



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

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GRU-SR Kelly

OCT 25 2001

RECEIVED

OCT 29 2001

BUREAU OF AIR REGULATION

4APT-ATMB

C.H. Fancy, P.E., Chief
Bureau of Air Regulation
Department of Environmental Protection
Division of Air Resources Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32199-2400

Dear Mr. Fancy:

The purpose of this letter is to provide you with written comments regarding an initial performance testing deadline extension requested by Gainesville Regional Utilities (GRU) in a September 7, 2001, letter that was sent to both the U.S. Environmental Protection Agency (EPA) Region 4 and the Florida Department of Environmental Protection. This request is for Combined Cycle Unit No. 1 at the J.R. Kelly Generating Station in Gainesville, Florida, and this unit is subject to 40 C.F.R. Part 60, Subpart GG (Standards of Performance for Stationary Gas Turbines). Based upon the date that the maximum firing rate for No. 2 fuel oil in the unit was achieved, the deadline for completing an initial performance test for oil would have been May 18, 2001. Due to ongoing problems that the unit has experienced while firing oil, GRU has been unable to conduct an initial performance test for this fuel and requested an extension of the initial performance testing for oil firing in its September 7, 2001, letter. Although the New Source Performance Standards (NSPS) do not contain provisions for extending the performance testing deadlines specified in 40 C.F.R. §60.8(a), we recommend deferring any decision regarding whether to pursue enforcement for the missed testing deadline at GRU until the testing is actually completed.

Unit No. 1 can be fired with either natural gas or oil, and since the maximum firing rate for each of these fuels was achieved on different days, the deadlines for completing initial testing for these two fuels were different. In a May 1, 2001, letter addressed to you, Region 4 approved a previous GRU request for an extension of the testing deadlines for both fuels fired in Unit No. 1. An extension for testing during natural gas firing was granted because the removal of parts that had to be returned to the manufacturer for repairs prevented the unit from operating on the April 18, 2001, deadline for testing. An extension for oil firing was granted because the unit had been experiencing vibration problems while firing this fuel, and it was unlikely that these problems would be corrected by the May 18, 2001, deadline for testing while firing oil. Under

the terms of the extension approved in our May 1, 2001 letter, GRU was given up to 720 operating hours following the restart of Unit No. 1 to complete testing. In addition, the letter required that all testing for both fuels be completed no later than September 11, 2001. The date by which GRU completed testing during natural gas firing (June 15, 2001) was acceptable under the terms specified in our May 1, 2001, letter. GRU has been unable, however, to complete performance testing for oil since the cause of the vibration problems when this fuel is fired has not yet been identified and corrected. Because of the inability to complete testing during oil firing within the time frame specified in Region 4's previous letter, GRU's September 7, 2001, letter requested that the deadline for completing testing during oil firing be extended for an additional 720 operating hours after the use of this fuel resumes.

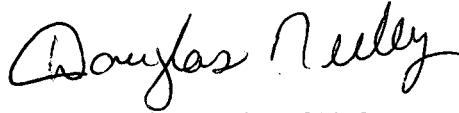
Although our May 1, 2001, letter indicated that an extension of the initial testing deadlines for natural gas and oil firing in Unit No. 1 would be acceptable, we recently became aware of the fact that 40 C.F.R. Part 60 does not contain any provisions which allow EPA to grant extensions of the NSPS testing deadlines specified in 40 C.F.R. §60.8(a). Initiating enforcement for missing one of these deadlines, however, may not be necessary or reasonable when the deadline is missed for reasons that are beyond the control of a source owner or operator. In such circumstances, using enforcement discretion as the basis for not pursuing an action would be acceptable provided that testing is completed expeditiously once the problems that prevented completion of testing by the applicable deadline are resolved.

Based upon the specific problems associated with Unit No. 1, we recommend deferring any decision regarding whether to pursue enforcement for missing the testing deadline for oil until after the testing is actually completed. Although decisions regarding what would constitute a reasonable amount of time for completing testing should be made on a case-by-case basis, Region 4 has typically considered a period of either 30 calendar days or 720 operating hours following the restart of a facility which could not operate on the initial deadline for testing to be reasonable. Our May 1, 2001, letter indicated that a 720 operating hour extension following the restart of Unit No. 1 would be acceptable. A final date of September 11, 2001, for completing testing was also specified in this letter due to the expectation that the vibration problems experienced during oil firing could be identified and corrected within this time frame. Because the manufacturer of Unit No. 1 has not been able to conclusively identify the cause of the vibration problems during oil firing yet, GRU was unable to complete testing for oil by the September 11, 2001, deadline specified in our May 1, 2001, letter.

If the testing is completed expeditiously once Unit No. 1 is capable of sustained operation on oil, deciding not to pursue enforcement for missing the testing deadline would be an acceptable option consistent with the enforcement discretion available to your agency. If testing is not completed expeditiously once oil can be fired in the unit on a sustained basis, deferring a decision regarding enforcement until after the initial performance testing is completed would not preclude you from citing GRU for a violation of the requirements in 40 C.F.R. §60.8(a) extending back to the original May 18, 2001, deadline for testing.

If you have any questions about the issues addressed in this letter, please contact Mr. David McNeal of the EPA Region 4 staff at (404) 562-9102.

Sincerely,

A handwritten signature in cursive script that reads "Douglas Neeley".

R. Douglas Neeley, Chief
Air Toxics and Monitoring Branch
Air, Pesticides and Toxics
Management Division

cc: Mr. Randy L. Casserleigh
Ms. Yolanta Jonynas