

Florida Department of Environmental Protection

Memorandum

TO: Trina Vielhauer, Bureau of Air Regulation
FROM: ^{CAH} Cleve Holladay and ^{SA} Syed Arif, New Source Review Section
DATE: February 17, 2009
SUBJECT: Extension of time for construction of 12 Igniters on Unit 001
Reliant Energy-Indian River Plant
Extension of Time-Air Permit No. 0090196-007-AC
Project No. 0090196-009-AC

Attached for your approval and signature is a permit modification to extend the expiration date for the above referenced air permit. On May 2, 2008, the Department issued Air Permit No. 0090196-007-AC to permit installation of 12 igniters on Unit 001. Due to scheduling delays, the Department received a request on January 12, 2009, to extend the date by which the permit would expire from March 31, 2009, to December 31, 2009, in order to provide time for the installation and commissioning of these igniters on Unit 001.

Based on the circumstances and information provided, I recommend your approval and signature.

Attachment



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

February 17, 2009

Sent by Electronic Mail – Received Receipt Requested

Dennis Shaulis
General Manager, Reliant Energy, L.L.C.-Indian River Plant
121 Champion-Way
Canonsburg, PA 15317

Re: Project No. 0090196-009-AC
Extension of Permit Expiration Date-Air Construction Permit No. 0090196-007-AC
Installation of Igniters on Unit 001
Reliant Energy-Indian River Plant

Dear Mr. Shaulis:

On January 12, 2009, Reliant Energy Florida, L.L.C. requested an extension of the expiration date of air construction Permit No. 0090196-007-AC for the Indian River Plant located in Brevard County at US 1 and Kings Highway in Titusville. Reliant Energy Florida requests the additional time due to delays in scheduling the installation of 12 igniters on Emission Unit 001. Based on the circumstances and information provided, the Department approves this request.

Determination: The expiration date is hereby extended from **March 31, 2009** to **December 31, 2009** to provide the necessary time to complete installation and commissioning of the igniters on Emission Unit 001. This permitting action does not authorize any new construction. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

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 Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. 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.

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 (Telephone: 850/245-2241 / Facsimile: 850/245-2303). Petitions must be filed within 14 days of receipt of this permit extension. 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; (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. 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.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., 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.



Trina Vielhauer, Bureau Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this written notice of permit extension 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 2/18/09 to the persons listed below.

- Dennis Shaulis, Reliant Energy Florida, L.L.C.: (dshaulis@reliant.com)
- Michelle F. Duncan, Reliant Energy Florida, L.L.C.: (mfduncan@reliant.com)
- Jim Bradner, P.E., DEP Central District Office: (James.Bradner@dep.state.fl.us)
- Katy Forney, United States Environmental Protection Agency-Region 4 (forney.kathleen@epa.gov)
- Vickie Gibson, DEP-BAR (victoria.gibson@dep.state.fl.us) (for read file)

Clerk Stamp

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



(Clerk)

2/18/09
(Date)

Livingston, Sylvia

From: Livingston, Sylvia
Sent: Wednesday, February 18, 2009 10:00 AM
To: 'dshaulis@reliant.com'
Cc: 'mfduncan@reliant.com'; Bradner, James; 'forney.kathleen@epa.gov'; Gibson, Victoria; Holladay, Cleve; Walker, Elizabeth (AIR)
Subject: RELIANT INDIAN RIVER PLANT; 0090196-009-AC
Attachments: 0090196-009-AC_Signatures.pdf

Dear Sir/ Madam:

Attached is the official **Notice of Final Permit** 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". **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/0090196.009.AC.F_pdf.zip

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

Facility Name: RELIANT INDIAN RIVER PLANT

Project Number: 0090196-009-AC

Permit Status: FINAL

Permit Activity: CONSTRUCTION

Facility County: BREVARD

Processor: Cleve Holladay

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 at (850)488-0114.

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

Note: The attached document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <http://www.adobe.com/products/acrobat/readstep.html>.

Livingston, Sylvia

From: Shaulis, Dennis D [dshaulis@reliant.com]
Sent: Friday, February 20, 2009 9:15 AM
To: Livingston, Sylvia
Subject: RE: RELIANT INDIAN RIVER PLANT; 0090196-009-AC

Sylvia,

I was able to access the documents. Sorry for the delay....Denny Shaulis

From: Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]
Sent: Friday, February 20, 2009 8:00 AM
To: Shaulis, Dennis D
Subject: FW: RELIANT INDIAN RIVER PLANT; 0090196-009-AC

Dear Mr. Shaulis,

We have not received confirmation that you were able to access the documents attached to this February 18th e-mail, as well as the documents provided in the link (http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0090196.009.AC.F_pdf.zip) referenced in the email. Please confirm receipt by opening the attachment and clicking on the link to the permit documents, and sending a reply to me.

The Division of Air Resource Management is sending electronic versions of these documents rather than sending them Return Receipt Requested via the US Postal service. Your "receipt confirmation" reply serves the same purpose as tracking the receipt of the signed "Return Receipt" card from the US Postal Service. Please let me know if you have any questions.

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

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

From: Livingston, Sylvia
Sent: Wednesday, February 18, 2009 10:00 AM
To: 'dshaulis@reliant.com'
Cc: 'mfduncan@reliant.com'; Bradner, James; 'forney.kathleen@epa.gov'; Gibson, Victoria; Holladay, Cleve; Walker, Elizabeth (AIR)
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Livingston, Sylvia

From: Bradner, James
Sent: Wednesday, February 18, 2009 10:18 AM
To: Livingston, Sylvia
Subject: RE: RELIANT INDIAN RIVER PLANT; 0090196-009-AC

Received—thank you.

From: Livingston, Sylvia
Sent: Wednesday, February 18, 2009 10:00 AM
To: 'dshaulis@reliant.com'
Cc: 'mfduncan@reliant.com'; Bradner, James; 'forney.kathleen@epa.gov'; Gibson, Victoria; Holladay, Cleve; Walker, Elizabeth (AIR)
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Sylvia Livingston
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