



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 (TECO)
P.O. Box 111
Tampa, FL 33601-0111

Re: Project No. 0570039-055-AC
Big Bend Station, Gypsum Transloading Project
Letter of Authorization

Dear Mr. Burrows:

On November 10, 2011, the Department received a letter (dated November 9, 2011) from Mr. Robert Velasco, TECO, notifying us of a new gypsum transloading activity which he believes qualifies as an insignificant activity exempt from the requirements to obtain an air construction permit. Gypsum is a by-product of the flue gas desulfurization (FGD) equipment operated at the Big Bend facility to reduce the emissions of acid gasses. TECO maintains a contract to transport the gypsum off-site to a major wallboard manufacturer. If the wallboard manufacturer cannot produce enough wallboard to utilize all of the gypsum, the surplus is stored on-site. As a result of a decline in the building industry, the wallboard manufacturer has not been able to utilize the produced gypsum and the surplus gypsum is straining the on-site storage capabilities. This could soon result in the need to transport gypsum off-site to a waste landfill.

Based on the information provided by Mr. Velasco, we understand that TECO has found an alternative market and proposes to transfer up to 300,000 tons of the surplus gypsum per year by barge vessels to an agricultural supply distributor located out of state. This transfer would occur at an approximate rate of 20,000 - 30,000 tons per shipment, roughly one time per month, and could result in nearly 20,000 man-hours of contracted trucking labor over the course of a year. A portable conveyor system will be utilized to deliver gypsum to a bunker within reach of the existing clam-shell bucket crane that is normally used to unload coal from barges. We also understand that the gypsum generated at the plant is typically a moist cake-like material that does not result in measurable fugitive emissions and that the potential emissions of particulate matter from this activity are approximately 0.6 tons per year.

Due to the immediate nature of your request to begin transloading the gypsum into barges for transport to a beneficial end-use (rather than to a landfill) beginning December 1st, the Department hereby authorizes TECO to commence transloading gypsum in accordance with the procedures outlined in Mr. Velasco's request, subject to the following:

The preliminary schedule is: a first shipment of approximately 30,000 tons of gypsum will be transloaded between December 5th and December 15th and a second shipment of approximately 22,000 tons will be transloaded between December 20th and December 30th. TECO shall notify the Environmental Protection Commission of Hillsborough County of any updates to this schedule.

Reasonable precautions to prevent emissions of unconfined particulate matter shall be employed during the transloading activities and shall include, but not be limited to: wetting the gypsum as necessary to avoid fugitive dust during loading or unloading of the dump trucks, wetting the roads as necessary to avoid dust due to vehicular traffic, maintaining wind breaks on the clam-shell bunker, maintaining dust socks on the outlet of conveyor drop points, etc.

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TECO shall continue to work with DEP and Hillsborough County staff to resolve the following Hillsborough County Rule applicability issue: the Hillsborough County Environmental Protection Commission is concerned that this activity may be subject to the visible emissions limitations contained in Chapter 1-3.52 of the Rules of the Environmental Protection Commission of Hillsborough County, which may become a “unit-specific applicable requirement”.

Unless extended by the Department, this authorization expires on December 31, 2011.

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.

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Executed in Tallahassee, Florida.

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 _____ to the persons listed below.

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 Searce, DEP BAR Reading File (lynn.searce@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.