that any questions related to the air construction permit application, which was submitted on August 19, 2011, are fully answered and that the pending Public Notice is properly published upon receipt of a draft air construction permit in order to assure that a final air construction permit is issued prior to September 30, 2012.

The Department will consider this action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, of the Florida Statutes (F.S.). Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this notice. Petitions filed by any other person must be filed within 14 days of receipt of this proposed action. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #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 notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.
Electronically Signed

Office of Permitting and Compliance
Division of Air Resource Management
Department of Environmental Protection
Tallahassee, Florida

Jeffery F. Koerner
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CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this authorization was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. Byron T. Burrows, P.E., TECO (btburrows@tecoenergy.com)
Mr. Robert Velasco, P.E., TECO (ravelasco@tecoenergy.com)
Ms. Cindy Zhang-Torres, P.E., DEP Southwest District Office (cindy.zhang-torres@dep.state.fl.us)
Mr. Jason Waters, P.E., Hillsborough County EPC (watersj@epchc.org)
Ms. Cindy Mulkey, DEP Siting Office (cindy.mulkey@dep.state.fl.us)
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
Ms. Heather Ceron, EPA Region 4 (ceron.heather@epa.gov)
Ms. Lynn Scearce, DEP BAR Reading File (lynn.scearce@dep.state.fl.us)

Clerk Stamp
FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Lynn Scearce
2011.12.12
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