

## BART Project

[illegible]



# 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

December 28, 2007

Jeffrey R. Swartz  
General Manager – Fossil Operations  
Progress Energy  
P.O. Box 14042, CR 36  
St. Petersburg, Florida 33733-4042

Re: Crystal River Power Plant BART and RFP  
DEP File No. 0170004-017AC

Dear Mr. Schwartz:

Thank you for your letter dated December 21, 2007 regarding the Best Available Retrofit Technology (BART) for the Crystal River facility. We look forward to working with your staff on establishing a combined BART and Reasonable Further Progress plan and permit. As you may know, we must have some definitive options identified by early February for submittal to EPA. Our goal is to have a permit finalized by early spring.

In light of your December 21, 2007 submittal and commitments contained therein, the Department hereby withdraws its intent to issue permit 0170004-017AC.

Sincerely,

Trina L. Vielhauer, Chief  
Bureau of Air Regulation

Cc: Dave Meyer, Progress Energy (via email)  
Robert Manning, Hopping, Green and Sams (via email)  
Ronni Moore, DEP OGC (via email)  
Jeff Koerner, DEP (via email)

**Gibson, Victoria**

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**From:** Vielhauer, Trina  
**Sent:** Friday, December 28, 2007 3:31 PM  
**To:** Gibson, Victoria  
**Subject:** FW: withdrawal of intent to issue  
**Attachments:** withdrawal of intent.pdf

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**From:** Vielhauer, Trina  
**Sent:** Friday, December 28, 2007 12:02 PM  
**To:** 'Dave.Meyer@pgnmail.com'; 'manningr@hgslaw.com'; Moore, Ronni; Koerner, Jeff  
**Subject:** withdrawal of intent to issue

Please find, attached, the Department's withdrawal of its intent to issue the BART permit for Crystal River project 0170004-017AC.

Thanks and have a Happy New Year.

Trina Vielhauer

12/31/2007

Florida Department of Environmental Protection  
Office of General Counsel

# Memo

**To:** Trina Vielhauer, and OGC File

**From:** Ronni Moore, Assistant General Counsel *RM*

**Date:** December 28, 2007

**Re:** Progress Energy Florida vs. DEP; DEP Permit No. 0170004-017-AC; OGC No. 07-2210

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On November 20, 2007, the Department issued a notice of intent to issue air construction permit no. 0170004-017-AC to Progress Energy Florida (PEF). PEF requested an extension of time to file a petition for hearing on the intent. The Department granted PEF an extension of time to file a petition through December 31, 2007.

The Department withdrew the intent on December 28, 2007. There being no further matters to consider, the Department's file in this matter is closed.

**Gibson, Victoria**

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**From:** Moore, Ronni  
**Sent:** Friday, December 28, 2007 3:58 PM  
**To:** Vielhauer, Trina  
**Cc:** Gibson, Victoria  
**Subject:** FW: Progress Energy Florida Closing Memo 12-28-07.pdf  
**Attachments:** Progress Energy Florida Closing Memo 12-28-07.pdf

Here's the memo closing file on the Progress BART case.

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

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**From:** Lizotte, Ashley  
**Sent:** Friday, December 28, 2007 3:51 PM  
**To:** Moore, Ronni  
**Subject:** Progress Energy Florida Closing Memo 12-28-07.pdf

**Gibson, Victoria**

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**From:** Moore, Ronni  
**Sent:** Monday, December 17, 2007 5:06 PM  
**To:** Vielhauer, Trina  
**Cc:** Gibson, Victoria  
**Subject:** RE: Progress Energy BART Email

Thanks. I'll check back in with you at the first of the year before closing the case.

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

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**From:** Vielhauer, Trina  
**Sent:** Monday, December 17, 2007 4:25 PM  
**To:** Moore, Ronni  
**Cc:** Gibson, Victoria  
**Subject:** FW: Progress Energy BART Email

FYI

Ronni,  
This is the one that is out on extension until 12/31. They gave us the email we needed to forego the public noticing. They will submit a revised application by 12/31 and withdraw the request for extension of time (it expires then anyway). We will, in turn, withdraw our intent to issue and you all can close the case.

Thanks!

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**From:** Koerner, Jeff  
**Sent:** Monday, December 17, 2007 4:18 PM  
**To:** 'Meyer, Dave'  
**Cc:** Vielhauer, Trina  
**Subject:** RE: Progress Energy BART Email

Dave,

I received your e-mail and based on PEF's commitments, we agree that the public notice no longer needs to be published by Wednesday, December 19, 2007.

Please call if you have any questions.

Thanks.

Jeff Koerner, BAR - Air Permitting North  
Florida Department of Environmental Protection  
850/921-9536

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**From:** Meyer, Dave [mailto:Dave.Meyer@pgnmail.com]  
**Sent:** Monday, December 17, 2007 3:26 PM

12/18/2007

**To:** Koerner, Jeff  
**Cc:** West, Patricia Q.  
**Subject:** Progress Energy BART Email

Thank you very much for working with Florida Power Corporation dba Progress Energy Florida, Inc. (PEF) to resolve issues with its BART application. PEF agrees to modify its BART application prior to December 31, 2007. The following will be included in the modified application:

- o The P.E. seal and authorized representative signature and certification (the first 6 pages of the application).
- o PEF will work with the FDEP to combine Reasonable Further Progress (RFP) with Best Available Retrofit Technology (BART) for early implementation (before 2018) and beneficial environmental reductions of both PM and SO<sub>2</sub> emissions.
- o PEF will identify preliminary options under investigation (e.g., lower sulfur coal, installation of scrubbers, phased emissions limits, etc.).
- o PEF will target dates for submission of additional information on the control options and modeling scenarios.
- o PEF will withdraw its request for an enlargement of time.

We understand that the modified application will restart the BART permit processing time clock. Once you receive PEF's modified application we understand that the FDEP will rescind the BART draft permit and reopen the BART application.

Would you please confirm your receipt of this e-mail and that the public notice no longer needs to be published by Wednesday, December 19, 2007.

Thank you very much for your help with the BART permitting process.

Best Regards,     Dave Meyer P.E.     727 820 5295

12/18/2007

**Gibson, Victoria**

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**From:** Gibson, Victoria  
**Sent:** Thursday, December 13, 2007 2:23 PM  
**To:** Holtom, Jonathan  
**Subject:** FW: ProgressEnergy Florida- Order Granting  
**Attachments:** ProgressEnergyOGrant.pdf

FYI,

Vickie

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**From:** Vielhauer, Trina  
**Sent:** Wednesday, December 12, 2007 10:39 AM  
**To:** Koerner, Jeff; Gibson, Victoria  
**Subject:** FW: ProgressEnergy Florida- Order Granting

Well, that's not how I thought they were going to word the 7 days to publish notice.

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**From:** Lizotte, Ashley  
**Sent:** Wednesday, December 12, 2007 10:29 AM  
**To:** Vielhauer, Trina  
**Cc:** Moore, Ronni  
**Subject:** ProgressEnergy Florida- Order Granting

12/24/2007

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA,

Petitioner,

v.

OGC No. 07-2210  
DEP Permit No. 0170004-017-AC

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

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

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

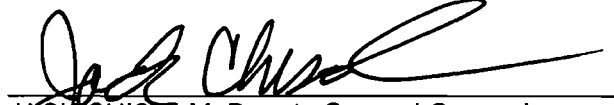
IT IS ORDERED:

A. The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **December 31, 2007**, to file a petition in this matter. Due to Environmental Protection Agency deadlines imposed on the Department to submit a State Implementation Plan, NO FURTHER EXTENSIONS SHALL BE GRANTED absent extenuating circumstances. 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.

B. This extension does not relieve the Petitioner of the requirement to publish notice of the Public Notice of Intent to Issue Air Permit. Petitioner shall have seven (7) days from the date set forth in the certificate of service of this order to publish public notice of the Public Notice of Intent to Issue Air Permit.

DONE AND ORDERED on this 12 day of December, 2007, 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

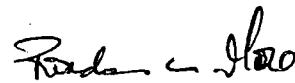
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File a Petition for Hearing, was furnished via \_\_\_\_\_ U. S. Mail ☒ facsimile ☒ only, this 12 day of December, 2007, to:

Robert A. Manning  
Hopping Green & Sams, P.A.  
123 South Calhoun St.  
P. O. Box 6526  
Tallahassee, FL 32314

Facsimile: 850/224-8551

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: Trina Vielhauer, Chief – FDEP BAR, Trina.Vielhauer@dep.state.fl.us

**Gibson, Victoria**

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**From:** Vielhauer, Trina  
**Sent:** Wednesday, December 12, 2007 10:39 AM  
**To:** Koerner, Jeff; Gibson, Victoria  
**Subject:** FW: ProgressEnergy Florida- Order Granting  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** ProgressEnergyOGrant.pdf

Well, that's not how I thought they were going to word the 7 days to publish notice.

---

**From:** Lizotte, Ashley  
**Sent:** Wednesday, December 12, 2007 10:29 AM  
**To:** Vielhauer, Trina  
**Cc:** Moore, Ronni  
**Subject:** ProgressEnergy Florida- Order Granting

12/13/2007

## Gibson, Victoria

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**From:** Moore, Ronni  
**Sent:** Wednesday, December 12, 2007 4:34 PM  
**To:** Vielhauer, Trina; Koerner, Jeff; Gibson, Victoria  
**Cc:** Lizotte, Ashley  
**Subject:** RE: BART permits

Sure.

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

---

**From:** Vielhauer, Trina  
**Sent:** Wednesday, December 12, 2007 4:24 PM  
**To:** Moore, Ronni; Koerner, Jeff; Gibson, Victoria  
**Cc:** Lizotte, Ashley  
**Subject:** RE: BART permits

Can we give them only until December 31 also? With the same reminder about publishing and no further extensions unless extenuating circumstances?

Thanks!

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**From:** Moore, Ronni  
**Sent:** Wednesday, December 12, 2007 3:08 PM  
**To:** Vielhauer, Trina  
**Cc:** Lizotte, Ashley  
**Subject:** RE: BART permits

Here it is.

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

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**From:** Vielhauer, Trina  
**Sent:** Wednesday, December 12, 2007 2:20 PM  
**To:** Moore, Ronni  
**Subject:** RE: BART permits

ok. I was wondering! Thanks!

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**From:** Moore, Ronni  
**Sent:** Wednesday, December 12, 2007 2:16 PM  
**To:** Vielhauer, Trina  
**Subject:** RE: BART permits

Sorry, as soon as we have the request scanned in I'll send it over to you.

12/13/2007

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

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**From:** Moore, Ronni  
**Sent:** Wednesday, December 12, 2007 2:15 PM  
**To:** Vielhauer, Trina  
**Subject:** RE: BART permits

Hi Trina,

We received the attached request from Mosaic regarding their BART permit. Please let me know what you would like to do.

Thanks,

Ronni

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

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**From:** Vielhauer, Trina  
**Sent:** Monday, December 10, 2007 1:23 PM  
**To:** Moore, Ronni  
**Subject:** BART permits

Ronni,

Here are the case numbers and names you may see that are BART permits:

0530010-030AC, CEMEX  
0570008-055AC, Mosaic Fertilizer, Riverview  
0570005-023AC, CF Industries, Plant City  
0890003-018AC, Smurfit Stone, Fernandina Mill  
0250003-008AC, FP&L, Turkey Point  
0470002-055AC, White Springs aka PCS Phosphate  
0170004-017AC, Progress Energy, Crystal River  
1050059-055AC, Mosaic Fertilizer, New Wales  
0050009-027AC, Smurfit Stone, Panama City

12/13/2007

## Gibson, Victoria

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**From:** Gibson, Victoria  
**Sent:** Thursday, December 06, 2007 9:54 AM  
**To:** Koerner, Jeff  
**Subject:** FW: Request for Extension of Time rec'd. - Progress Energy Florida - 0170004-017-AC  
  
**Attachments:** Di4700712061043.PDF

FYI,

Vickie

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**From:** Crandall, Lea  
**Sent:** Thursday, December 06, 2007 9:53 AM  
**To:** Holtom, Jonathan; Gibson, Victoria  
**Subject:** RE: Request for Extension of Time rec'd. - Progress Energy Florida - 0170004-017-AC

Here's a copy of the request.

Thanks,  
Lea



Di4700712061043.  
PDF (476 KB)

*Lea Crandall*

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

-----Original Message-----

**From:** Holtom, Jonathan  
**Sent:** Thursday, December 06, 2007 9:51 AM  
**To:** Crandall, Lea  
**Subject:** RE: Request for Extension of Time rec'd. - Progress Energy Florida - 0170004-017-AC

How much time did they request and did they list any items of concern?

-Jonathan

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**From:** Crandall, Lea  
**Sent:** Thursday, December 06, 2007 9:35 AM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Holtom, Jonathan  
**Subject:** Request for Extension of Time rec'd. - Progress Energy Florida - 0170004-017-AC

FYI, a Request for Extension of Time was rec'd. yesterday re: Progress Energy Florida - 0170004-017-AC.

Thanks,  
Lea

*Lea Crandall*

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

DEC 05 2007

In the Matter of an  
Application for Permit by:

FDEP Draft Construction Permit  
No.: 0170004-017-AC

BUREAU OF AIR REGULATION

Progress Energy Florida  
Crystal River Power Plant  
Crystal River, Citrus County, Florida

**REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida (Progress) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including February 5, 2008, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress states the following:

1. On or about November 30, 2007, Progress received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying documents, including a "Draft Permit" (Draft Permit No.0170004-017-AC), for the Crystal River Power Plant, which is located in Crystal River, Citrus County, Florida. The Draft Permit states that it was emailed on November 21; however, apparently due to email compatibility issues, Progress did not actually receive it until November 30.


2. Based on Progress' initial review, the Draft Permit and associated documents contain several provisions that warrant revision, clarification or corrections.

3. Progress intends to file written comments and meet with the Department to discuss possible resolutions to the issues needing revision, clarification or correction.

4. This request is filed simply as a protective measure to avoid waiver of Progress' right to challenge certain conditions contained in the Draft Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Progress Energy Florida respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No. 0170004-017-AC be formally extended to and including February 5, 2008.

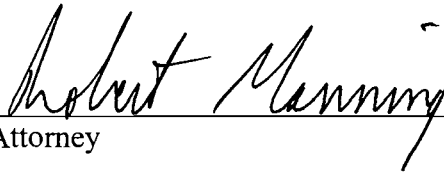
RESPECTFULLY SUBMITTED this 5th day of December, 2007.

By:   
Robert A. Manning  
Florida Bar ID No. 0035173  
Hopping Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, Florida 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

Attorneys for PROGRESS ENERGY FLORIDA

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by Hand Delivery to Leigh Crandell, Agency Clerk, and Pat Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399, this 5th day of December, 2007.

  
\_\_\_\_\_  
Attorney

Legal Case Tracking - Chronology of Activities 01/02/2008 12:05:58

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**Chronology of Activities**

OGC Number **07 2210 09 AC** District **SOUTHWEST** County **CITRUS**

Style of Case **PROGRESS ENERGY FLORIDA, INC. - CRYSTAL RIVER POWER PLANT VS. DEP**

Program Area **AIR CONSTRUCT** Mode **PERMITTING**

Lead Attorney **RONNI L MOORE** Status **CLOSED**

Forum Name  Forum Case Number

Permit Appl **0170004-017-AC** Final Order Number

Date *	Code	Activity Description
12/05/2007	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
12/05/2007	ACO	ADMIN. CASE OPENED IN OGC
12/05/2007	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
12/07/2007	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
12/12/2007		ORDER GRANTING REQUEST FOR EXTENSION OF TIME UNTIL 12/31/07
12/28/2007		MEMO CLOSING FILE
12/31/2007	CC	CASE CLOSED IN OGC