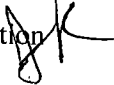


Florida Department of
Environmental Protection

Memorandum

To: Trina Vielhauer, Bureau of Air Regulation
Through: Jeff Koerner, New Source Review Section 
Date: November 5, 2009
Subject: Draft Minor Source Air Construction Permit
Project No. 0090196-010-AC
RRI Energy Florida, LLC, Indian River Power Plant
Revised Maximum Heat Input Rates

Attached for your review is a draft minor air construction permit package for the existing Indian River Power Plant, which is located in Brevard County at 7800 South U.S. Highway #1 in Titusville, Florida. The attached Technical Evaluation and Preliminary Determination provides a detailed description of the project and the rationale for permit issuance. Day 90 of the permitting time clock is November 22, 2009. I recommend your approval of the attached draft permit package.

Attachments

TLV/jfk

P.E. CERTIFICATION STATEMENT

PERMITTEE

RRI Energy Florida, LLC
7800 South U.S. Highway #1
Titusville, Florida 32780

Project No. 0090196-010-AC
Indian River Power Plant
Revised Maximum Heat Input Rates
Brevard County, Florida

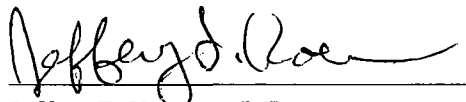
PROJECT DESCRIPTION

RRI Energy Florida, LLC operates the existing Indian River Power Plant, which is located in Brevard County at 7800 South U.S. Highway #1 in Titusville, Florida. The power plant consists of three existing electric utility steam generating units. The applicant requested the following: revise the averaging period for the heat input rates to a 3-hour rolling average; increase the maximum heat input rates on gas and oil for Units 1 and 3 by approximately 6%; establish annual heat input rates to ensure that the current maximum annual heat input rates will not increase; and determine compliance with the maximum heat input rates by fuel flow monitoring. The applicant contends that the current permitted maximum heat input rates are incorrectly identified and have been incorrectly identified in the Title V permit for more than ten years. This may cause occasional problems during over-pressure periods.

Units 1 and 3 are now 49 and 35 years old, respectively. When initially constructed, the expected useful life was approximately 40 years. The Department does not believe that the applicant provided sufficient information to support the claim that the current permitted maximum heat input rates are incorrectly identified. The Department does concede that the permitted heat input rates were not intended to be instantaneous limits, but reflective of short-term operation. The draft permit retains the current heat input rates, but establishes a 4-hour rolling average to provide some flexibility for an hourly average to be above the numeric portion of the limitation, which may help resolve the occasional periods of over-pressure.

This project is subject to the general preconstruction review requirements in Rule 62-212.300, Florida Administrative Code (F.A.C.) and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality. The Department's full review of the project and rationale for issuing the draft permit is provided in the Technical Evaluation and Preliminary Determination.

***I HEREBY CERTIFY** that the air pollution control engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify any other aspects of the proposal (including, but not limited to, the electrical, civil, mechanical, structural, hydrological, geological, and meteorological features).*



Jeffery F. Koerner, P.E.
Registration Number 49441

11-5-09

(Date)



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

November 5, 2009

Mr. Dennis Shaulis, General Manager
RRI Energy Florida, LLC
7800 South U.S. Highway #1
Titusville, Florida 32780

Re: Project No. 0090196-010-AC
Indian River Power Plant
Revised Maximum Heat Input Rates

Dear Mr. Shaulis:

On May 28, 2009, you submitted an application requesting revised heat input rates for Units 1, 2 and 3 at the existing Indian River Power Plant, which is located in Brevard County at 7800 South U.S. Highway #1 in Titusville, Florida. Enclosed are the following documents: the Written Notice of Intent to Issue Air Permit; the Public Notice of Intent to Issue Air Permit; the Technical Evaluation and Preliminary Determination; and the Draft Permit with Appendices. The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. If you have any questions, please contact the project engineer, Jeff Koerner, at 850/921-9536.

Sincerely,

A handwritten signature in black ink that reads "Trina Vielhauer". The signature is written in a cursive, flowing style.

Trina Vielhauer, Chief
Bureau of Air Regulation

Enclosures

TLV/jfk

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

*In the Matter of an
Application for Air Permit by:*

RRI Energy Florida, LLC
7800 South U.S. Highway #1
Titusville, Florida 32780

Project No. 0090196-010-AC
Minor Air Construction Permit

Authorized Representative:
Mr. Dennis Shaulis, General Manager

Indian River Power Plant
Revised Maximum Heat Input Rates
Brevard County, Florida

Facility Location: RRI Energy Florida, LLC operates the existing Indian River Power Plant, which is located in Brevard County at 7800 South U.S. Highway #1 in Titusville, Florida.

Project: The project requests revised heat input rates for existing Units 1, 2 and 3. Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, 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 Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 (in a proceeding initiated by another party) 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 Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. 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.

Mediation: Mediation is not available in this proceeding.

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

Executed in Tallahassee, Florida.

Trina Vielhauer

Trina Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Written Notice of Intent to Issue Air Permit, the Public Notice of Intent to Issue Air Permit, the Technical Evaluation and Preliminary Determination and the Draft Permit with Appendices) 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 11/5/09 to the persons listed below.

- Mr. Dennis Shaulis, Reliant Energy (dshaulis@reliant.com)
- Mr. Gary Mauzy, Reliant Energy (gmauzy@reliant.com)
- Mr. Michael Ballenger, Trinity Consultants (mballeng@trinityconsultants.com)
- Ms. Aimee Andrews, Trinity Consultants (aandrews@trinityconsultants.com)
- Ms. Caroline Shine, DEP Central District Office (caroline.shine@dep.state.fl.us)
- Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
- Ms. Heather Abrams, EPA Region 4 (abrams.heather@epa.gov)
- Ms. Ana M. Oquendo, EPA Region 4 (oquendo.ana@epa.gov)
- Ms. Vickie Gibson, DEP BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

[Signature]

(Clerk)

11/5/09
(Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation
Draft Air Construction Permit
Project No. 0090196-010-AC
RRI Energy Florida, LLC, Indian River Power Plant
Brevard County, Florida

Applicant: The applicant for this project is RRI Energy Florida, LLC. The applicant's authorized representative and mailing address is: Mr. Dennis Shaulis, General Manager, RRI Energy Florida, LLC, Indian River Power Plant, 7800 South U.S. Highway #1, Titusville, Florida 32780.

Facility Location: RRI Energy Florida, LLC operates the existing Indian River Power Plant, which is located in Brevard County at 7800 South U.S. Highway #1 in Titusville, Florida.

Project: The existing power plant consists of three existing electric utility steam generating units. The applicant requested the following: revise the averaging period for the heat input rates to a 3-hour rolling average; increase the maximum heat input rates on gas and oil for Units 1 and 3 by approximately 6%; establish annual heat input rates to ensure that the current maximum annual heat input rates will not increase; and determine compliance with the maximum heat input rates by fuel flow monitoring. The applicant contends that the current permitted maximum heat input rates are incorrectly identified. This may cause occasional problems during over-pressure periods. The draft permit does not grant the increased heat input rates, but does establish a 4-hour rolling average for the current permitted maximum heat input rates based on fuel flow monitoring. This project will not increase emissions, but is subject to the general preconstruction review requirements in Rule 62-212.300, Florida Administrative Code (F.A.C.).

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site by entering draft permit number:
<http://www.dep.state.fl.us/air/emission/apds/default.asp>.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of this Public Notice. Written comments must be received by the

(Public Notice to be Published in the Newspaper)

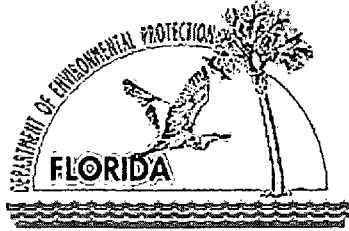
Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 (in a proceeding initiated by another party) 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 Permitting Authority'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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. 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.

Mediation: Mediation is not available for this proceeding.



**TECHNICAL EVALUATION
&
PRELIMINARY DETERMINATION**

APPLICANT

RRI Energy Florida, LLC
7800 South U.S. Highway #1
Titusville, Florida 32780

Indian River Power Plant
Facility ID No. 0090196

PROJECT

Project No. 0090196-010-AC
Application for Minor Source Air Construction Permit
Revised Maximum Heat Input Rates

COUNTY

Brevard County, Florida

PERMITTING AUTHORITY

Florida Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
New Source Review Section
2600 Blair Stone Road, MS#5505
Tallahassee, Florida 32399-2400

November 5, 2009

1. GENERAL PROJECT INFORMATION

Air Pollution Regulations

Projects at stationary sources with the potential to emit air pollution are subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The statutes authorize the Department of Environmental Protection (Department) to establish regulations regarding air quality as part of the Florida Administrative Code (F.A.C.), which includes the following applicable chapters: 62-4 (Permits); 62-204 (Air Pollution Control – General Provisions); 62-210 (Stationary Sources – General Requirements); 62-212 (Stationary Sources – Preconstruction Review); 62-213 (Operation Permits for Major Sources of Air Pollution); 62-296 (Stationary Sources - Emission Standards); and 62-297 (Stationary Sources – Emissions Monitoring). Specifically, air construction permits are required pursuant to the rules in Chapters 62-4, 62-210 and 62-212, F.A.C.

In addition, the U. S. Environmental Protection Agency (EPA) establishes air quality regulations in Title 40 of the Code of Federal Regulations (CFR). Part 60 specifies New Source Performance Standards (NSPS) for numerous industrial categories. Part 61 specifies National Emission Standards for Hazardous Air Pollutants (NESHAP) based on specific pollutants. Part 63 specifies NESHAP based on the Maximum Achievable Control Technology (MACT) for numerous industrial categories. The Department adopts these federal regulations on a quarterly basis in Rule 62-204.800, F.A.C.

Glossary of Common Terms

Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of this permit.

Facility Description and Location

The Indian River Power Plant is categorized as a power plant under Standard Industrial Classification Code No. 4911. The existing power plant is located in Brevard County at 7800 South U.S. Highway #1 in Titusville, Florida 32780. The UTM Coordinates are Zone 17, 521.5 km East and 3151.6 km North. This site is in an area that is in attainment (or designated as unclassifiable) for all air pollutants subject to state and federal Ambient Air Quality Standards (AAQS).

Facility Regulatory Categories

- The facility is a major source of hazardous air pollutants (HAP).
- The facility operates units subject to the acid rain provisions of the Clean Air Act.
- The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Project Description

On May 28, 2009, the Department received an application for an air construction permit requesting the following revisions related to the maximum heat input rates for existing Units 1 – 3: revise the averaging period for the heat input rates to a 3-hour rolling average; increase the maximum heat input rates on gas and oil for Units 1 and 3 by approximately 6%; establish annual heat input rates to ensure that the current maximum annual heat input rates will not increase; and determine compliance with the maximum heat input rates by fuel flow monitoring. The applicant contends that the current permitted maximum heat input rates are incorrectly identified and have been incorrectly identified in the Title V permit for more than ten years. This may cause occasional problems during over-pressure periods. The applicant provided additional information on August 24, 2009, which completed the application. The requested changes to the heat input rates are summarized in the following table.

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Unit No.	Heat Input Rates (MMBtu/hour)					
	Gas			Oil		
	Before	After	Increase	Before	After	Increase
1	865.5	923.3	6.3%	832.2	890.0	6.5%
2	2248.7	2248.7	0%	2016.5	2016.5	0%
3	3208.5	3409.7	5.9%	3048.8	3250.0	6.2%

The proposed rates are based on a 3-hour rolling average as determined by fuel flow. The applicant maintains that this is within the original design capabilities of the units. Additional project details are provided in Section 3 under "Department Review".

2. PSD APPLICABILITY

General PSD Applicability

For areas currently in attainment with the state and federal AAQS or areas otherwise designated as unclassifiable, the Department regulates major stationary sources of air pollution in accordance with Florida's PSD preconstruction review program as defined in Rule 62-212.400, F.A.C. Under preconstruction review, the Department first must determine if a project is subject to the PSD requirements ("PSD applicability review") and, if so, must conduct a PSD preconstruction review. A PSD applicability review is required for projects at new and existing major stationary sources. In addition, proposed projects at existing minor sources are subject to a PSD applicability review to determine whether potential emissions *from the proposed project itself* will exceed the PSD major stationary source thresholds. A facility is considered a major stationary source with respect to PSD if it emits or has the potential to emit:

- 5 tons per year or more of lead;
- 250 tons per year or more of any regulated air pollutant; or
- 100 tons per year or more of any regulated air pollutant and the facility belongs to one of the following 28 PSD-major facility categories: fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), Kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants and charcoal production plants.

Once it is determined that a project is subject to PSD preconstruction review, the project emissions are compared to the "significant emission rates" defined in Rule 62-210.200, F.A.C. for the following pollutants: carbon monoxide (CO); nitrogen oxides (NO_x); sulfur dioxide (SO₂); particulate matter (PM); particulate matter with a mean particle diameter of 10 microns or less (PM₁₀); volatile organic compounds (VOC); lead (Pb); fluorides (F); sulfuric acid mist (SAM); hydrogen sulfide (H₂S); total reduced sulfur (TRS), including H₂S; reduced sulfur compounds, including H₂S; municipal waste combustor organics measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans; municipal waste combustor metals measured as particulate matter; municipal waste combustor acid gases measured as SO₂ and hydrogen chloride (HCl); municipal solid waste landfills emissions measured as non-methane organic compounds (NMOC); and mercury (Hg). In addition, significant emissions rate also means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area and have an

impact on such area equal to or greater than $1 \mu\text{g}/\text{m}^3$, 24-hour average.

If the potential emission exceeds the defined significant emissions rate of a PSD pollutant, the project is considered "significant" for the pollutant and the applicant must employ the Best Available Control Technology (BACT) to minimize the emissions and evaluate the air quality impacts. Although a facility or project may be *major* with respect to PSD for only one regulated pollutant, it may be required to install BACT controls for several "significant" regulated pollutants.

PSD Applicability for Project

As proposed, the draft permit will not result in any actual emissions increases; therefore, the project is not subject to PSD preconstruction review.

3. DEPARTMENT REVIEW

Existing Unit Descriptions

Unit 1 is a nominal 87 megawatt (MW) electric utility steam generating unit manufactured by Combustion Engineering, which originally started up in 1960. No control equipment is installed on the unit. Authorized fuels include No. 6 residual fuel oil (maximum sulfur content of 2.5% by weight), No. 2 distillate oil (maximum sulfur content of 0.3% by weight), natural gas and on-specification used oil. The unit is limited to 8400 hours of operation per year. The stack is equipped with continuous emissions monitoring systems (CEMS) to continuously measure and record opacity, carbon dioxide, nitrogen oxides and the flue gas flow rate.

Unit 3 is a nominal 328 MW electric utility steam generating unit manufactured by Combustion Engineering, which originally started up in 1974. No control equipment is installed on the unit. Authorized fuels include No. 6 residual fuel oil with maximum sulfur content of 2.5% by weight, No. 2 distillate oil (maximum sulfur content of 0.3% by weight), natural gas and on-specification used oil. The unit is limited to 8400 hours of operation per year. The stack is equipped with CEMS to continuously measure and record opacity, carbon dioxide, nitrogen oxides and the flue gas flow rate.

Details of Applicant's Request

The initial application indicated the following.

- The heat input rates were added to the initial Title V air permit based on a letter from original owners, Orlando Utilities Commission (OUC) dated July 24, 1975. The letter identified the maximum heat input rates based on contract data for oil firing and stated that gas firing would be approximately 4% higher. The applicant now contends that the current maximum heat input rates are based on the maximum continuous rate (MCR), which is a long-term sustainable rate based on design guarantees and not reflective of short-term unit capability.
- In 1991, OUC submitted an application requesting changes to the maximum heat input rates. The request was to increase the maximum heat input rates caused by "over-pressure" periods during which heat input rates may be higher than the permit limits for short periods. OUC requested that the averaging period for the heat input rates be 30-day rolling averages. No change was made.
- RRI Energy Florida, LLC became the owner of the facility and interpreted the heat input rates as informational references and not limits. However, the Department responded that the maximum heat input rates were enforceable limits and an exceedance would be a permit violation. The plant operates each unit to comply with the current permitted maximum heat input rate.
- Between 2005 and the present, RRI Energy Florida, LLC made several requests to revise the Title V permit to change the maximum heat input rates in some way. No changes have yet been made.
- The rates proposed by the applicant would only be reached for brief periods and would not change the MCR or heat input capacity that can be sustained over the long-term. The proposed rates would be based on a 3-

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

hour average based on fuel flow meters.

- The applicant requests annual heat input limitations based on the current maximum hourly heat input rates and the maximum allowable operation (8400 hours/year) to demonstrate that the maximum annual heat input rate will not increase.
- The applicant maintains that the requested changes are not physical changes or changes in the methods of operation that would increase actual emissions. Nevertheless, the applicant treats the current permitted maximum heat input rate for each unit as an operational restriction.

The applicant provided the following additional information.

- The boiler control systems are designed to maintain the units within the current maximum heat input rates. However, operational changes do not occur instantaneously and there may be occasional excursions of the maximum heat input rates approximately 10% of the time. The applicant indicates that Units 1 and 3 must be operated at a “less than normal” manner to ensure that the actual heat input rates do not exceed the maximum permitted heat input rates.
- The applicant maintains that the boilers have always had the higher capacity. As evidence of the higher capacity, the applicant provided information from previous electric capacity tests conducted by the plant when associated with the Southern Electric Reliability Council (SERC). The capacity tests occurred from 1979 to 1999. The data shows a few actual heat input rates that are higher than the permitted maximum heat input rates during these capacity tests. It also suggests that capacity tests dating back to 1995 were limited based on the permitted maximum heat input rates. It is noted that the initial Title V application was not submitted until June of 1996 and not issued until December of 1999. This means that the plant was treating the maximum heat input rate as a short-term operational limitation prior to obtaining the initial Title V air operation permit.

Department’s Conclusion

From the history of these units and the information provided by the applicant, the Department does not conclude that the maximum heat input rates have always been higher.

- Unit 1 began operation in 1960 and Unit 3 began operation in 1974. Information provided by the original owner dating back to 1975 establishes the same maximum heat input rates as the current permitted rates.
- Other than a handful of data sets conducted specifically to determine the maximum generating capacity of each unit, the applicant did not provide operational data showing actual regular operation at the higher heat input rates.
- The applicant suggests that the condition of “over-pressure” occurs approximately 10% of the time, but could not provide any actual operational data to show when this was a problem. In fact, it appears that the operator instituted controls to ensure compliance with the maximum permitted heat input rates. In other words, the operator was able to manage the over-pressure periods to comply with the permit requirement.
- The plant has operated the units to comply with the maximum permitted heat input rates for more than 14 years. The applicant was unable to provide any data collected prior to 1995 that showed operation at the higher capacity during operations or even the problems caused by over-pressure periods.
- The following table summarizes information provided by the applicant:

Year	Unit 1			Unit 3		
	MMBtu/year	Net MWh	MMBtu/MWh	MMBtu/year	Net MWh	MMBtu/MWh
1999	2,178,580	246,500	8.84	9,688,080	1,074,010	9.02
2000	1,245,470	105,869	11.76	8,122,620	744,983	10.90
2001	1,868,740	160,673	11.63	8,701,110	829,420	10.49

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Year	Unit 1			Unit 3		
	MMBtu/year	Net MWh	MMBtu/MWh	MMBtu/year	Net MWh	MMBtu/MWh
2002	1,491,880	124,264	12.01	8,088,090	725,216	11.15
2003	1,183,860	97,951	12.09	8,437,850	758,501	11.12
2004	710,020	53,217	13.34	7,639,620	668,163	11.43
2005	889,540	69,985	12.71	4,898,310	402,640	12.17
2006	328,880	21,068	15.61	2,163,670	184,358	11.74
2007	471,800	31,598	14.93	1,691,020	141,462	11.95
2008	283,920	16,815	16.88	778,740	57,237	13.61

Units 1 and 3 are now 49 and 35 years old, respectively. When initially constructed, the expected useful life was approximately 40 years. This table shows the gradual decrease in actual operation of Units 1 and 3. It also appears that the amount of heat input needed to produce the same amount of electricity has greatly increased, which could show that the aging units are much less efficient. The Department believes it is inappropriate at this point in the life of these units to increase the maximum heat input rates.

The Department does not believe that the applicant provided sufficient information to support the claim that the current permitted maximum heat input rates are incorrectly identified and have been incorrectly identified in the Title V permit for more than ten years. The Department agrees that the permitted heat input rates should not be instantaneous limits but reflective of short-term operation. The Department will establish the following maximum heat input rates in the draft permit:

Permitted Capacity. Based on 4-hour rolling averages, the maximum heat input rates are:

Boiler No.	Heat Input Rates (MMBtu/hour)	
	Gas	Oil
1	865.5	832.2
2	2248.7	2016.5
3	3208.5	3048.8

The heat input rates shall be determined by fuel flow rates and the higher heating value of the fuel. [Application No. 0090196-010-AC; and Rules 62-4.070(3), 62-4.160(2), 62-204.800, 62-210.200 (PTE), and 62-296.405, F.A.C.]

Since the permitted maximum heat input rates did not change, annual heat input rate restrictions are unnecessary. The averaging period allows some flexibility for an hourly average to be above the numeric portion of the limitation, which may help resolve the occasional periods of over-pressure.

4. PRELIMINARY DETERMINATION

The Department makes a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations as conditioned by the draft permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, and the conditions specified in the draft permit. No air quality modeling analysis is required because the project does not result in a significant increase in emissions. Jeff Koerner is the project engineer responsible for reviewing the application and drafting the permit. Additional details of this analysis may be obtained by contacting the project engineer at the Department's Bureau of Air Regulation at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

DRAFT PERMIT

PERMITTEE

RRI Energy Florida, LLC
7800 South U.S. Highway #1
Titusville, Florida 32780

Project No. 0090196-010-AC
Minor Air Construction Permit
Indian River Power Plant
Revised Maximum Heat Input Rates
Brevard County, Florida

Authorized Representative:
Mr. Dennis Shaulis, General Manager

PROJECT

This is the final air construction permit, which revises the maximum heat input rates for Units 1, 2 and 3 at the existing Indian River Power Plant, which is categorized as Standard Industrial Classification No. 4911. The existing power plant is located in Brevard County at 7800 South U.S. Highway #1 in Titusville, Florida. The UTM coordinates are Zone 17, 521.5 km East and 3151.6 km North.

This final permit is organized into the following sections: Section 1 (General Information); Section 2 (Administrative Requirements); Section 3 (Emissions Unit Specific Conditions); Section 4 (Appendices). Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 4 of this permit. As noted in the Final Determination provided with this final permit, only minor changes and clarifications were made to the draft permit.

STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Upon issuance of this final permit, any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida

(DRAFT)

Joseph Kahn, Director
Division of Air Resource Management

(Date)

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Determination and Final Permit with Appendices) 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 _____ **(DRAFT)** _____ to the persons listed below.

- Mr. Dennis Shaulis, Reliant Energy (dshaulis@reliant.com)
- Mr. Gary Mauzy, Reliant Energy (gmauzy@reliant.com)
- Mr. Michael Ballenger, Trinity Consultants (mballeng@trinityconsultants.com)
- Ms. Aimee Andrews, Trinity Consultants (aandrews@trinityconsultants.com)
- Ms. Caroline Shine, DEP Central District Office (caroline.shine@dep.state.fl.us)
- Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
- Ms. Heather Abrams, EPA Region 4 (abrams.heather@epa.gov)
- Ms. Ana M. Oquendo, EPA Region 4 (oquendo.ana@epa.gov)
- Ms. Vickie Gibson, DEP BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

(DRAFT)

(Clerk)

(Date)

SECTION 1. GENERAL INFORMATION (DRAFT)

FACILITY DESCRIPTION

The existing facility consists of three electric utility steam generating units, a lime storage silo and miscellaneous unregulated and insignificant emissions units and activities.

PROPOSED PROJECT

Only the following existing emissions units are affected by this air construction permit.

Facility ID No. 0090196	
ID No.	Emission Unit Description
001	Electric utility steam generating Unit 1 rated at a nominal 87 megawatt (MW)
002	Electric utility steam generating Unit 2 rated at a nominal 188 MW
003	Electric utility steam generating Unit 3 rated at a nominal 328 MW

FACILITY REGULATORY CLASSIFICATION

- The facility is a major source of hazardous air pollutants (HAP).
- The facility operates units subject to the acid rain provisions of the Clean Air Act.
- The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.

SECTION 2. ADMINISTRATIVE REQUIREMENTS (DRAFT)

1. Permitting Authority: The permitting authority for this project is the Bureau of Air Regulation, Division of Air Resource Management, Florida Department of Environmental Protection (Department). The Bureau of Air Regulation's mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Air Resources Section of the Department's Central District Office at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.
3. Appendices: The following Appendices are attached as a part of this permit: Appendix A (Citation Formats and Glossary of Common Terms) and Appendix B (General Conditions).
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. Source Obligation:
 - (a) At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.
 - (b) At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by exceeding its projected actual emissions, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.[Rule 62-212.400(12), F.A.C.]
8. Application for Title V Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. A Title V air operation permit is required for regular operation of the permitted emissions unit. The permittee shall apply for a Title V air operation permit no later than 180 days after issuance of this permit. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050, 62-4.220 and Chapter 62-213, F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

A. Electric Utility Steam Generating Units 1 – 3 (EU-001 – EU-003)

This section of the permit addresses the following emissions units.

ID No.	Emission Unit Description
001	Electric utility steam generating Unit 1 rated at a nominal 87 MW
002	Electric utility steam generating Unit 2 rated at a nominal 188 MW
003	Electric utility steam generating Unit 3 rated at a nominal 328 MW

PERFORMANCE RESTRICTIONS

1. Permitted Capacity. Based on a 4-hour rolling average, the maximum heat input rates are:

Unit No.	Heat Input Rates (MMBtu/hour)	
	Gas	Oil
1	865.5	832.2
2	2248.7	2016.5
3	3208.5	3048.8

The heat input rates shall be determined by fuel flow rates and the higher heating value of the fuel. [Application No. 0090196-010-AC; and Rules 62-4.070(3), 62-4.160(2), 62-204.800, 62-210.200 (PTE), and 62-296.405, F.A.C.]

MONITORING REQUIREMENTS

2. Fuel Monitoring: The permittee shall calibrate, operate and maintain devices to continuously monitor and record the fuel flow rate and heat input rates. [Application No. 0090196-010-AC and Rule 62-4.070(3), F.A.C.]

RECORDS

3. Fuel Monitoring Data: The permittee shall demonstrate compliance with the maximum heat input rate for each unit by maintaining records of the hourly fuel flow rate, the higher heating value of each fuel and the heat input rate. Written records shall be made available within three days of a request by the Department. If the actual heat input rate exceeds the permitted maximum heat input rate, the permittee shall notify the Compliance Authority within one working day of discovery. [Application No. 0090196-010-AC and Rule 62-4.070(3), F.A.C.]

Contents

Appendix A. Citation Formats and Glossary of Common Terms

Appendix B. General Conditions

SECTION 4. APPENDIX A (DRAFT)
Citation Formats and Glossary of Common Terms

CITATION FORMATS

The following illustrate the formats used in the permit to identify applicable requirements from permits and regulations.

Old Permit Numbers

Example: Permit No. AC50-123456 or Permit No. AO50-123456

Where: “AC” identifies the permit as an Air Construction Permit
“AO” identifies the permit as an Air Operation Permit
“123456” identifies the specific permit project number

New Permit Numbers

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: “099” represents the specific county ID number in which the project is located
“2222” represents the specific facility ID number for that county
“001” identifies the specific permit project number
“AC” identifies the permit as an air construction permit
“AF” identifies the permit as a minor source federally enforceable state operation permit
“AO” identifies the permit as a minor source air operation permit
“AV” identifies the permit as a major Title V air operation permit

PSD Permit Numbers

Example: Permit No. PSD-FL-317

Where: “PSD” means issued pursuant to the preconstruction review requirements of the Prevention of Significant Deterioration of Air Quality
“FL” means that the permit was issued by the State of Florida
“317” identifies the specific permit project number

Florida Administrative Code (F.A.C.)

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

GLOSSARY OF COMMON TERMS

° F: degrees Fahrenheit

µg: microgram

AAQS: Ambient Air Quality Standard

acf: actual cubic feet

acfm: actual cubic feet per minute

ARMS: Air Resource Management System
(Department’s database)

BACT: best available control technology

bhp: brake horsepower

Btu: British thermal units

CAM: compliance assurance monitoring

CEMS: continuous emissions monitoring system

cfm: cubic feet per minute

CFR: Code of Federal Regulations

SECTION 4. APPENDIX A (DRAFT)
Citation Formats and Glossary of Common Terms

CAA: Clean Air Act	NESHAP: National Emissions Standards for Hazardous Air Pollutants
CMS: continuous monitoring system	NO_x: nitrogen oxides
CO: carbon monoxide	NSPS: New Source Performance Standards
CO₂: carbon dioxide	O&M: operation and maintenance
COMS: continuous opacity monitoring system	O₂: oxygen
DARM: Division of Air Resource Management	Pb: lead
DEP: Department of Environmental Protection	PM: particulate matter
Department: Department of Environmental Protection	PM₁₀: particulate matter with a mean aerodynamic diameter of 10 microns or less
dscf: dry standard cubic feet	ppm: parts per million
dscfm: dry standard cubic feet per minute	ppmv: parts per million by volume
EPA: Environmental Protection Agency	ppmvd: parts per million by volume, dry basis
ESP: electrostatic precipitator (control system for reducing particulate matter)	QA: quality assurance
EU: emissions unit	QC: quality control
F: fluoride	PSD: prevention of significant deterioration
F.A.C.: Florida Administrative Code	psi: pounds per square inch
F.A.W.: Florida Administrative Weekly	PTE: potential to emit
F.D.: forced draft	RACT: reasonably available control technology
F.S.: Florida Statutes	RATA: relative accuracy test audit
FGD: flue gas desulfurization	RBLC: EPA's RACT/BACT/LAER Clearinghouse
FGR: flue gas recirculation	SAM: sulfuric acid mist
ft²: square feet	scf: standard cubic feet
ft³: cubic feet	scfm: standard cubic feet per minute
gpm: gallons per minute	SIC: standard industrial classification code
gr: grains	SIP: State Implementation Plan
HAP: hazardous air pollutant	SNCR: selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)
Hg: mercury	SO₂: sulfur dioxide
I.D.: induced draft	TPD: tons/day
ID: identification	TPH: tons per hour
kPa: kilopascals	TPY: tons per year
lb: pound	TRS: total reduced sulfur
MACT: maximum achievable technology	UTM: Universal Transverse Mercator coordinate system
MMBtu: million British thermal units	VE: visible emissions
MSDS: material safety data sheets	VOC: volatile organic compounds
MW: megawatt	

SECTION 4. APPENDIX B (DRAFT)

General Conditions

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are “permit conditions” and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit 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 permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit 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 permit is not a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and 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.
5. This permit 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 permitted 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.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as 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 permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - a. Have access to and copy any records that must be kept under conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of noncompliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. In accepting this permit, 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 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.

SECTION 4. APPENDIX B (DRAFT)

General Conditions

10. The permittee 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.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - a. Determination of Best Available Control Technology (not applicable);
 - b. Determination of Prevention of Significant Deterioration (not applicable); and
 - c. Compliance with New Source Performance Standards (not applicable).
14. 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 permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 - (a) The date, exact place, and time of sampling or measurements;
 - (b) The person responsible for performing the sampling or measurements;
 - (c) The dates analyses were performed;
 - (d) The person responsible for performing the analyses;
 - (e) The analytical techniques or methods used;
 - (f) The results of such analyses.
15. 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 permit. If the permittee becomes aware the 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.

Livingston, Sylvia

From: Livingston, Sylvia
Sent: Thursday, November 05, 2009 2:30 PM
To: 'dshaulis@reliant.com'
Cc: 'gmauzy@reliant.com'; 'mballeng@trinityconsultants.com'; 'aandrews@trinityconsultants.com'; Shine, Caroline; 'forney.kathleen@epa.gov'; 'abrams.heather@epa.gov'; 'oquendo.ana@epa.gov'; Gibson, Victoria; Koerner, Jeff; Walker, Elizabeth (AIR)
Subject: Reliant Energy Florida LLC - Reliant Indian River Plant; 0090196-010-AC
Attachments: 0090196-010-AC_Intent.pdf

Dear Sir/ Madam:

Attached is the official **Notice of Intent to Issue** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send".

Note: We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0090196.010.AC.D_pdf.zip

Owner/Company Name: RELIANT ENERGY FLORIDA, L.L.C.

Facility Name: RELIANT INDIAN RIVER PLANT

Project Number: 0090196-010-AC

Permit Status: DRAFT

Permit Activity: CONSTRUCTION

Facility County: BREVARD

Processor: Jeff Koerner

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "*Air Permit Documents Search*" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> .

Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

Livingston, Sylvia

From: Shaulis, Dennis D [DShaulis@rrienergy.com]
Sent: Friday, November 06, 2009 9:02 AM
To: Livingston, Sylvia
Subject: RE: Reliant Energy Florida LLC - Reliant Indian River Plant; 0090196-010-AC

Sylvia,

I have received and can view the permit project documents.

Dennis Shaulis
GM
Indian River Power Plant

From: Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]
Sent: Thursday, November 05, 2009 3:44 PM
To: Shaulis, Dennis D
Cc: Mauzy Jr, Gary L; Duncan, Michelle F.; Koerner, Jeff
Subject: Reliant Energy Florida LLC - Reliant Indian River Plant; 0090196-010-AC

Dear Sir/ Madam:

Attached is the official **Notice of Intent to Issue** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send".

Note: We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0090196.010.AC.D_pdf.zip

Owner/Company Name: RELIANT ENERGY FLORIDA, L.L.C.
Facility Name: RELIANT INDIAN RIVER PLANT
Project Number: 0090196-010-AC
Permit Status: DRAFT
Permit Activity: CONSTRUCTION
Facility County: BREVARD
Processor: Jeff Koerner

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "Air Permit Documents Search" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

Permit project documents addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any

Livingston, Sylvia

From: Michael Ballenger [MBalleng@trinityconsultants.com]
Sent: Thursday, November 05, 2009 2:49 PM
To: Livingston, Sylvia
Subject: Re: Reliant Energy Florida LLC - Relient Indian River Plant; 0090196-010-AC

I am able to view the attached documents.

Thanks,

Michael Ballenger, P.E.
4767 New Broad Street
Orlando, FL 32814
(407) 514-2632
Fax: (407) 641-8911

From: "Livingston, Sylvia" <Sylvia.Livingston@dep.state.fl.us>
To: <dshaulis@reliant.com>
Cc: <gmauzy@reliant.com>, <mballeng@trinityconsultants.com>, <aandrews@trinityconsultants.com>, "Shine, Caroline" <Caroline.Shine@dep.state.fl.us>, <forney.kathleen@epa.gov>, <abrams.heather@epa.gov>, <oquendo.ana@epa.gov>, "Gibson, Victoria" <Victoria.Gibson@dep.state.fl.us>, "Koerner, Jeff" <Jeff.Koerner@dep.state.fl.us>, "Walker, Elizabeth \ (AIRI)" <Elizabeth.Walker@dep.state.fl.us>
Date: 11/05/2009 02:32 PM
Subject: Reliant Energy Florida LLC - Relient Indian River Plant; 0090196-010-AC

Dear Sir/ Madam:

Attached is the official **Notice of Intent to Issue** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send".

Note: We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

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Owner/Company Name: RELIANT ENERGY FLORIDA, L.L.C.

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Project Number: 0090196-010-AC

Permit Status: DRAFT

Permit Activity: CONSTRUCTION

Facility County: BREVARD

Processor: Jeff Koerner

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Livingston, Sylvia

From: Aimee Andrews [AAndrews@trinityconsultants.com]
Sent: Thursday, November 05, 2009 2:34 PM
To: Livingston, Sylvia
Subject: Re: Reliant Energy Florida LLC - Relient Indian River Plant; 0090196-010-AC

Received.

From: "Livingston, Sylvia" <Sylvia.Livingston@dep.state.fl.us>
To: <dshaulis@reliant.com>
Cc: <gmauzy@reliant.com>, <mballeng@trinityconsultants.com>, <aandrews@trinityconsultants.com>, "Shine, Caroline" <Caroline.Shine@dep.state.fl.us>, <forney.kathleen@epa.gov>, <abrams.heather@epa.gov>, <oquendo.ana@epa.gov>, "Gibson, Victoria" <Victoria.Gibson@dep.state.fl.us>, "Koerner, Jeff" <Jeff.Koerner@dep.state.fl.us>, "Walker, Elizabeth \(\AIR\) " <Elizabeth.Walker@dep.state.fl.us>
Date: 11/05/2009 02:32 PM
Subject: Reliant Energy Florida LLC - Relient Indian River Plant; 0090196-010-AC

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