

Gibson, Victoria

From: Holtom, Jonathan
Sent: Friday, December 18, 2009 3:50 PM
To: Gibson, Victoria
Cc: Vielhauer, Trina; Machinski, Susan
Subject: FW: Florida Power Corporation dba Progress Energy Florida, Inc. - Permit No. 0170004-024-AV/OGC No. 09-3888
Attachments: Exh 1 to Withdrawal of Second Req for Enl. of Time 12.18.09.pdf; Microsoft Word - Motion to Withdraw Second Request for Enlargement of Time 12.18.09.pdf

Vickie,

Crystal River has withdrawn their extension request. Please send the final permit to Joe for signature.

Jon Holtom, P.E., CPM
Title V Program Administrator
Bureau of Air Regulation
(850) 921-9531

From: Moore, Ronni
Sent: Friday, December 18, 2009 3:42 PM
To: Holtom, Jonathan
Subject: FW: Florida Power Corporation dba Progress Energy Florida, Inc. - Permit No. 0170004-024-AV/OGC No. 09-3888

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

From: Margarete Wright [mailto:wright@gramlinglaw.com]
Sent: Friday, December 18, 2009 2:19 PM
To: Crandall, Lea
Cc: 'George Gramling'; 'Kemp, Daniel'; dave.meyer@pgnmail.com; Moore, Ronni
Subject: Florida Power Corporation dba Progress Energy Florida, Inc. - Permit No. 0170004-024-AV/OGC No. 09-3888

Dear Ms. Crandall,

Attached is the Withdrawal of Second Request/Motion for Enlargement of Time to File Petition for Administrative Hearing together with Exhibit 1 in the above referenced matter.

Pursuant to Rule 28-106.104, Florida Administrative Code, please file the request. I would appreciate your prompt reply to this electronic transmission to confirm your receipt, as Agency Clerk, of the request and its proper filing.

Thank you,

Margarete E. Wright

Gramling Environmental Law, PA

office: 813-259-1060

fax: 813 259-1020

email address: wright@gramlinglaw.com

web-site: Gramlinglaw.com

mailing address: 118 South Newport Avenue, Tampa, Florida 33606

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Thank You.

Gibson, Victoria

From: Crandall, Lea
Sent: Friday, December 18, 2009 3:54 PM
To: Moore, Ronni; Gibson, Victoria; Machinski, Susan
Subject: Florida Power Corporation vs. DEP - Withdrawal of Second Request for Extension of Time - OGC No. 09-3888 - Permit No. 0170004-024-AV
Attachments: FPL dba Progress Energy vs. DEP - Withdrawal of 2nd Request for Enlargement of Time - OGC 09-3888.pdf

Attached is Florida Power's Withdrawal of Second Request for Extension of Time - OGC No. 09-3888 - Permit No. 0170004-024-AV.

Thanks and have a good weekend!

Lea

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

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

From: Margarete Wright [mailto:wright@gramlinglaw.com]
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Thank you,

Margarete E. Wright

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office: 813-259-1060
fax: 813 259-1020
email address: wright@gramlinglaw.com
web-site: Gramlinglaw.com
mailing address: 118 South Newport Avenue, Tampa, Florida 33606

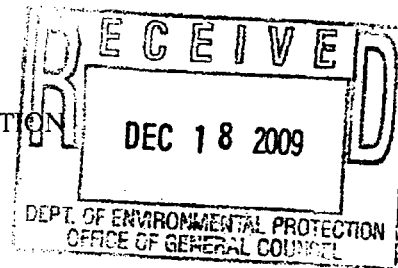
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Thank You.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Florida Power Corporation dba
Progress Energy Florida, Inc.,

Petitioner,

v.

Permit No. 0170004-024-AV/OGC No.
09-3888

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

WITHDRAWAL OF SECOND REQUEST/MOTION FOR ENLARGEMENT OF TIME
TO FILE PETITION FOR ADMINISTRATIVE HEARING

PETITIONER, FLORIDA POWER CORPORATION DBA PROGRESS ENERGY FLORIDA, INC. ("Petitioner"), by and through its undersigned counsel, pursuant to Sections 120.569 and 120.57, Florida Statutes, and Rules 28-106.111 (3) and 62-110.106 (4), Florida Administrative Code, withdraws its Second Request/Motion for Enlargement of Time to file petition for administrative hearing, and in support states:

1. Petitioner operates the Crystal River Power Plant which is located in Citrus County at 15760 West Power Line Street, Crystal River, Florida. Petitioner filed an application to renew Title V air operation permit No. 0170004-009-AV on May 21, 2009. On October 27, 2009, the State of Florida Department of Environmental Protection ("Respondent") delivered to Petitioner by email a link to access the permit project documents by electronic mail. On October 30, 2009, Petitioner accessed the link and received from Respondent a draft/proposed permit ("the "proposed agency action") to

renew the Title V air operation permit. On November 11, 2009, Petitioner timely filed a Request/Motion for Enlargement of Time to File Petition for Administrative Hearing. By Order dated November 18, 2009, Respondent denied the request as being untimely filed. On November 25, 2009, Respondent issued an Order withdrawing the November 18, 2009 Order and granting the Request for Extension of Time to File Petition for Administrative Hearing through December 9, 2009. Petitioner filed a Second Request/Motion for Enlargement of Time on December 8, 2009.

2. Petitioner and Respondent have resolved all issues associated with the proposed agency action and agreed on revisions to the proposed agency action, as described in Exhibit 1. The proposed agency action with the revisions in Exhibit 1 will constitute the final Title V permit. In order for the Respondent to issue the final Title V permit, Respondent has requested that the Petitioner withdraw its Second Request/Motion for Enlargement of Time. Upon such withdrawal, Respondent has agreed with Petitioner that the final Title V permit will be issued.

3. Petitioner's Counsel and Respondent's Counsel have conferred about the content of this withdrawal and agree to the representations herein.

WHEREFORE, Petitioner withdraws its Second Request/Motion for Enlargement of Time to File Petition for Administrative Hearing.

Respectfully submitted,

s/ George F. Gramling, III
George F. Gramling, III, Esquire
Florida Bar Number 0441287
Attorney for Petitioner, Florida Power
Corporation dba Progress Energy Florida,
Inc.
Gramling Environmental Law, P.A.
118 S. Newport Avenue

Tampa, Florida 33606-1944
Phone (813) 259-1060
Facsimile (813) 259-1020
E-mail: george@gramlinglaw.com

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Withdrawal of Second Request/Motion for Enlargement of Time has been furnished by EMAIL and by FACSIMILE this 18th day of December 2009, to the Florida Department of Environmental Protection, Attn.: Ronda L. Moore, Assistant General Counsel – FDEP, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

s/ George F. Gramling, III
ATTORNEY

EXHIBIT 1
FINAL DETERMINATION

FINAL DETERMINATION

PERMITTEE

Florida Power Corporation dba Progress Energy Florida, Inc. (PEF)
299 First Avenue, North
Mail Code CN77
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

Permit No. 0170004-024-AV

Crystal River Power Plant

The purpose of this project is to renew the Title V air operation permit for Crystal River Power Plant.

NOTICE AND PUBLICATION

The Department distributed a draft/proposed Intent to Issue a Title V Air Operation Permit Renewal package on October 27, 2009. The applicant published the Public Notice of Intent to Issue a Title V Air Operation Permit Renewal in the Citrus County Chronicle on November 2, 2009. The Department received the proof of publication on November 5, 2009. A proposed permit was issued for EPA review on October 27, 2009.

COMMENTS

No comments were received from either the Public during the 30-day public comment period or from EPA during their 45-day review period; however, comments were received from the Permittee. The comments are minor administrative corrections to the permit. The comments were not considered significant enough to reissue the draft Title V air operation permit and require another Public Notice, therefore, the draft/proposed Title V air operation permit was changed. Those comments are addressed below. Additions to the permit are indicated by a double underline. Deletions from the permit are indicated by a ~~strike through~~.

Email from Dave Meyer dated November 19, 2009

COMMENT 1. It is requested to add the following language to the end of Specific Condition A.1.: "Heat input shall be determined by coal analysis and the coal feeder scales, 24 hour average. The CEMs heat input value shall not be used."

RESPONSE 1. A review in response to this comment resulted in the discovery that the following permitting note, which was contained in permit No. 0170004-003-AC, was inadvertently omitted in the draft/proposed permit. It has been reinserted following Specific Condition A.1.

{Permitting Note: The heat input limitations have been placed in each permit to identify the capacity of each unit for the purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load), to establish appropriate emission limits and to aid in determining future rule applicability.}

COMMENT 2. Delete specific condition A.2.b. Bartow Unit 1 has been taken out of service.

RESPONSE 2. Specific condition A.2. has been changed as follows:

A.2. Methods of Operation.

- a. *Fuels.* The fuels that are allowed to be burned in these units are:

FINAL DETERMINATION

- (1) Bituminous coal,
 - (2) Bituminous coal and bituminous coal briquette mixture,
 - (3) Distillate fuel oil for startup, and
 - (4) Used oil in accordance with the specific conditions in Subsection J.;
 - (5) ~~Oily flyash in accordance with Specific Conditions A.2.b. and A.26.~~
- ~~b. *Oily Flyash.* These emissions units may burn oily flyash ("flyash") from Bartow Unit 1 in accordance with the following:~~
- ~~(1) *Limited Flyash.* Only flyash from Bartow Unit 1 may be burned in these emissions units. Once the accumulated backlog of Bartow Unit 1 flyash (estimated at approximately 13,000 tons) is burned, only the additional flyash generated at Bartow Unit 1 shall be burned in these emissions units.~~
 - ~~(2) *Blend Rate Limit.* The maximum flyash blend rate shall not exceed 2% of the total boiler feed on a weight basis.~~

[Rule 62-213.410, F.A.C.; Permit Nos. 0170004-002-AO; 0170004-005-AO; and, 0170004-006-AC]

In addition specific condition A.26. has been deleted as follows:

- ~~A.26. *Oily Flyash Recordkeeping.* The owner or operator shall make and maintain the following records for each day that flyash is burned in the boiler:~~
- ~~a. *Date and Unit number,*~~
 - ~~b. *Time period of flyash burning and start and end times,*~~
 - ~~c. *Total quantity of flyash burned in tons per day, and*~~
 - ~~d. *Maximum flyash blend rate during period of flyash burn (percent flyash in total emissions unit fuel feed on a weight basis).*~~
- ~~[Rule 62-213.410, F.A.C.; and Permit No. 0170004-005-AO]~~

Specific conditions A.27. and A.28. have been renumbered as A.26. and A.27., respectively.

COMMENT 3. Quantifying the fuel density is appropriate for fuel oil, it is typically not measured for fuels such as coal. Change specific condition A.22.b. to read "*Recordkeeping.* Record daily the amount of coal fired, the density (fuel oil) of each fuel, the Btu value, and the percent sulfur content by weight of each fuel."

RESPONSE 3. The language in specific condition A.22.b. reflects the language in the air construction permit. The requested language was not found to be in an air construction permit for these units. Therefore, no change will be made.

COMMENT 4. The wording in the current permit is not clear regarding flame stabilization. We want to clarify that fuel oil is used as an ignitor fuel and for low load flame stabilization. It is requested to change specific condition B.2.a.(2) to read "Bituminous coal and bituminous coal briquette mixture with the exception that No. 2 Fuel oil may be used as an ignitor fuel and low load flame stabilization fuel. Natural gas may be used as a startup and low load flame stabilization fuel."

RESPONSE 4: Air construction permit 0170004-006-AC authorized No. 2 fuel oil to be used as an ignitor fuel and natural gas as a startup and low load flame stabilization fuel. The air construction permit did not authorize No. 2 fuel oil to be used as a low load flame stabilization fuel. Therefore, no change will be made.

COMMENT 5: One purpose of the Title V permit is to summarize the operating requirements. We felt that it was appropriate to outline the opacity allowance in specific condition B.11. in the Title V permit to clarify when the opacity standard used is in effect. It is requested to add the following language at the end of specific condition B.11.: "The opacity standards set forth in 40 CFR 60.11 shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard. [40 CFR 60.11]"

RESPONSE 5: The requested language is in Attachment NSPS A. The requested language from 40 CFR 60.11 is not applicable to excess emissions. Condition B.11. is from Rule 62.210.700, F.A.C. Please note that Rule 62-210.700 (Excess Emissions), F.A.C. cannot vary any requirement of an NSPS, NESHAP or Acid Rain program provision. This is stated in the permit under the heading Excess Emissions. No change will be made.

FINAL DETERMINATION

COMMENT 6: Quantifying the fuel density is appropriate for fuel oil. It is typically not measured for fuels such as coal. Change specific condition B.25.b. to read "Recordkeeping. Record daily the amount of coal fired, the density (fuel oil) of each fuel, the Btu value, and the percent sulfur content by weight of each fuel."

RESPONSE 6: The requested language was not found to be in an air construction permit for these units. Therefore, no change will be made.

COMMENT 7: We have historically submitted our excess emissions report on a quarterly basis. Our intent is for the Title V permit to accurately reflect when we submit our excess emissions report. Change specific condition B.28 to read:

B.28. Reporting Schedule. The following reports and notifications shall be submitted to the Compliance Authority:

Report	Reporting Deadline	Related Condition(s)
Notice of Excess Emissions	Postmarked by the 30 th day following the end of each <u>quarter</u>	B.13. and B.29

RESPONSE 7: Specific conditions B.13., B.28. and B.29. are conditions stating applicable requirements of 40 CFR 60 Subpart D relating to excess emissions and reporting. It is the intention of these conditions to bring to awareness federal requirements for excess emissions which the facility is subject. Subpart D requires excess emissions reporting every six months. The Department is not able to rewrite the federal regulations. However, the facility may submit these reports more frequently if they choose to do so. No change will be made.

COMMENT 8: Delete specific condition C.16. This is not required in our current TV permit. The above record-keeping is required in sections III.A. & B. We feel it is redundant to require this information in this section of the permit.

RESPONSE 8: Condition C.16 has been deleted. Condition C.17. has been renumbered to C.16.

COMMENT 9: The stricken language is not in our current TV permit. There is no system to measure the ash flow rate. The plant staff currently use unit load to assure they are operating at 90 to 100% capacity. Change specific condition D.14 as follows:

D.14. The visible emissions test shall be a minimum of thirty minutes in duration. Separate VE tests shall be conducted on each the filter/separator exhausts and the bin vent filter exhaust (total of three emission points to the tested). Tests shall be conducted with both Units 1 and 2 transferring ash to the storage silo at the same time. ~~A statement of the approximate ash transfer rate during the test shall be submitted with each test report. Failure to submit the process transfer rate and or operation under conditions that are not representative of normal operations may invalidate the test and fail to provide reasonable assurance of compliance.~~ Unit load will be utilized to assure 90 to 100% capacity during testing. [Permit No. AC09-235915]

RESPONSE 9: The language in Condition D.14. is from the facility's federally enforceable air construction permit No. AC09-235915 which was accepted by the permittee. The language may only be changed through an air construction permit. No change will be made to condition.

COMMENT 10: The stricken language is not in our current TV permit. There is no system to measure the ash flow rate. The plant staff currently use unit load to assure they are operating at 90 to 100% capacity. Change specific condition D.15. as follows:

D.15. Reporting Ash Transfer Rate. ~~A statement of the approximate ash transfer rate during the test shall be submitted with each compliance test report. Failure to submit the process transfer rate and or operation under conditions that are not representative of normal operations may invalidate the test and fail to provide reasonable assurance of compliance.~~ Unit load will be utilized to assure 90 to 100% capacity during testing. Unit load shall be submitted with each compliance test report. [Permit No. AC09-235915]

FINAL DETERMINATION

RESPONSE 10. The language in Condition D.15. is from the facility's federally enforceable air construction permit No. AC09-235915 which was accepted by the permittee. The condition may only be changed through an air construction permit. No change will be made to condition.

COMMENT 11: The current TV permit utilizes the below wording. We prefer this wording as it allows more flexibility in determining the test operating rate (fuel flow may difficult to measure). Electrical output may be a better indicator.

E.17. Operating Rate During Testing. Testing of emissions shall be conducted with the generator(s) operating at 90 to 100 percent of the maximum fuel firing rate for each generator. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity (i.e., at less than 90 percent of the maximum operation rate allowed by the permit); in this case, subsequent emissions unit operations may be limited to 110 percent of the test load until a new test is conducted, provided however, operations do not exceed 100 percent of the maximum operation rate allowed by the permit. Once the emissions unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Failure to submit the actual operating rate may invalidate the test. [Rule 62-297.310(2), F.A.C.; and, AC 09-202080]

RESPONSE 11: The requested language is in Appendix TR, Condition TR2. The language in Condition E.17. is from the federally enforceable air construction permit No. AC09-235915 which was accepted by the permittee. The condition may only be changed through an air construction permit. No change will be made to condition.

COMMENT 12: Replace the word "nine" with the word "all" in the last sentence of the first paragraph of the emission unit description in Subsection F.

RESPONSE 12: The Department believes that the description is clear as written. No change will be made.

COMMENT 13: In accordance with an alternate procedure dated June 7, 2000, the wording for condition F.4. is not in the current TV permit. The current TV permit requires the following preferred wording:

F.4. Emission Test Method. The drift elimination system on the helper cooling towers shall be maintained so as to minimize pluggage and to insure timely repair of broken sections of the drift eliminators. During the warm months when the helper cooling towers are used, the following work practice shall be implemented, in lieu of EPA Method 5, to demonstrate compliance with the originally designed removal efficiency (no more than 0.004% drift rate):

- (a) Daily "walk down" inspection of each operational cell visually checking for problems with the drift eliminators such as pluggage, algae build-up, and mechanical components (fans and pumps).
- (b) Daily visual inspection of the cells which are in operation to ascertain the presence of higher than expected visible emissions when atmospheric conditions allow, and follow-up inspections and correction of problems when the daily visual inspection of the cells indicates a problem.
- (c) Weekly visual inspection of the inlet water screens and prompt correction when broken sections or pluggage is discovered.

[Rule 62-213.440, F.A.C.; and, AC 09-162037 (PSD-FL-139); and, ASP No. 00-E-01 dated June 7, 2000]

RESPONSE 13: Condition F.9. has been changed as follows to be in order with the approved alternate procedure, ASP No. 00-E-01 dated June 7, 2000:

F.9. Compliance Testing. ~~Compliance tests, on a randomly selected cell (stack), to be selected by the Department, shall be conducted for each cooling tower while it is operated at 90-100% capacity. Such tests shall be conducted in accordance with 40 CFR 60 Appendix A, using EPA Method 5, or any other equivalent method approved by the Department. Specifically, when using EPA Method 5, a distilled water rinse shall be used in place of acetone, and the impinge catch shall be excluded from emission calculations. The salt water flow rate during the compliance tests shall be determined using the manufacturer's certified pump curves, or any other equivalent method approved by the Department. If compliance test results~~

FINAL DETERMINATION

indicate that the particulate emissions are greater than 80% but less than 100% of its allowable limit of 11.89 lbs/hr per cell (stack), the facility will be required to conduct another stack test within thirty months. Whereas, a particulate stack test will be required once every five years if the compliance test results show that the particulate emissions are below 80% of the 11.89 lbs/hr allowed limit.

Emission Test Method. The drift elimination system on the helper cooling towers shall be maintained so as to minimize pluggage and to insure timely repair of broken sections of the drift eliminators. During the warm months when the helper cooling towers are used, the following work practice shall be implemented, in lieu of EPA Method 5, to demonstrate compliance with the originally designed removal efficiency (no more than 0.004% drift rate):

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(b) Daily visual inspection of the cells which are in operation to ascertain the presence of higher than expected visible emissions when atmospheric conditions allow, and follow-up inspections and correction of problems when the daily visual inspection of the cells indicates a problem.

(c) Weekly visual inspection of the inlet water screens and prompt correction when broken sections or pluggage is discovered.

[Rule 62-213.440, F.A.C.; and, AC 09-162037 (PSD-FL-139); and, ASP No. 00-E-01 dated June 7, 2000]

COMMENT 14: The below dates reflect the current testing schedule:

G.10. Test Every Five Years. The FFSG Unit 4 cooling tower shall be tested every five years from 1988 (the next required year from the effective date of this permit is 2013). The FFSG Unit 5 cooling tower shall be tested every five years from 1992 (the next required year from the effective date of this permit is 2012). [Rule 62-213.440, F.A.C.; and, Modified PSD permit, PSD-FL-007, issued by EPA 11/30/88]

RESPONSE 14: Specific Condition G.10. has been corrected as follows:

G.10. Test Every Five Years. The FFSG Unit 4 cooling tower shall be tested every five years from 1988 (the next required year from the effective date of this permit is 2013). The FFSG Unit 5 cooling tower shall be tested every five years from 1992 (the next required year from the effective date of this permit is 2012). [Rule 62-213.440, F.A.C.; and, Modified PSD permit, PSD-FL-007, issued by EPA 11/30/88]

COMMENT 15: We believe the reference to Specific Condition I.6. in Specific Condition I.8. is a typo

RESPONSE 15: Condition I.8. has been corrected as follows:

I.8. Inspection Log. Any problems detected during the work practice inspections identified in Specific Condition I.610. shall be documented in a log identifying the cell (or water screen), the inspector, the time (when discovered and the hours operated before the problem was corrected), and a description of the problem and the corrective actions taken. This log shall be maintained onsite and shall be made available to DEP upon request. The log shall be maintained so as to provide an indication as to whether routine inspections have been conducted as required even when there are no problems to record. [Rules 62-213.440 and 62-297.310(7), F.A.C., Permit No. 0170004-010-AC and ASP No. 00-E-01 dated June 7, 2000]

COMMENT 16: My understanding was that a trailer mounted engine is not considered a stationary source, and thus not subject to the new NSPS & HAPS regulations. I now understand that the DEP considers it a stationary source when in operation, and therefore request that it be added to Appendix ICE - Requirements For Internal Combustion Engines:

E.U. No.	Brief description of engine	In-service date	Displacement	Rule Applicability
031?	Crystal River Unit 3 trailer mounted fire pump	02/2008	8700 CC	ZZZZ, IIII

FINAL DETERMINATION

RESPONSE 16: The table in Appendix ICE has been changed as follows:

E.U. No.	Brief Description of Engine	In-Service Date	Displacement	Rule Applicability
028	3500 kW diesel generator associated with Unit 3	03/2006	12,443 in ³	<u>ZZZZ</u>
029	Diesel fire pump, south yard	08/2009	14.5 L	<u>ZZZZ, IIII</u>
030	Emergency generator (meteorological weather station)	09/2009	992 CC	<u>ZZZZ, JJJJ</u>
031	Fire Pump, Trailer Mounted, Unit 3	02/2008	8700 CC	<u>ZZZZ, IIII</u>

As a result of this change the second to last paragraph of the Facility Description in the Statement of Basis has also been changed as follows:

The facility has ~~three~~ four new reciprocating internal combustion engines that are subject to regulation under 40 CFR 63, Subpart ZZZZ, and 40 CFR 60 Subpart IIII, and 40 CFR 60 Subpart JJJJ. New regulated emission units (EU028, EU029 ~~and~~, EU030 and EU031) were created for these units.

CONCLUSION

The final action of the Department is to issue the permit with the minor corrections noted above.