

Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi A. Drew
Secretary

December 1, 2010

Sent by Electronic Mail – Received Receipt Requested

Dennis Shaulis, General Manager
Reliant (RRI) Energy, L.L.C. - Indian River Plant
121 Champion Way
Canonsburg, Pennsylvania 15317

Re: Extension of Air Construction Permit Expiration Date
Reliant (RRI) Energy Florida, L.L.C., Indian River Power Plant
Project No. 0090196-014-AC
Extension of Air Permit No. 0090196-012-AC
Replacement of Startup Igniters

Dear Mr. Shaulis:

On November 22, 2010, Reliant (RRI) Energy Florida, L.L.C. requested an extension of the expiration date of original air construction Permit No. 0090196-007-AC for the Indian River Power Plant located in Brevard County at US 1 and Kings Highway in Titusville, Florida. Air construction Permit No. 0090196-009-AC extended the permit expiration date in the original construction Permit No. 0090196-007-AC. An additional permit extension was granted under Permit No. 0090196-012-AC. RRI Energy Florida, L.L.C. requests additional time to complete installation of the 12 startup igniters on Emission Unit 001 due to delays in scheduling from the current economic environment. Based on the circumstances and information provided, the Department approves this request extending the permit expiration date in Permit No. 0090196-012-AC.

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.

Determination: The expiration date is hereby extended from **February 1, 2011** to **August 1, 2012**. This permitting action does not authorize any new construction. The purpose is to provide sufficient time to complete the work. 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.

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). 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, Chief
Bureau of Air Regulation

TLV/jfk/scd

CERTIFICATE OF SERVICE

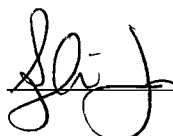
The undersigned duly designated deputy agency clerk hereby certifies that this Extension of Air Construction Permit Expiration Date was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on

12/1/10 to the persons listed below.

- Mr. Dennis Shaulis, RRI Energy Florida, L.L.C. (dshaulis@reliant.com)
- Ms. Michelle F. Duncan, RRI Energy Florida, L.L.C. (mfduncan@reliant.com)
- Ms. Caroline Shine, P.E., DEP Central District Office (caroline.shine@dep.state.fl.us)
- Mr. Mike Halpin, DEP Siting Office (mike.halpin@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

FILED 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.



(Clerk)

12/1/10
(Date)

Florida Department of Environmental Protection

Memorandum

To: Trina Vielhauer, Bureau of Air Regulation
Through: Jeff Koerner, New Source Review Section *JK*
From: Christy DeVore, New Source Review Section *CD*
Date: December 1, 2010
Subject: Air Permit No. 0090196-014-AC
Extension of Air Permit No. 0090196-012-AC
Replacement of Startup Igniters
Reliant (RRI) Energy Florida, L.L.C. - Indian River Plant

On November 22, 2010, we received a request from the Reliant (RRI) Energy Florida, L.L.C. to extend the expiration date of air construction Permit No. 0090196-007-AC by at least a year. The original permit authorized the replacement of the startup igniters on Unit 1 at the Indian River Plant. There are currently eight diesel-fired igniters in operation on Unit 1. The unit was originally designed and constructed with 12 igniters; however, four of the igniters have been taken out of service. The proposed activity is to replace the remaining eight igniters, and to install an additional four igniters to replace those that were taken out of service. Each igniter is approximately 1 MMBtu per hour and can fire either natural gas or distillate oil. On February 17, 2009 the expiration date was extended from March 31, 2009 to December 31, 2009 under Permit No. 0090196-009-AC. On October 26, 2009 the expiration date was extended from December 31, 2009 to February 1, 2011 under Permit No. 0090196-012-AC.

RRI Energy Florida, L.L.C. requests the additional time to replace the remaining eight igniters, and to install an additional four igniters to replace those that were taken out of service due to delays in scheduling and the current economic environment. The applicant states that the station will be mothballed until Indian River Plant has a Power Purchasing Agreement to operate. I recommend your approval of the attached extension of air construction permit expiration date.

Attachments

TLV/jfk/scd

Livingston, Sylvia

From: Livingston, Sylvia
Sent: Wednesday, December 01, 2010 4:24 PM
To: 'dshaulis@reliant.com'
Cc: 'mfduncan@reliant.com'; Shine, Caroline; Halpin, Mike; 'forney.kathleen@epa.gov'; 'abrams.heather@epa.gov'; 'oquendo.ana@epa.gov'; Gibson, Victoria; DeVore, Christy; Walker, Elizabeth (AIR)
Subject: RRI Energy Florida, LLC - Indian River Power Plant; 0090196-014-AC - Extension
Attachments: 0090196-014-AC_Extension.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".

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/0090196.014.AC.F_pdf.zip

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

Facility Name: INDIAN RIVER POWER PLANT

Project Number: 0090196-014-AC

Permit Status: FINAL

Permit Activity: CONSTRUCTION

Facility County: BREVARD

Processor: Christy DeVore

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
Department of Environmental Protection
Division of Air Resource Management (DARM)
850/921-9561
sylvia.livingston@dep.state.fl.us

Livingston, Sylvania

From: Gibson, Victoria
Sent: Tuesday, January 04, 2011 9:34 AM
To: Livingston, Sylvania
Cc: Walker, Elizabeth (AIR)
Subject: FW: RRI Energy Florida, LLC - Indian River Power Plant; 0090196-014-AC - Extension

FYI,

Vickie

From: Vielhauer, Trina
Sent: Tuesday, January 04, 2011 7:51 AM
To: Walker, Elizabeth (AIR); Gibson, Victoria; Friday, Barbara
Subject: FW: RRI Energy Florida, LLC - Indian River Power Plant; 0090196-014-AC - Extension

FYI also

From: Dolfi, Michelle L. [mailto:Michelle.Dolfi@genon.com]
Sent: Tuesday, January 04, 2011 7:19 AM
To: Vielhauer, Trina
Cc: Koerner, Jeff; DeVore, Christy; Shaulis, Dennis D; Loudenslager, Cathie
Subject: RE: RRI Energy Florida, LLC - Indian River Power Plant; 0090196-014-AC - Extension

Whew, what a relief! Thanks for responding Trina.

Apparently the information was sent to our old email addresses which are why we did not receive the notification or documents. I thought the email addresses had been corrected, but they changed again on December 3, 2010.

The correct email addresses are

Dennis.Shaulis@genon.com

Michelle.Dolfi@genon.com

Cathie.Loudenslager@genon.com

Gary.Mauzy@genon.com

Thank you and Happy New Year,

Michelle Dolfi

GenOn Energy, Inc.

Environmental Operations and Compliance Group

121 Champion Way, Canonsburg, PA 15317

724-597-8631 desk 412-370-0424 mobile

michelle.dolfi@genon.com

Please note company name & email change, effective 12/3/2010

From: Vielhauer, Trina [mailto:Trina.Vielhauer@dep.state.fl.us]
Sent: Thursday, December 30, 2010 1:49 PM
To: Dolfi, Michelle L.
Cc: Koerner, Jeff; DeVore, Christy
Subject: FW: RRI Energy Florida, LLC - Indian River Power Plant; 0090196-014-AC - Extension

Hi Michelle,

It looks like this was sent early in December so let us know if you need anything else.

Thanks,

Trina

From: Walker, Elizabeth (AIR)
Sent: Thursday, December 30, 2010 1:47 PM
To: Vielhauer, Trina
Subject: FW: RRI Energy Florida, LLC - Indian River Power Plant; 0090196-014-AC - Extension

I've probably pulled the file and sent it up to be scanned. Here's the e-mail.

Elizabeth Walker

Bureau of Air Regulation
Division of Air Resource Management (DARM)
(850)921-9505

From: Livingston, Sylvia
Sent: Wednesday, December 01, 2010 4:24 PM
To: dshaulis@reliant.com
Cc: mfduncan@reliant.com; Shine, Caroline; Halpin, Mike; forney.kathleen@epa.gov; abrams.heather@epa.gov; oquendo.ana@epa.gov; Gibson, Victoria; DeVore, Christy; Walker, Elizabeth (AIR)
Subject: RRI Energy Florida, LLC - Indian River Power Plant; 0090196-014-AC - Extension

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http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0090196.014.AC.F_pdf.zip

Owner/Company Name: RRI ENERGY FLORIDA, L.L.C.
Facility Name: INDIAN RIVER POWER PLANT
Project Number: 0090196-014-AC
Permit Status: FINAL
Permit Activity: CONSTRUCTION
Facility County: BREVARD
Processor: Christy DeVore

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Sylvia Livingston
Department of Environmental Protection
Division of Air Resource Management (DARM)
850/921-9561
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> .

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Mimi Drew 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.