

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**In the Matter of an**

**Application for Permit by:**

**OGC No. DEP Draft Permit No. PSD-FL-383A**

**Project No. 017004-017-AC**

**Project No. 017004-019-AC**

**FLORIDA POWER CORPORATION d/b/a  
PROGRESS ENERGY FLORIDA, INC.**

**Crystal River Power Plant  
Citrus County, Florida,**

**Petitioner.**

\_\_\_\_\_ /

DEPT OF ENVIRONMENTAL  
PROTECTION

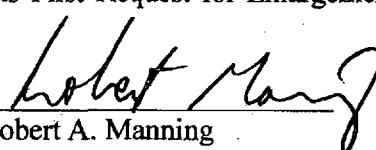
FEB 24 2009

OFFICE OF  
GENERAL COUNSEL

**WITHDRAWAL OF  
FIRST REQUEST FOR ENLARGEMENT OF TIME**

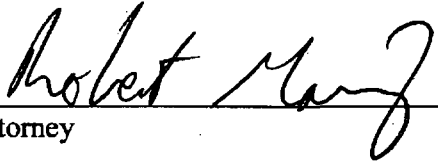
Pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.) and Rule 28-106.201, Florida Administrative Code (F.A.C.), Petitioner, Florida Power Corporation dba Progress Energy Florida, Inc. ("Progress Energy") hereby withdraws its previously filed First Request for Enlargement of Time regarding "Draft Permit" (Draft Permit Number PSD-FL-383A, Project Number 0170004-019-AC) and "Revised Draft Permit" (Revised Draft Permit Number 0170004-017-AC), issued by the Florida Department of Environmental Protection (Department) on or about December 19, 2008.

Progress Energy and the Department have agreed on a resolution of the issues involved in the Draft Permit and Revised Draft Permit as set forth in Attachment A. Conditioned upon issuance by the Department of final permits in the form set forth in Attachment A, Progress Energy hereby withdraws its First Request for Enlargement of Time.

  
Robert A. Manning  
Florida Bar No. 0035173  
HOPPING GREEN & SAMS, P.A.  
123 South Calhoun Street  
Tallahassee, Florida 32301  
Phone: 850-222-7500  
Fax: 850-224-8551  
Email: [robertm@hgslaw.com](mailto:robertm@hgslaw.com)  
Attorneys for Petitioner, Progress  
Energy Florida, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Lea Crandall, Agency Clerk, Jonathan Holtom P.E., Permitting Engineer, Trina Vielhauer, Chief Bureau of Air Regulation, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 559, Tallahassee, Florida 32399-3000, this 24<sup>th</sup> day of February, 2009.

  
\_\_\_\_\_  
Attorney

RECEIVED

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DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF AIR REGULATION

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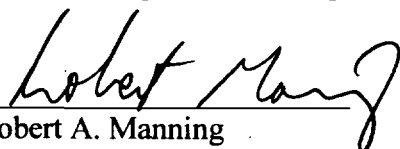
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WITHDRAWAL OF

FIRST REQUEST FOR ENLARGEMENT OF TIME

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123 South Calhoun Street  
Tallahassee, Florida 32301  
Phone: 850-222-7500  
Fax: 850-224-8551  
Email: [robertm@hgslaw.com](mailto:robertm@hgslaw.com)  
Attorneys for Petitioner, Progress  
Energy Florida, Inc.

File

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.,

Petitioner,

vs.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

OGC No. 08-2974  
DEP Permit No. 0170004-017-AC

OGC No. 08-2975  
DEP Permit No. 0170004-019-AC/  
PSD-FL-383A

**ORDER GRANTING FIRST REQUEST FOR  
EXTENSION OF TIME TO FILE PETITION FOR HEARING**


This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Progress Energy Florida, Inc. (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Citrus County, Florida. Because the request shows good cause for the extension of time,

**IT IS ORDERED:**

The request for an extension of time to file a petition for administrative hearing is **GRANTED**. Petitioner shall have until **March 3, 2009**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 13<sup>th</sup> day of February, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
850/245-2242 facsimile 850/245-2302

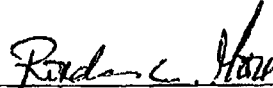
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting First Request for Extension of Time to File Petition for Hearing, was furnished via facsimile only on this 15<sup>th</sup> day of February, 2009, to:

Brenda Brickhouse  
Director of Environmental Services  
Progress Energy Florida, Inc.  
299 First Avenue North  
St. Petersburg, Florida 33701

Facsimile 727/820-5229

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



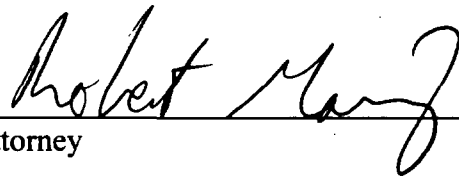
RONDA L. MOORE, Assistant General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
850/245-2193 facsimile 850/245-2302  
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer - FDEP BAR [Trina.Vielhauer@dep.state.fl.us](mailto:Trina.Vielhauer@dep.state.fl.us)  
Jonathan Holtom - FDEP BAR [Jonathan.Holtom@dep.state.fl.us](mailto:Jonathan.Holtom@dep.state.fl.us)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to Lea Crandall, Agency Clerk, Jonathan Holtom P.E., Permitting Engineer, Trina Vielhauer, Chief Bureau of Air Regulation, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 559, Tallahassee, Florida 32399-3000, this 24<sup>th</sup> day of February, 2009.

  
Attorney

## **Attachment A**

### **PERMITTEE**

Progress Energy Florida

100 Central Avenue CN 77

St. Petersburg, Florida 33701

### **PERMITTING AUTHORITY**

Florida Department of Environmental Protection (Department)

Division of Air Resource Management

Bureau of Air Regulation, Title V Section

2600 Blair Stone Road, MS #5505

Tallahassee, Florida 32399-2400

### **PROJECT**

Air Permit No. 0170004-017-AC

Crystal River Power Plant BART Determination

The purpose of this air construction permit is to satisfy the requirements of Best Available Retrofit Technology (BART) in Rule 62-296.340, Florida Administrative Code (F.A.C.) for the eligible units at the facility identified above. For the existing Crystal River Power Plant, the BART-eligible units are coal-fired Units 1 and 2. The Department of Environmental Protection (Department) reviewed the application and establishes BART emissions standards for particulate matter. The existing facility is located in Citrus County on Power Line Road, West of U.S. Highway 19, in Crystal River, Florida. This permit is issued pursuant to Chapter 403, Florida Statutes.

### **NOTICE AND PUBLICATION**

The Department distributed an Intent to Issue Permit package on December 19, 2008. The applicant published the Public Notice of Intent to Issue in the Citrus County Chronicle on January 14, 2009. The Department received the proof of publication on January 27, 2009. The Department granted an extension of time to file a petition for an administrative hearing on February 13<sup>th</sup>. The extension of time expires on March 3<sup>rd</sup>.

### **COMMENTS**

No comments on the Draft Permit were received from the public, the Department's SW District Office, the EPA Region 4 Office or the National Park Service; however, on January 27, 2009, the Department received comments from the applicant. The following summarizes the comments and the Department's response. Revised language added to the permit is indicated by a double underline format.

1. The applicant commented that the excess emissions provisions listed in condition 7 do not recognize the fact that Boilers 1 and 2 meet the definition of existing units contained in Rule 62-210.700(2), F.A.C. and has requested that condition 7 be revised accordingly. This provision is already contained within the Title V permit and it was not intended for this permit to alter that provision. However, at the applicant's request for clarity, condition 7 is revised as follows:

7. Excess Emissions Allowed. Unless otherwise specified by permit, excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24-hour period unless specifically authorized by the Department for longer duration.

Excess emissions from existing fossil fuel steam generators resulting from startup or shutdown shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized.

[Rules 62-210.700(1) & (2), F.A.C.]

## **CONCLUSION**

The final action of the Department is to issue the permit with the minor revisions, corrections, and clarifications as described above.



## **Attachment A (continued)**

### **PERMITTEE**

Progress Energy Florida

100 Central Avenue CN 77

St. Petersburg, Florida 33701

### **PERMITTING AUTHORITY**

Florida Department of Environmental Protection (Department)

Division of Air Resource Management

Bureau of Air Regulation, Title V Section

2600 Blair Stone Road, MS #5505

Tallahassee, Florida 32399-2400

### **PROJECT**

Air Permit No. 0170004-019-AC / PSD-FL-383A

Crystal River Power Plant Units 4 and 5, Pollution Controls Project Revisions

The purpose of this air construction permit is to revise permit No. 0170004-016-AC / PSD-FL-383 to require the operation of the scrubber and the selective catalytic reduction systems that were authorized to be built by that permit. In addition, the NO<sub>x</sub> limit is being reduced to reflect the emission reductions achievable by the required continuous operation of the new low-NO<sub>x</sub> burners and new SCR systems. The existing facility is located in Citrus County on Power Line Road, West of U.S. Highway 19, in Crystal River, Florida. This permit is issued pursuant to Chapter 403, Florida Statutes.

### **NOTICE AND PUBLICATION**

The Department distributed an Intent to Issue Permit package on December 19, 2008. The applicant published the Public Notice of Intent to Issue in the Citrus County Chronicle on January 14, 2009. The Department received the proof of publication on January 27, 2009. The Department granted an extension of time to file a petition for an administrative hearing on February 13<sup>th</sup>. The extension of time expires on March 3<sup>rd</sup>.

### **COMMENTS**

No comments on the draft permit were received from the public, the Department's SW District Office, the EPA Region 4 Office or the National Park Service; however, on January 27, 2009, the Department received comments from the applicant. The following summarizes the comments and the Department's response. Revised language in the permit is indicated by a double underline format for additions and by a ~~strike-through~~ format for deletions.

2. The applicant commented that permit No. 0170004-016-AC / PSD-FL-383 recognized that there are operational scenarios (such as start up, shut down and low-load operations) where the synthetic catalytic reduction (SCR) system must be bypassed; however, this permit isn't as clear that those periods are still allowed. To clarify that this permit did not intend to remove the SCR bypass provisions, condition 2 (which revised the Facility and Project Description section of permit No.

0170004-016-AC / PSD-FL-38) is changed as indicated by the bolded text:

2. The second paragraph of the FACILITY AND PROJECT DESCRIPTION section is changed as follows:

~~To provide full flexibility in implementing the federal cap and trade program for nitrogen oxides (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) under the Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR), the permittee elects to install~~ Due to the Environmental Protection Agency's revised 8-hour ozone standard, the permittee shall install and continuously operate new low-NO<sub>x</sub> burners, new selective catalytic reduction systems, new flue gas desulfurization systems, and new stack configurations for existing Units 4 and 5, except for designed periods of SCR bypass as specified in condition 2.b. ~~Because CAIR and CAMR afford the flexibility to evaluate market conditions to determine whether it will install controls, operate existing controls, or purchase allowances generated by other plants, the Department does not require the installation of this equipment nor its operation. However, other changes requested by the permittee~~ The installation and use of these control devices require a demonstration of continuous compliance with new standards for NO<sub>x</sub> and SO<sub>2</sub>.

3. The applicant also requested that it be clarified that the new nitrogen oxide (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) limits are intended to apply per unit, rather than collectively. Condition 4 (which made changes to condition 9 of permit No. 0170004-016-AC / PSD-FL-383) already states that "emissions from Units 4 and 5 each shall not exceed...". In order to make it clearer that the limits apply to each unit, condition 9 of permit No. 0170004-016-AC / PSD-FL-383 is further changed in condition 4 as indicated by the bolded text:

4. Section 3, conditions 9.a. and b. are changed:

9. Standards Based on CEMS: Including the emissions from the CBO unit, emissions from Units 4 and 5 each shall not exceed the following standards based on data collected by the CEMS.

a. NO<sub>x</sub> Emissions: As determined by CEMS data, NO<sub>x</sub> emissions shall not exceed ~~0.47 lb/MMBtu of heat input~~ 2.085 tons per year per unit based on a 12-month rolling average for all periods of operation including startup, shutdown and malfunction. [Application No. 0170004-016-AC; Rules 62-4.070(3), 62-4.080 and 62-212.400(12), F.A.C.]

b. SO<sub>2</sub> Emissions: As determined by CEMS data, SO<sub>2</sub> emissions shall not exceed 0.27 lb/MMBtu of heat input based on a 30-day rolling average for all periods of operation including startup, shutdown and malfunction. As determined by CEMS data, SO<sub>2</sub> emissions shall not exceed 1,944.0 lb/hour per unit based on a 24-hour block average excluding startup, shutdown and malfunction of the FGD system. [Application No. 0170004-016-AC; Rules 62-4.070(3), 62-4.080 and 62-212.400(12), F.A.C.]

## CONCLUSION

The final action of the Department is to issue the final air construction permit with the minor revisions, corrections, and clarifications as described above.

**Gibson, Victoria**

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**From:** Crandall, Lea  
**Sent:** Tuesday, February 24, 2009 12:07 PM  
**To:** Moore, Ronni; Gibson, Victoria; Holtom, Jonathan  
**Subject:** Withdrawal of Request for Extension of Time - FL Power d/b/a Progress Energy - 0170004-017 & 019 - AC  
**Attachments:** SKMBT\_50109022411560.pdf

FYI, please see the attached Withdrawal of Request for Extension of Time.

Thanks,  
Lea

Lea Crandall  
Agency Clerk  
Office of General Counsel  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212  
Fax: (850) 245-2303

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**From:** ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]  
**Sent:** Tuesday, February 24, 2009 11:56 AM  
**To:** Crandall, Lea  
**Subject:** Message from KMBT\_501

2/24/2009

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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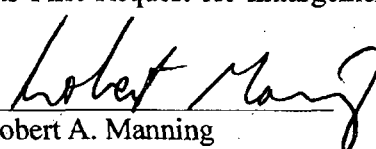
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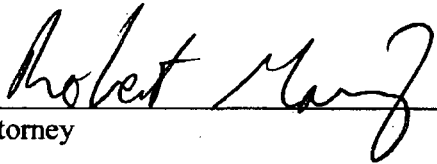
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\_\_\_\_\_  
Attorney

## Attachment A

### PERMITTEE

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[Rules 62-210.700(1) & (2), F.A.C.]

#### **CONCLUSION**

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Tallahassee, Florida 32399-2400

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- b. SO<sub>2</sub> Emissions: As determined by CEMS data, SO<sub>2</sub> emissions shall not exceed 0.27 lb/MMBtu of heat input based on a 30-day rolling average for all periods of operation including startup, shutdown and malfunction. As determined by CEMS data, SO<sub>2</sub> emissions shall not exceed 1,944.0 lb/hour per unit based on a 24-hour block average excluding startup, shutdown and malfunction of the FGD system. [Application No. 0170004-016-AC; Rules 62-4.070(3), 62-4.080 and 62-212.400(12), F.A.C.]

## CONCLUSION

The final action of the Department is to issue the final air construction permit with the minor revisions, corrections, and clarifications as described above.