

MEMORANDUM

TO: Scott M. Sheplak, P.E.
FROM: Tom Cascio
DATE: July 15, 2003
Re: Intent Package for Draft Air Construction Permit **0270016-004-AC** and
DRAFT Title V Permit Revision No. **0270016-005-AV**

DeSoto County Generating Company, LLC
DeSoto County Energy Park

Permit Clock: Applications were deemed complete on June 18, 2003.
Day 60 from the completion date is August 17, 2003.


These permitting actions effect changes to specific conditions in the original documents that address initial performance testing requirements for the combustion turbines.


I recommend that this Combined Intent to Issue the permits be sent out as attached.

Memorandum

Florida Department of Environmental Protection

TO: Tom Cascio, Title V Section

THRU: A.A. Linero, New Source Review Section 

FROM: Teresa Heron, New Source Review Section
Jeff Koerner, New Source Review Section 

DATE: July 14, 2003

SUBJECT: DeSoto County Generating Company, LLC
510 MW Power Plant – Minor Permit Modification
DEP File No. 0270016-004-AC (PSD-FL-284B)

On June 18, 2003, the DeSoto County Generating Company, LLC requested modification of Air Permit No. PSD-FL-284 (and the current Title V Air Operation Permit) to:

- Revise the text of Specific Condition 29 to delete the requirement to repeat “initial” tests after tuning the gas turbines or replacing like-kind components of the gas turbines, such as combustors.
- Revise the VOC limit when firing natural gas to units of “ppmvw”.

The applicant also requested processing a “dual Public Notice” for the project. It is our understanding that you will process the Title V revision based on our proposed changes to the PSD permit and prepare the Notice of Intent package with the dual Public Notice. Attached is our technical evaluation of the project and the draft permit modification with the revised text. Please note that the technical evaluation includes the recommended text describing the PSD permit modification for inclusion in the dual Public Notice. Please let us know if there are any delays in issuing the Notice of Intent package, as we are still on the time clock.

Attachments



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

P.E. Certification Statement

Permittee:

DeSoto County Generating Co., LLC
DeSoto County Energy Park

Draft Permit No.: 0270016-004-AC

DRAFT Permit No.: 0270016-005-AV

Project type: Air Construction Permit Amendment/Title V Air Operation Permit Revision

***I HEREBY CERTIFY** that the engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).*

Scott M. Sheplak

Scott M. Sheplak, P.E.
Registration Number: 48866

Permitting Authority:

Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/921-9532
Fax: 850/922-6979

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Robert M. Tanis
Vice President and General Manager
DeSoto County Generating Company, LLC
410 S. Wilmington Street, PEB 9A5
Raleigh, NC 27601

2. Article Number

(Transfer from service label)

7000 2870 0000 7028 1341

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Flynn Greer*

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

Flynn Greer

C. Date of Delivery

2-3-03

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Robert M. Tanis

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

Mr. Robert M. Tanis

Street, Apt. No.; or PO Box No.

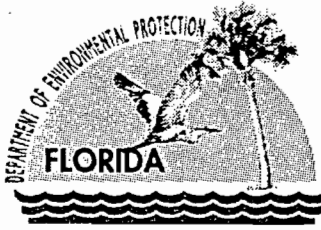
410 S. Wilmington Street, PEB 9A5

City, State, ZIP+4

Raleigh, NC 27601

PS Form 3800, May 2000

See Reverse for Instructions



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
July 24, 2003

David B. Struhs
Secretary

Mr. Robert M. Tanis
Vice President and General Manager
DeSoto County Generating Company, LLC
410 S. Wilmington Street, PEB 9A5
Raleigh, NC 27601

Re: Draft Air Construction Permit No. **0270016-004-AC (PSD-FL-284 B)**
DRAFT Title V Air Operation Permit Revision Project No. **0270016-005-AV**
DeSoto County Energy Park

Dear Mr. Tanis:

One copy of the Technical Evaluation and Preliminary Determination, the combined Public Notice, the Draft Air Construction Permit (modification of PSD-FL-284), and the DRAFT Title V Air Operation Permit Revision for the DeSoto County Energy Park, located at 3800 Northeast Roan Street, Arcadia, DeSoto County, is enclosed. The permitting authority's "INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION" and the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION" must be published as soon as possible. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permits pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed actions to Scott M. Sheplak, P.E., at the above letterhead address. If you have any other questions, please contact Tom Cascio, at 850/921-9526.

Sincerely,

Trina Vielhauer, Chief
Bureau of Air Regulation

Enclosures

U.S. EPA, Region 4 (INTERNET E-mail)

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an
Application for Permits by:

DeSoto County Generating Co., LLC
410 S. Wilmington Street, PEB 9A5
Raleigh, NC 27601

Draft Air Construction Permit No. 0270016-004-AC
DRAFT Title V Permit Revision No. 0270016-005-AV
DeSoto County Energy Park
DeSoto County

**INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION
PERMIT REVISION**

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit Revision (copies of the Draft Air Construction Permit and DRAFT Title V Air Operation Permit Revision attached) for the Title V source detailed in the application(s) specified above and the attached Technical Evaluation and Preliminary Determination, for the reasons stated below.

The applicant, DeSoto County Generating Co., LLC, applied on June 18, 2003, to the permitting authority for an Air Construction Permit and a Title V Air Operation Permit Revision for the DeSoto County Energy Park, located at 3800 Northeast Roan Street, Arcadia, DeSoto County.

The air construction permit revises Specific Condition No. 29 of original PSD Permit No. PSD-FL-284 (DEP File No. 0270016-001-AC) issued on July 1, 2000, that addressed initial performance testing requirements.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-212, 62-213, and 62-214. This source is not exempt from construction and Title V permitting procedures. The permitting authority has determined that an Air Construction Permit and a Title V Air Operation Permit Revision are required to construct and to commence or continue operations at the described facility.

The permitting authority intends to issue the Air Construction Permit and the Title V Air Operation Permit Revision based on the belief that reasonable assurances have been provided to indicate that the construction activity and operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION.**" The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/922-6979, within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication may result in the denial of the permits pursuant to Rule 62-110.106(11), F.A.C.

The permitting authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Revision and subsequent FINAL Title V Air Operation Permit Revision, in accordance with the conditions of the attached Draft Air Construction Permit and the DRAFT Title V Air Operation Permit Revision unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed Air Construction Permit issuance action for a period of 14 (fourteen) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The permitting authority will accept written comments concerning the proposed Title V Air Operation Permit Revision issuance action for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Title V Air Operation Permit Revision, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit Revision and require, if applicable, another Public Notice.

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 (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2303). Petitions filed by the permits's (construction and revision) applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within 14 (fourteen) days of receipt of that notice, regardless of the date of publication. 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 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 how and when each petitioner received notice of the agency action or proposed action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,

(g) A statement of the relief sought by the petitioner, stating precisely the action 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 notice of intent. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application(s) have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation will not be available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information:

(a) The name, address, and telephone number of the petitioner;

(b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;

(c) Each rule or portion of a rule from which a variance or waiver is requested;

(d) The citation to the statute underlying (implemented by) the rule identified in (c) above;

(e) The type of action requested;

(f) The specific facts that would justify a variance or waiver for the petitioner;

(g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and,

(h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

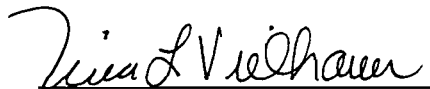
Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements

of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit revision. Any petition shall be based only on objections to the permit revision that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Trina Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION (including the combined PUBLIC NOTICE, the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit Revision) and all copies were sent by certified mail before the close of business on 7/28/03 to the person(s) listed:

Robert M. Tanis, DeSoto County Generating Company, LLC

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION (including the combined PUBLIC NOTICE, the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit Revision) were sent by U.S. mail on the same date to the person(s) listed or as otherwise noted:

Kennard F. Kosky, P.E., Golder Associates, Inc.
Gerald Kissel, P.E., Southwest District Office

Clerk Stamp

FILING 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.

7/28/03 cc: Tom Cascio
Reading File
Tina's File
Bailano J. Friday 7/28/03
(Clerk) (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR
OPERATION PERMIT REVISION**

Department of Environmental Protection

Draft Air Construction Permit No. 0270016-004-AC
DRAFT Title V Air Operation Permit Revision Project No. 0270016-005-AV
DeSoto County Energy Park
DeSoto County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit Revision to the DeSoto County Generating Company, LLC, for the DeSoto County Energy Park located at 3800 Northeast Roan Street, Arcadia, DeSoto County. The applicant's name and address are: Mr. Robert M. Tanis, Vice President and General Manager, DeSoto County Generating Company, LLC., 410 S. Wilmington Street, PEB 9A5, Raleigh, NC 27601.

The air construction permit revises Specific Condition No. 29 of original PSD Permit No. PSD-FL-284 (DEP File No. 0270016-001-AC) issued on July 1, 2000, that addressed initial performance testing requirements.

The applicant requested revision of a permit condition to delete the requirement to repeat "initial" tests after tuning the gas turbines or replacing like-kind components, such as combustors. The Draft Permit revises the condition to require only testing for carbon monoxide to be repeated after the replacement of a combustor. The facility's continuous monitoring data for nitrogen oxide emissions will be reported for each carbon monoxide test run. This will provide reasonable assurance of compliance with the carbon monoxide and nitrogen oxide emissions standards, which represent the Best Available Control Technology. The additional carbon monoxide test may be used as the demonstration of compliance for the required annual test. The change will not result in any emissions increases. A second request to revise the units of the standard for volatile organic compounds was later withdrawn.

The permitting authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Revision and subsequent FINAL Title V Air Operation Permit Revision, in accordance with the conditions of the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit Revision unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed Draft Air Construction Permit issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The permitting authority will accept written comments concerning the proposed DRAFT Title V Air Operation Permit Revision issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Title V Air Operation Permit Revision, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit Revision and require, if applicable, another Public Notice.

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 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2303). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14

(fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within 14 (fourteen) days of receipt of that notice, regardless of the date of publication. 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 applicable 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (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; 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 petitioner's substantial rights will be affected by the agency determination;
- (c) A statement of how and when the petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so state;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,
- (g) A statement of the relief sought by the petitioner, stating precisely the action 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 notice of intent. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application(s) have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit revision. Any petition shall be based only on objections to the permit revision that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Permitting Authority:

Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District/Local Program:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619
Telephone: 813/744-6100
Fax: 813/744-6458

The complete project file includes the Technical Evaluation and Preliminary Determination and associated Draft Air Construction Permit and DRAFT Title V Air Operation Permit Revision, the application(s), and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E, at the above address, or call 850/921-9532, for additional information.

TECHNICAL EVALUATION
AND
PRELIMINARY DETERMINATION

Modification of Original Permit Specific Condition No. 29
521 MW Power Plant Facility

DeSoto County Generating Company, LLC
DeSoto County

DEP File No. 0270016-004-AC (PSD-FL-284 B)

Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation

July 14, 2003

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

1. APPLICATION INFORMATION

1.1 Applicant Name and Address

DeSoto County Generating Company, LLC
410 S. Wilmington Street, PEB 9A5
Raleigh, NC 27601

Authorized Representative: *Mr. Robert M. Tanis, Vice President and General Manager*

1.2 Reviewing and Process Schedule

06-18-03: Date of Receipt of Applicant Request
07-25-03 Intent Issued

2. FACILITY INFORMATION

2.1 Facility Location

Refer to Figures 1 and 2 below. The DeSoto facility is located in unincorporated DeSoto County. The site is approximately 2 miles East of Arcadia and 1 mile north of the intersection of SR 70 and SR 760. There is already a substation in the vicinity. The location is approximately 175 kilometers South-Southeast from the Chassahowitzka Class I National Wilderness Area and 152 kilometers North-Northeast of the Everglades National Park. The UTM coordinates for this facility are Zone 17; 419.75 km E; 3011.5 km N.

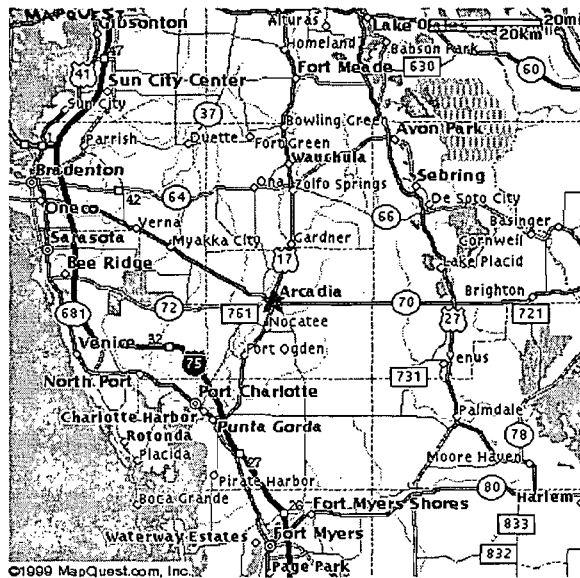


Figure 1 – Regional Location

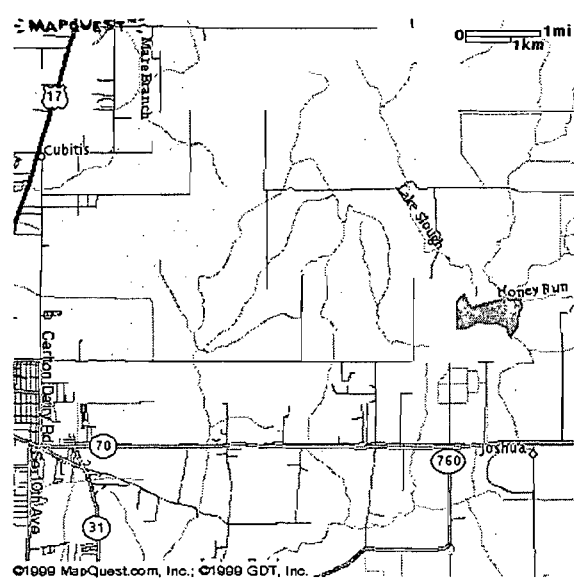


Figure 2 – East of Arcadia, DeSoto County

2.2 Standard Industrial Classification Codes (SIC)

| | | |
|--------------------|------|--------------------------------------|
| Industry Group No. | 49 | Electric, Gas, and Sanitary Services |
| Industry No. | 4911 | Electric Services |

2.3 Facility Category

The existing facility generates 510 megawatts (nominal MW) of electrical power. The facility is classified as a Major or Title V Source of air pollution because emissions of at least one regulated air pollutant, such as particulate matter (PM/PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), or volatile organic compounds (VOC) exceeds 100 TPY.

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

This facility is not within an industry included in the list of the 28 Major Facility Categories per Table 62-212.400-1, F.A.C. Because emissions are greater than 250 TPY for at least one criteria pollutant, the facility is also a major facility with respect to Rule 62-212.400, F.A.C., which regulates the Prevention of Significant Deterioration (PSD) of Air Quality.

3. PROJECT DESCRIPTION

This permit modification addresses ARMS Units 001-003. The request is to modify the language of Specific Condition No. 29 of PSD permit 0270016-001-AC (PSD-FL-284) to delete the requirement to repeat initial compliance testing after change or tuning of combustors. The applicant considers this replacement to be of like-kind components to the combustion turbine.

The applicant also requested that the units of measure be revised to parts per million volume wet (ppmvw) while operating on natural gas. Later on, this request was dropped.

Additional project information related to the combustor design, and control measures to minimize pollutant emissions are given in the original permit 0270016-001-AC (PSD-FL-284), the Technical Evaluation and Preliminary Determination and the BACT determination issued in 2000.

4. RULE APPLICABILITY

This facility is subject to applicable requirements under the provisions of Chapter 403, Florida Statutes, and Chapters 62-4, 62-204, 62-210, 62-212, 62-214, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.) including applicable portions of the Code of Federal Regulations 40 CFR Part 60, Part 72, Part 73, Part 75 and Part 77 incorporated therein.

This facility is located in DeSoto County, an area designated as attainment for all criteria pollutants in accordance with Rule 62-204.360, F.A.C. The proposed project is not subject to review under Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD) because the proposed changes will not increase emissions.

5. SOURCE IMPACT ANALYSIS

5.1 Emission Limitations

Tuning of these units is necessary to ensure proper functioning of the automated control system and the dry low NO_x combustion system. The main concern is the replacement of the dry low NO_x combustors (which is the main pollution control feature of these units) and the major tuning session necessary to reestablish manufacturer specifications. The applicant's suggested text describing "modification" does not adequately address the replacement of combustors. "Modifications" would require an additional permit, which could include further testing requirements. In addition, the Department does not agree that requirements to demonstrate compliance with the BACT standards after replacing a dry low-NO_x combustor are burdensome.

The Department does agree to revise the condition as follows: delete the initial text and replace with, "In accordance with Rule 62-297.310(7), F.A.C., the Department may require the initial tests to be repeated after a modification (and shakedown period not to exceed 100 days after restart) of a combustion turbine. Within 60 days of replacing combustors and restarting a unit, the permittee shall conduct an EPA Method 10 test to determine compliance with the CO emissions standard for firing natural gas. NO_x CEMS data collected during each of the CO test runs shall be averaged and reported in the test report. The results of this test may be used to satisfy the requirement for an annual CO emissions test."

The revised condition provides reasonable assurance of compliance with CO and NO_x BACT standards after replacement of the primary pollution control equipment. The units are not subject to BACT for VOC emissions. Emissions of other pollutants are unlikely to be affected by such a replacement.

The potential emissions from this facility are: 61 TPY of PM/PM₁₀, 166 TPY of SO₂, 756 TPY of NO_x, 259 TPY of CO, 25 TPY of SAM, 34 TPY of VOCs and negligible quantities of fluorides (F), mercury (Hg) and

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

lead (Pb). The proposed changes will not result in actual or potential emission increases or changes in pollutant allowable emissions standards.

5.2 Air Quality Analysis

An analysis of the air quality impact from the proposed project is not required.

5.3 Proposed Public Notice Description

The following descriptive text is proposed for the dual Public Notice to describe the changes to the PSD air permit.

“The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification and corresponding Title Air Operation Permit Revision to the applicant, DeSoto County Generating Company, LLC. The applicant operates an existing simple cycle gas turbine power plant that is located east of Arcadia and north of SR 70 in unincorporated DeSoto County, Florida. The DeSoto County Generating Company, LLC’s authorized representative is Mr. Robert M. Tanis, V.P. and General Manager. The applicant’s mailing address is 410 S. Wilmington Street, PEB 9A5, Raleigh, NC 27601.

The applicant requested revision of a permit condition to delete the requirement to repeat “initial” tests after tuning the gas turbines or replacing like-kind components, such as combustors. The Draft Permit revises the condition to require only testing for carbon monoxide to be repeated after the replacement of a combustor. The facility’s continuous monitoring data for nitrogen oxide emissions will be reported for each carbon monoxide test run. This will provide reasonable assurance of compliance with the carbon monoxide and nitrogen oxide emissions standards, which represent the Best Available Control Technology. The additional carbon monoxide test may be used as the demonstration of compliance for the required annual test. The change will not result in any emissions increases. A second request to revise the units of the standard for volatile organic compounds was later withdrawn.”

6. CONCLUSION

Based on the foregoing technical evaluation of the submitted applicant’s request, the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations.

*Teresa Heron, Review Engineer
Jeff Koerner, P.E.
New Source Review Section
Bureau of Air Quality Regulation*

DRAFT PERMIT MODIFICATION

PERMITTEE:

DeSoto County Generating Company, LLC
410 S. Wilmington Street, PEB 9A5
Raleigh, NC 27601

Authorized Representative:

Robert M. Tanis, V.P. and General Manager

| |
|--|
| Permit No. PSD-FL-284 B File No. 0270016-004-AC Modification of Condition No. 29 SIC No. 4911 Expires: December 30, 2003 |
|--|

PROJECT AND LOCATION:

This permit modification revises Specific Condition No. 29 of original PSD Permit No. PSD-FL-284 (DEP File No. 0270016-001-AC) issued on July 1, 2000. This facility consists of: three dual-fuel nominal 170 megawatt (MW) General Electric PG7241FA combustion turbine-electrical generators with evaporative inlet coolers; one 1.5-million gallon fuel oil storage tank; and three 60-foot stacks. The units are permitted to operate in simple cycle mode and intermittent duty. The units are equipped with Dry Low NO_x (DLN-2.6) combustors and wet injection capability.

{Permitting Note: Two of the three simple cycle units have been constructed, tested, and are in operation. The third unit has not yet been installed. The permittee is reminded that discontinuing construction activities for 18 months or more requires a revalidation of the Best Available Control Technology Determination and possibly a new permit.}

The facility is located East of Arcadia and North of SR 70 in unincorporated DeSoto County. UTM coordinates are: Zone 17; 419.75 km E; 3011.5 km N.

STATEMENT OF BASIS:

This Air Construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). The above named permittee is authorized to modify the facility in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection (Department).

DRAFT

Joseph Kahn, Acting Director
Division of Air Resources Management

SPECIFIC CONDITIONS (DRAFT)

This permit modification (PSD-FL-284B/File No. 0270016-004-AC) does not modify any of the requirements of air construction Permit No. PSD-FL-284 (File No. 0270016-001-AC) issued on 7/1/00, the Transfer of Permit (File No. 0270016-002-AC) issued on 10/30/00, or the modification of Permit No. PSD-FL-284A (File No. 0270016-003-AC) issued on 7/1/02, except for the following revision to original Specific Condition 29.

29. Initial (I) performance tests (for both fuels) shall be performed on each unit while firing natural gas as well as while firing oil. ~~Initial tests shall also be conducted after any modifications (and shake down period not to exceed 100 days after re-starting the CT) of air pollution control equipment such as change or tuning of combustors.~~ Annual (A) compliance tests shall be performed during every federal fiscal year (October 1 - September 30) pursuant to Rule 62-297.310(7), F.A.C., on each unit as indicated. The following reference methods shall be used. No other test methods may be used for compliance testing unless prior DEP approval is received in writing.

- EPA Reference Method 9, "Visual Determination of the Opacity of Emissions from Stationary Sources" (I, A).
- EPA Reference Method 10, "Determination of Carbon Monoxide Emissions from Stationary Sources" (I, A).
- EPA Reference Method 20, "Determination of Oxides of Nitrogen Oxide, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines." Initial test only for compliance with 40CFR60 Subpart GG and (I, A) short-term NO_x BACT limits (EPA reference Method 7E, "Determination of Nitrogen Oxides Emissions from Stationary Sources" or RATA test data may be used to demonstrate compliance for annual test requirements).
- EPA Reference Method 18, 25 and/or 25A, "Determination of Volatile Organic Concentrations." Initial test only.

In accordance with Rule 62-297.310(7), F.A.C., the Department may require the initial tests to be repeated after a modification (and shakedown period not to exceed 100 days after restart) of a combustion turbine. Within 60 days of replacing combustors and restarting a unit, the permittee shall conduct an EPA Method 10 test to determine compliance with the CO emissions standard for firing natural gas. NO_x CEMS data collected during each of the CO test runs shall be averaged and reported in the test report. The results of this test may be used to satisfy the requirement for an annual CO emissions test.

[Rule 62-297.310, F.A.C.]

STATEMENT OF BASIS

DeSoto County Generating Company, LLC
DeSoto County Energy Park
Facility ID No. 0270016
DeSoto County

Title V Air Operation Permit Revision
DRAFT Permit No. 0270016-005-AV

This Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

This facility consists of two, dual-fuel, nominal 170 megawatt (MW) General Electric model PG7241FA combustion turbine-electrical generators with evaporative inlet coolers, two 75-foot exhaust stacks, and one 1.5-million gallon fuel oil storage tank. The combustion turbine units can operate in simple cycle mode and intermittent duty mode. The units are equipped with Dry Low NO_x (DLN-2.6) combustors and wet injection capability.

Compliance Assurance Monitoring (CAM) *does not apply* to these emissions units. Water injection is used for NO_x control.

Also included in this permit are miscellaneous insignificant emissions units and/or activities.

Based on the initial Title V permit application received March 15, 2002, this facility is *not* a major source of hazardous air pollutants (HAPs). The facility holds ORIS code **55422** under the Federal Acid Rain program.

This permit revision changes the language of Specific Condition 22. to correspond with the requirements of air construction permit 0270016-004-AC, that revised Specific Condition No. 29. of original PSD Permit No. PSD-FL-284, that addressed initial performance testing requirements.

DeSoto County Generating Company, LLC
DeSoto County Energy Park
Facility ID No. **0270016**
DeSoto County

Title V Air Operation Permit Revision
DRAFT Permit No. **0270016-005-AV**

Permitting Authority:
State of Florida
Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Title V Section

Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Telephone: 850/488-0114
Fax: 850/922-6979

Compliance Authority:
Department of Environmental Protection
Southwest District

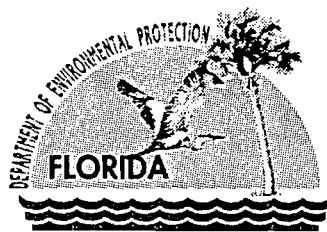
3804 Coconut Palm Drive
Tampa, Florida 33619-8218

Telephone: 813/744-6100
Fax: 813/744-6458

Title V Air Operation Permit Revision
DRAFT Permit No. 0270016-005-AV

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Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

Permittee:
DeSoto County Generating Co., LLC
410 S. Wilmington Street, PEB 9A5
Raleigh, NC 27601

DRAFT Permit No. 0270016-005-AV
Facility ID No. 0270016
SIC Nos.: 49, 4911
Project: Title V Air Operation Permit Revision

This permit revision is for the operation of the DeSoto County Energy Park. This facility is located at 3800 Northeast Roan Street, Arcadia, DeSoto County; UTM Coordinates: Zone 17, 419.75 km East and 3011.5 km North; and, Latitude: 27° 13' 30" North, and Longitude: 81° 48' 42" West.

This Title V Air Operation Permit Revision is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Referenced attachments made a part of this permit:

Appendix I-1, List of Insignificant Emissions Units and/or Activities
Appendix TV-4, TITLE V CONDITIONS version dated 02/12/02
Appendix SS-1, STACK SAMPLING FACILITIES version dated 10/07/96
TABLE 297.310-1, CALIBRATION SCHEDULE version dated 10/07/96
FIGURE 1 - SUMMARY REPORT-GASEOUS AND OPACITY EXCESS
EMISSION AND MONITORING SYSTEM PERFORMANCE REPORT version dated 07/96
Revised Phase II Acid Rain Part Application, signed and dated by the Designated Representative on January 11, 2002.

Effective Date: January 1, 2003

Revision Effective Date:

Renewal Application Due Date: July 1, 2007

Expiration Date: December 31, 2007

Department of Environmental Protection

Joseph Kahn, P.E., Acting Director,
Division of Air Resource Management

Section I. Facility Information.

Subsection A. Facility Description.

This facility consists of two, dual-fuel, nominal 170 megawatt (MW) General Electric model PG7241FA combustion turbine-electrical generators with evaporative inlet coolers, two 75-foot exhaust stacks, and one 1.5-million gallon fuel oil storage tank. The combustion turbine units can operate in simple cycle mode and intermittent duty mode. The units are equipped with Dry Low NO_x (DLN-2.6) combustors and wet injection capability.

Also included in this permit are miscellaneous insignificant emissions units and/or activities.

Based on the initial Title V permit application received March 15, 2002, this facility is *not* a major source of hazardous air pollutants (HAPs).

Subsection B. Summary of Emissions Unit ID No(s). and Brief Description(s).

| E.U. ID No. | Brief Description |
|-------------|--|
| -001 | One nominal 170 Megawatt Gas Simple-Cycle Combustion Turbine-Electrical Generator with evaporative inlet cooler. |
| -002 | One nominal 170 Megawatt Gas Simple-Cycle Combustion Turbine-Electrical Generator with evaporative inlet cooler. |
| -004 | Fuel Storage Tank |

Please reference the Permit No., Facility ID No., and appropriate Emissions Unit(s) ID No(s). on all correspondence, test report submittals, applications, etc.

Subsection C. Relevant Documents.

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action.

These documents are provided to the permittee for information purposes only:

Table 1-1, Summary of Air Pollutant Standards and Terms

Table 2-1, Summary of Compliance Requirements

Appendix A-1: Abbreviations, Acronyms, Citations, and Identification Numbers

Appendix H-1: Permit History/ID Number Changes

Statement of Basis

These documents are on file with permitting authority:

Initial Title V Permit Application received March 15, 2002.

DRAFT Title V Permit clerked on May 30, 2002.

PROPOSED Title V Permit posted on September 16, 2002, for EPA's review.

FINAL Title V Permit with effective date of January 1, 2003.

Letter from the Applicant requesting a Title V Permit Revision received on June 18, 2003.

Section II. Facility-wide Conditions.

The following conditions apply facility-wide:

1. Appendix TV-4, Title V Conditions, is a part of this permit.
{Permitting note: Appendix TV-4, Title V Conditions, is distributed to the permittee only.
Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}
 2. **Not federally enforceable.** General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. No person shall cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.
[Rule 62-296.320(2), F.A.C.]
 3. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.
[Rules 62-296.320(4)(b)1. & 4., F.A.C.]
 4. Prevention of Accidental Releases (Section 112(r) of CAA).
 - a. The permittee shall submit its Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center when, and if, such requirement becomes applicable. Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to:

RMP Reporting Center
Post Office Box 3346
Merrifield, VA 22116-3346
Telephone: 703/816-4434
- and,
- b. The permittee shall submit to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C.
[40 CFR 68]
5. [Reserved.]
6. Insignificant Emissions Units and/or Activities. Appendix I-1, List of Insignificant Emissions Units and/or Activities, is a part of this permit.
[Rules 62-213.440(1), 62-213.430(6), and 62-4.040(1)(b), F.A.C.]
7. [Reserved.]
8. **Not federally enforceable.** General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or

installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.

[Rule 62-296.320(1)(a), F.A.C.]

9. **Not federally enforceable.** Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include:

- Paving and maintaining roads, parking areas, and yards.
- Applying water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.
- Applying asphalt, water, oil, chemicals, or other dust suppressants to unpaved roads, yards, open stockpiles and similar activities.
- Removing particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent re-entrainment, and from buildings or work areas to prevent the particulate matter from becoming airborne.
- Landscaping and planting of vegetation.
- Using hoods, fans, filters, and other similar equipment to contain, capture, and/or vent particulate matter.
- Confining abrasive blasting where possible.
- Enclosing or covering of conveyor systems.

[Rule 62-296.320(4)(c)2., F.A.C.; and proposed by applicant in the initial Title V permit application received March 15, 2002]

{Note: This condition implements the requirements of Rules 62-296.320(4)(c)1., 3., & 4., F.A.C. (see Condition 57. of Appendix TV-4, Title V Conditions).}

10. When appropriate, any recording, monitoring, or reporting requirements that are time-specific shall be in accordance with the effective date of the permit, which defines day one.

[Rule 62-213.440, F.A.C.]

11. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3)(a)2., F.A.C., shall be submitted to the Department and EPA within 60 (sixty) days after the end of the calendar year using DEP Form No. 62-213.900(7), F.A.C.

[Rules 62-213.440(3) and 62-213.900, F.A.C.]

12. The permittee shall submit all compliance related notifications and reports required of this permit to the Department's Southwest District Office.

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: 813/744-6100
Fax: 813/744-6084

13. Any reports, data, notifications, certifications, and requests required to be sent to the United States Environmental Protection Agency, Region 4, should be sent to:

United States Environmental Protection Agency
Region 4
Air, Pesticides & Toxics Management Division
Air and EPCRA Enforcement Branch, Air Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303
Telephone: 404/562-9155, Fax: 404/562-9164

14. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or correct information.

[Rule 62-213.420(4), F.A.C.]

15. BACT Determination. In accordance with Rule 62-212.400(6)(b), F.A.C. (and 40 CFR 51.166(j)(4)), the Best Available Control Technology (BACT) determination shall be reviewed and modified as appropriate in the event of a plant conversion. This paragraph states: "For phased construction project, the determination of best available control technology shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of best available control technology for the source." This reassessment will also be conducted for this project if there are any increases in heat input limits, hours of operation, oil firing, low or baseload operation (e.g., conversion to combined-cycle operation), short-term or annual emission limits, annual fuel heat input limits or similar changes.

[40 CFR 51.166(j)(4); Rule 62-212.400(6)(b), F.A.C.; and 0270016-001-AC, Specific Condition 7. in Facility Information Section]

Section III. Emissions Unit(s) and Conditions.

Subsection A. This section addresses the following emissions units.

| E.U. ID No. | Brief Description |
|-------------|--|
| -001 | One nominal 170 Megawatt Gas Simple-Cycle Combustion Turbine-Electrical Generator with evaporative inlet cooler. |
| -002 | One nominal 170 Megawatt Gas Simple-Cycle Combustion Turbine-Electrical Generator with evaporative inlet cooler. |

These emissions units consist of two, dual-fuel, nominal 170 megawatt (MW) General Electric model PG7241FA combustion turbine-electrical generators with evaporative inlet coolers, and two 75-foot exhaust stacks. The units can operate in simple-cycle mode and intermittent duty mode. The units are equipped with Dry Low NO_x (DLN-2.6) combustors and wet injection capability.

{Permitting note: These emissions units are regulated under Acid Rain-Phase II, 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, adopted by reference in Rule 62-204.800(7)(b), F.A.C., Rule 212.400, F.A.C., Prevention of Significant Deterioration (PSD), Best Available Control Technology (BACT), and Air Construction Permit PSD-FL-284 (0270016-001-AC).}

Compliance Assurance Monitoring (CAM) *does not apply* to these emissions units. Water injection is used for NO_x control.

The following specific conditions apply to the emissions unit(s) listed above:

General

A.1. Definitions. For the purposes of Rule 62-204.800(7), F.A.C., the definitions contained in the various provisions of 40 CFR 60 shall apply, except that the term "Administrator" when used in 40 CFR 60 shall mean the Secretary or the Secretary's designee.
[40 CFR 60.2; and Rule 62-204.800(7)(a), F.A.C.]

A.2. Concealment. No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.
[40 CFR 60.12]

A.3. Circumvention. The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly.
[Rule 62-210.650, F.A.C.; and 0270016-001-AC, Specific Condition 12.]

Essential Potential to Emit (PTE) Parameters

A.4. Permitted Capacity. The maximum heat input rates, based on the lower heating value (LHV) of each fuel to each Unit (-001 and -002) at ambient conditions of 59°F temperature, 60% relative humidity, 100% load, and 14.7 psi pressure shall not exceed 1,612 million Btu per hour (mmBtu/hr) when firing natural gas, nor 1,806 mmBtu/hr when firing No. 2 or superior grade of distillate fuel oil. These maximum heat input rates will vary depending upon ambient conditions and the combustion turbine characteristics. Manufacturer's curves corrected for site conditions or equations for correction to other ambient conditions shall be provided to the Department of Environmental Protection (DEP) within 45 days of completing the initial compliance testing. [Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.; and 0270016-001-AC, Specific Condition 8.]

A.5. Methods of Operation -- Fuels. Only pipeline natural gas or a maximum of 0.05%, by weight, sulfur fuel oil No. 2, or superior grade of distillate fuel oil, shall be fired in these units. {Note: The limitation of this specific condition is more stringent than the NSPS sulfur dioxide limitation and thus assures compliance with 40 CFR 60.333 and 60.334.} [Rules 62-210.200 (Definitions - Potential Emissions) and 62-213.410, F.A.C.; and 0270016-001-AC, Specific Condition 7.]

A.6. Fuel Oil Usage. The amount of back-up fuel (fuel oil) burned at the site (in BTU's) shall not exceed the amount of natural gas (primary fuel) burned at the site (in BTU's) during any consecutive 12-month period. [Rule 62-210.200, F.A.C. (BACT); and 0270016-001-AC, Specific Condition 14.]

A.7. Hours of Operation. The two stationary gas turbines shall operate no more than an average of 3,390 hours per unit during any calendar year. The two stationary gas turbines shall operate no more than an average of 1000 hours per unit on fuel oil during any calendar year. No single combustion turbine shall operate more than 5,000 hours in a single year. [Rules 62-4.160(2), 62-210.200(PTE), and 62-212.400, F.A.C.; and 0270016-001-AC, Specific Condition 13.]

Control Technology

A.8. Dry Low NO_x (DLN-2.6) combustors shall be used on the stationary combustion turbines to control nitrogen oxides (NO_x) emissions while firing natural gas. [Rules 62-4.070 and 62-212.400, F.A.C.; and 0270016-001-AC, Specific Condition 15.]

A.9. The water injection (WI) system shall be used when firing No. 2 or superior grade distillate fuel oil for control of NO_x emissions. [Rules 62-4.070 and 62-212.400, F.A.C.; and 0270016-001-AC, Specific Condition 16.]

A.10. The permittee shall provide manufacturer's emissions performance versus load diagrams for the DLN and wet injection systems prior to their installation. DLN systems shall each be tuned upon initial operation to optimize emissions reductions consistent with normal operation and maintenance practices and shall be maintained to minimize NO_x emissions and CO emissions, consistent with normal operation and maintenance practices. Operation of the DLN systems in the diffusion-firing mode shall be minimized when firing natural gas. [Rules 62-4.070 and 62-210.650 F.A.C.; and 0270016-001-AC, Specific Condition 17.]

Emission Limitations and Standards

{Permitting note: Table 1-1, Summary of Air Pollutant Standards and Terms, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

{Permitting note: Unless otherwise specified, the averaging times for Specific Conditions A.11. through A.17. are based on the specified averaging time of the applicable test method.}

A.11. Following is a summary of the emission limits and required technology. Values for NO_x are corrected to 15% O₂ on a dry basis. These limits or their equivalent in terms of lb/hr or NSPS units, as well as the applicable averaging times, are followed by the applicable specific conditions.

| POLLUTANT | CONTROL TECHNOLOGY | EMISSION LIMIT |
|--|---|--|
| PM/PM ₁₀ , VE | Pipeline Natural Gas Good Combustion | 10/17 lb/hr (Gas/Fuel Oil) 10 Percent Opacity (Gas or Fuel Oil) |
| VOC (not PSD) | As Above | 1.4 ppmvd (Gas) 7 ppmvw (Fuel Oil) |
| CO | As Above | 12 ppmvd (Gas) 20 ppmvd (Fuel Oil) |
| SO ₂ and Sulfuric Acid Mist | Pipeline Natural Gas Low Sulfur Fuel Oil | 1 gr S/100 ft ³ (in Gas) 0.05% S by weight (in Fuel Oil) |
| NO _x | Dry Low NO _x for Natural Gas Wet Injection and limited Fuel Oil usage | 9 ppmvd (Gas) 42 ppmvd (Fuel Oil) |

[Rules 62-212.400, 62-204.800(7)(b) (Subpart GG), 62-210.200 (Definitions-Potential Emissions) F.A.C.; and 0270016-001-AC, Specific Condition 18.]

A.12. Nitrogen Oxides (NO_x) Emissions.

- While firing Natural Gas. The emission rate of NO_x in the exhaust gas shall not exceed 9 ppmvd @15% O₂ on a 24 hr block average (of valid hours during which the unit is operated only) as measured by the continuous emission monitoring system (CEMS). Refer to Specific Condition A.23. for a discussion of valid hours contributing to the block average.

In addition, NO_x emissions calculated as NO₂ shall not exceed 64.1 pounds per hour (at ISO conditions) and 9 ppmvd @15% O₂ to be demonstrated by the initial "new and clean" GE performance stack test. [Rule 62-212.400, F.A.C.]

- While firing Fuel Oil: The concentration of NO_x in the exhaust gas shall not exceed 42 ppmvd at 15% O₂ on the basis of a 3-hr block average (of valid hour hours during which the unit is actually operated only) as measured by the continuous emission monitoring system (CEMS). In addition, NO_x emissions calculated as NO₂ shall not exceed 351 lb/hr (at ISO conditions) and 42 ppmvd @15% O₂ to be demonstrated by stack test. [Rule 62-212.400, F.A.C.]

- The permittee shall develop a NO_x reduction plan when the hours of oil firing reach the allowable limit of 1000 hours per year. This plan shall include a testing protocol designed to establish the maximum water injection rate and the lowest NO_x emissions possible without affecting the actual performance of the gas turbine. The testing protocol shall set a range of water injection rates and attempt to quantify the corresponding NO_x emissions for each rate and noting any problems with performance. Based on the test results, the plan shall recommend a new NO_x emissions limiting standard and shall be submitted to the Department's Bureau of Air Regulation and Compliance Authority for review. If the Department determines that a lower NO_x emissions standard is warranted for oil firing, this permit shall be revised.

[0270016-001-AC, Specific Condition 19.]

A.13. Carbon Monoxide (CO) Emissions. The concentration of CO in the stack exhaust gas shall exceed neither 12 ppmvd nor 42.5 lb/hr (at ISO conditions) while firing gas, and neither 20 ppmvd nor 71.4 lb/hr (at ISO conditions) while firing fuel oil. The permittee shall demonstrate compliance with these limits by stack test using EPA Method 10.

[Rule 62-212.400, F.A.C.; and 0270016-001-AC, Specific Condition 20.]

A.14. Volatile Organic Compounds (VOC) Emissions. The concentration of VOC in the stack exhaust gas with the combustion turbine operating on natural gas shall exceed neither 1.4 ppmvd nor 2.8 lb/hr (ISO conditions), and neither 7 ppmvw nor 16.2 lb/hr (ISO conditions) while operating on oil to be demonstrated by initial stack test using EPA Method 18, 25 or 25A.

[Rule 62-212.400, F.A.C.; and 0270016-001-AC, Specific Condition 21.]

A.15. Sulfur Dioxide (SO₂) Emissions. SO₂ emissions shall be limited by firing pipeline natural gas (sulfur content less than 1 grain per 100 standard cubic feet) or by firing No. 2 or superior grade distillate fuel oil with a maximum of 0.05 percent sulfur, by weight, for 1000 hours per year per unit. Emissions of SO₂ (at ISO conditions) shall not exceed 5 lb/hr (natural gas) and 98.7 lb/hr (fuel oil) as measured by applicable compliance methods described below.

[40CFR60 Subpart GG; Rules 62-4.070, 62-212.400, and 62-204.800(7), F.A.C.; and 0270016-001-AC, Specific Condition 22.]

A.16. Particulate Matter (PM/PM₁₀). PM/PM₁₀ emissions shall not exceed 10 lb/hr when operating on natural gas and shall not exceed 17 lb/hr when operating on fuel oil. Visible emissions testing shall serve as a surrogate for PM/PM₁₀ compliance testing.

[Rule 62-212.400, F.A.C.; and 0270016-001-AC, Specific Condition 23.]

A.17. Visible Emissions (VE). VE emissions shall serve as a surrogate for PM/PM₁₀ emissions and shall not exceed 10% opacity.

[Rules 62-4.070, 62-212.400, and 62-204.800(7), F.A.C.; and 0270016-001-AC, Specific Condition 24.]

Excess Emissions

{Permitting note: The Excess Emissions Rule at Rule 62-210.700, F.A.C., cannot vary any requirement of a NSPS or NESHAP provision.}

A.18. Excess emissions resulting from startup, shutdown, or malfunction shall be permitted provided that best operational practices are adhered to and the duration of excess emissions shall be minimized. Excess emissions occurrences shall in no case exceed two hours in any 24-hour

period for other reasons unless specifically authorized by the Department for longer duration. Operation below 50% output shall be limited to 2 hours per unit cycle (breaker closed to breaker open).

[Rules 62-210.700(1) and (2), F.A.C.; and 0270016-001-AC, Specific Condition 25.]

A.19. Excess emissions entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction, shall be prohibited pursuant to Rule 62-210.700, F.A.C. These emissions shall be included in the 24-hr average for NO_x.

[Rule 62-210.700(4), F.A.C.; and 0270016-001-AC, Specific Condition 26.]

A.20. Excess Emissions Report. If excess emissions occur due to malfunction, the owner or operator shall notify the Department's Southwest District Office within (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident. Following the NSPS format, 40 CFR 60.7 Subpart A, periods of startup, shutdown, malfunction, shall be monitored, recorded, and reported as excess emissions when emission levels exceed the permitted standards listed in Specific Conditions No. **A.11.** and **A.12.**

[Rules 62-4.130, 62-204.800, 62-210.700(6), F.A.C.; 40 CFR 60.7; and 0270016-001-AC, Specific Condition 27.]

Test Methods and Procedures

{Permitting note: Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

A.21. Compliance with the allowable emission limiting standards shall be determined *annually* by using the following reference methods as described in 40 CFR 60, Appendix A (1998 version), and adopted by reference in Chapter 62-204.800, F.A.C.

[0260016-001-AC, Specific Condition 28]

A.22. *Initial (I) performance tests* (for both fuels) were performed on each unit while firing natural gas as well as while firing oil. *Annual (A)* compliance tests shall be performed during every federal fiscal year (October 1 - September 30) pursuant to Rule 62-297.310(7), F.A.C., on each unit as indicated. The following reference methods shall be used. No other test methods may be used for compliance testing unless prior Departmental approval is received in writing.

- EPA Reference Method 9, "Visual Determination of the Opacity of Emissions from Stationary Sources" (I, A).
- EPA Reference Method 10, "Determination of Carbon Monoxide Emissions from Stationary Sources" (I, A).
- EPA Reference Method 20, "Determination of Oxides of Nitrogen Oxide, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines." *Initial* test only for compliance with 40 CFR 60 Subpart GG and (I, A) short-term NO_x BACT limits (EPA reference Method 7E, "Determination of Nitrogen Oxides Emissions from Stationary Sources" or RATA test data may be used to demonstrate compliance for annual test requirements).

- EPA Reference Method 18, 25 and/or 25A, "Determination of Volatile Organic Concentrations." *Initial test only.*

In accordance with Rule 62-297.310(7), F.A.C., the Department may require the *initial tests to be repeated after a modification (and shakedown period not to exceed 100 days after restart)* of a combustion turbine. Within 60 days of replacing combustors and restarting a unit, the permittee shall conduct an EPA Method 10 test to determine compliance with the CO emissions standard for firing natural gas. NO_x CEMS data collected during each of the CO test runs shall be averaged and reported in the test report. The results of this test may be used to satisfy the requirement for an annual CO emissions test.

[Rule 62-297.310, F.A.C.; and Permit No. PSD-FL-284 B (0270016-004-AC), Specific Condition 29.]

A.23. Continuous compliance with the NO_x emission limits. Continuous compliance with the NO_x emission limits shall be demonstrated with the CEM system based on the applicable averaging time of 24-hr block average (DLN). Based on CEMS data, a separate compliance determination is conducted at the end of each operating day and a new average emission rate is calculated from the arithmetic average of all valid hourly emission rates from the previous operating day. A valid hourly emission rate shall be calculated for each hour in which at least two NO_x concentrations are obtained at least 15 minutes apart. Valid hourly emission rates shall not include periods of start up, shutdown, or malfunction unless prohibited by Rule 62-210.700, F.A.C. These excess emissions periods shall be reported as required in Specific Conditions A.18. and A.19.

- All continuous monitoring systems (CEMS) shall be in continuous operation except for breakdowns, repairs, calibration checks, and zero and span adjustments. These CEMS shall meet minimum frequency of operation requirements: one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Data recorded during periods of continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data average.

[Rules 62-4.070 and 62-210.700, F.A.C., 40 CFR 75 and 40 CFR 60.13; and 0270016-001-AC, Specific Condition 30.]

A.24. Compliance with the SO₂ and PM/PM₁₀ emission limits. Notwithstanding the requirements of Rule 62-297.340, F.A.C., the use of pipeline natural gas, is the method for determining compliance for SO₂ and PM₁₀. For the purposes of demonstrating compliance with the 40 CFR 60.333 SO₂ standard, ASTM methods D4084-82 or D3246-81 (or equivalent) for sulfur content of gaseous fuel shall be utilized in accordance with the EPA-approved custom fuel monitoring schedule or natural gas supplier data may be submitted or the natural gas sulfur content referenced in 40 CFR 75 Appendix D may be utilized. However, the applicant is responsible for ensuring that the procedures in 40 CFR 60.335 or 40 CFR 75 are used when determination of fuel sulfur content is made. Analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency pursuant to 40 CFR 60.335(e) (1998 version).

[0270016-001-AC, Specific Condition 31.]

A.25. Compliance with CO emission limit. An *initial* test for CO shall be conducted concurrently with the *initial* NO_x test, as required. The initial NO_x and CO test results shall be the average of three valid one-hour runs. *Annual* compliance testing for CO may be conducted at less than capacity when compliance testing is conducted concurrent with the *annual* RATA testing for the NO_x CEMS required pursuant to 40 CFR 75.
[0270016-001-AC, Specific Condition 32.]

A.26. Compliance with the VOC emission limit. An *initial* test is required to demonstrate compliance with the VOC emission limit. Thereafter, the CO emission limit and periodic tuning data will be employed as surrogate and no annual testing is required.
[0270016-001-AC, Specific Condition 33.]

A.27. Testing procedures. Testing of emissions shall be conducted with the combustion turbine operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum heat input rate allowed by the permit, corrected for the average ambient air temperature during the test (with 100 percent represented by a curve depicting heat input vs. ambient temperature). If it is impracticable to test at permitted capacity, the source may be tested at less than permitted capacity. In this case, subsequent operation is limited by adjusting the entire heat input vs. ambient temperature curve downward by an increment equal to the difference between the maximum permitted heat input (corrected for ambient temperature) and 110 percent of the value reached during the test until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purposes of additional compliance testing to regain the permitted capacity. Procedures for these tests shall meet all applicable requirements (i.e., testing time frequency, minimum compliance duration, etc.) of Chapters 62-204 and 62-297, F.A.C.
[0270016-001-AC, Specific Condition 34.]

A.28. Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.
[Rule 62-297.310(1), F.A.C.]

A.29. Calculation of Emission Rate. The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule.
[Rule 62-297.310(3), F.A.C.]

A.30. Applicable Test Procedures.

(a) Required Sampling Time.

1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.

2. Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:

a. For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.

b. The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.

c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.

(b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.

(c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.

(d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1.

**TABLE 297.310-1
CALIBRATION SCHEDULE**

| ITEM | MINIMUM CALIBRATION FREQUENCY | REFERENCE INSTRUMENT | TOLERANCE |
|---------------------------------|---|---|---|
| Liquid in glass thermometer | Annually | ASTM Hg in glass reference thermometer or equivalent, or thermometric points | +/-2% |
| Bimetallic thermometer | Quarterly | Calibration liquid in glass thermometer | 5 degrees F |
| Thermocouple | Annually | ASTM Hg in glass reference thermometer, NBS calibrated reference and potentiometer | 5 degrees F |
| Barometer | Monthly | Hg barometer or NOAA station | +/-1% scale |
| Pitot Tube | When required or when damaged | By construction or measurements in wind tunnel D greater than 16" and standard pitot tube | See EPA Method 2, Figures 2-2 and 2-3 |
| Probe Nozzles | Before each test, or when nicked, dented, or corroded | Micrometer | +/-0.001" mean of the last three readings; maximum deviation between readings .004" |
| Dry gas meter and Orifice Meter | 1. Full scale: when received, when 5% change observed, annually. 2. One point: Semiannually. 3. Check after each test series. | Spirometer or calibrated wet test or dry gas test meter | 2% |
| | | Comparison check | 5% |

(e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube. [Rule 62-297.310(4), F.A.C.]

A.31. Determination of Process Variables.

(a) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

(b) Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

[Rule 62-297.310(5), F.A.C.; and 0270016-001-AC, Specific Condition 46.]

A.32. The permittee shall comply with the requirements contained in Appendix SS-1, Stack Sampling Facilities, attached to this permit.

[Rule 62-297.310(6), F.A.C.]

A.33. Frequency of Compliance Tests. The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.

(a) General Compliance Testing.

3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:

a. Did not operate; or

b. In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours.

4. During each federal fiscal year (October 1 -- September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:

a. Visible emissions, if there is an applicable standard;

b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and

c. Each NESHAP pollutant, if there is an applicable emission standard.

5. An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.

9. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test,

and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

10. An annual compliance test conducted for visible emissions shall not be required for units exempted from permitting at Rule 62-210.300(3)(a), F.A.C., or units permitted under the General Permit provisions at Rule 62-210.300(4), F.A.C.

(b) Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it may require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

(c) Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of Rule 62-297.310(7)(b), F.A.C., shall apply.

[Rule 62-297.310(7), F.A.C.; SIP approved; and 0270016-001-AC, Specific Condition 36.]

Monitoring of Operations

Continuous Monitoring Requirements

A.34. Continuous Monitoring System. The permittee shall calibrate, maintain, and operate a continuous emission monitor in the stack to measure and record the nitrogen oxides emissions from these units. Upon request from EPA or DEP, the CEMS emission rates for NO_x on these Units shall be corrected to ISO conditions to demonstrate compliance with the NO_x standard established in 40 CFR 60.332.

[Rules 62-204.800, 62-210.700, 62-4.130, 62-4.160(8), F.A.C.; 40 CFR 75 and 40 CFR 60.7; and 0270016-001-AC, Specific Condition 40.]

A.35. CEMS for reporting excess emissions. Excess Emissions and Monitoring System Performance Reports shall be submitted as specified in 40 CFR 60.7(c). CEM monitor downtime shall be calculated and reported according to the requirements of 40 CFR 60.7(c)(3) and 40CFR 60.7(d)(2). Periods when NO_x emissions (ppmvd @ 15% oxygen) are above the BACT standards, listed in Specific Conditions Nos. **A.11.** and **A.12.**, shall be reported to the Department's Southwest District Office within one working day (verbally) followed up by a written explanation not later than three (3) working days (alternatively by facsimile within one working day).

[0270016-001-AC, Specific Condition 41.]

A.36. CEMS in lieu of Water to Fuel Ratio. The NO_x CEMS shall be used in lieu of the water/fuel monitoring system for reporting excess emissions in accordance with 40 CFR 60.334(c)(1), Subpart GG (1998 version). The calibration of the water/fuel monitoring device

required in 40 CFR 60.335 (c)(2) (1998 version) will be replaced by the 40 CFR 75 certification tests of the NO_x CEMS.

[0270016-001-AC, Specific Condition 42.]

A.37. Continuous Monitoring Certification and Quality Assurance Requirements. The monitoring devices shall comply with the certification and quality assurance, and any other applicable requirements of Rule 62-297.520, F.A.C., 40 CFR 60.13, including certification of each device in accordance with 40 CFR 60, Appendix B, Performance Specifications, and 40 CFR 60.7(a)(5) or 40 CFR Part 75. Quality assurance procedures must conform to all applicable sections of 40 CFR 60, Appendix F or 40 CFR 75. The monitoring plan, consisting of data on CEM equipment specifications, manufacturer, type, calibration and maintenance needs, and its proposed location shall be provided to the DEP Emissions Monitoring Section Administrator and EPA for review no later than 45 days prior to the first scheduled certification test pursuant to 40 CFR 75.62.

[0270016-001-AC, Specific Condition 43.]

A.38. Natural Gas Monitoring Schedule. A custom fuel monitoring schedule pursuant to 40 CFR 75 Appendix D for natural gas may be used in lieu of the daily sampling requirements of 40 CFR 60.334 (b)(2) provided the following requirements are met:

- The permittee shall apply for an Acid Rain permit within the deadlines specified in 40 CFR 72.30.
- The permittee shall submit a monitoring plan, certified by signature of the Designated Representative, that commits to using a primary fuel of pipeline supplied natural gas (sulfur content less than 1 gr/100 scf pursuant to 40 CFR 75.11(d)(2)).
- Each unit shall be monitored for SO₂ emissions using methods consistent with the requirements of 40 CFR 75 and certified by the USEPA.
This custom fuel monitoring schedule will only be valid when pipeline natural gas is used as a primary fuel. If the primary fuel for these units is changed to a higher sulfur fuel, SO₂ emissions must be accounted for as required pursuant to 40 CFR 75.11(d).

[0270016-001-AC, Specific Condition 44.]

A.39. Fuel Oil Monitoring Schedule. The following monitoring schedule for No. 2 or superior grade fuel oil shall be followed: For all bulk shipments of No. 2 fuel oil received at this facility an analysis which reports the sulfur content and nitrogen content of the fuel shall be provided by the fuel vendor. The analysis shall also specify the methods by which the analyses were conducted and shall comply with the requirements of 40 CFR 60.335(d).

[0270016-001-AC, Specific Condition 45.]

Training Requirements

A.40. Operating Procedures. Operating procedures shall include good operating practices and proper training of all operators and supervisors. The good operating practices shall meet the guidelines and procedures as established by the equipment manufacturers. All operators (including supervisors) of air pollution control devices shall be properly trained in plant specific equipment.

[Rule 62-4.070(3), F.A.C.; and 0270016-001-AC, Specific Condition 11.]

Recordkeeping and Reporting Requirements

A.41. Test Notification. The Department's Southwest District Office shall be notified, in writing, at least 30 days prior to the initial performance tests and at least 15 days before annual compliance test(s).

[0270016-001-AC, Specific Condition 35.]

A.42. Test Results. Compliance test results shall be submitted to the Department's Southwest District Office no later than 45 days after completion of the last test run.

[Rule 62-297.310(8), F.A.C.; and 0270016-001-AC, Specific Condition 37.]

A.43. Records. All measurements, records, and other data required by this permit shall be recorded in a permanent form and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. These records shall be made available to the Department upon request.

[0270016-001-AC, Specific Condition 38]

A.44. Malfunction Reporting. In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.

[Rule 62-210.700(6), F.A.C.]

A.45. Test Reports.

(a) The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test.

(b) The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed.

(c) The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8. The date, starting time and duration of each sampling run.

9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
 10. The number of points sampled and configuration and location of the sampling plane.
 11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
 12. The type, manufacturer and configuration of the sampling equipment used.
 13. Data related to the required calibration of the test equipment.
 14. Data on the identification, processing and weights of all filters used.
 15. Data on the types and amounts of any chemical solutions used.
 16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
 17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
 18. All measured and calculated data required to be determined by each applicable test procedure for each run.
 19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
 20. The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.
 21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.
- [Rule 62-297.310(8), F.A.C.; and 0270016-001-AC, Specific Condition 39.]

Subsection B. This section addresses the following emissions unit.

| E.U. ID No. | Brief Description |
|--------------------|--------------------------|
| -004 | Fuel Storage Tank |

This emissions unit consists of one 1.5 million gallon distillate fuel oil storage tank.

The following specific conditions apply to the emissions unit listed above:

B.1. Emission Unit -004, Fuel Storage Tank, shall comply with all applicable provisions of 40 CFR 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels, adopted by reference in Rule 62-204.800, F.A.C.
[Rule 62-204.800(7)(b), F.A.C.; and 0270016-001-AC, Specific Condition 5.]

Essential Potential to Emit (PTE) Parameters

B.2. Hours of Operation. This emissions unit is allowed to operate continuously, i.e., 8,760 hours/year.
[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

Recordkeeping and Reporting Requirements

B.3. The permittee shall maintain records on site for storage vessel identification number -004 that includes the date of construction, the material storage capacity, and type of material stored for the life of this storage vessel.
[40 CFR 60.116b(b)]

Section IV. Acid Rain Part.

DeSoto County Energy Park

ORIS code: 55422

The emissions units listed below are regulated under Phase II of the Federal Acid Rain Program.

| E.U. ID No. | Description |
|-------------|--|
| -001 | One nominal 170 Megawatt Gas Simple-Cycle Combustion Turbine-Electrical Generator with evaporative inlet cooler. |
| -002 | One nominal 170 Megawatt Gas Simple-Cycle Combustion Turbine-Electrical Generator with evaporative inlet cooler. |

1. The Acid Rain Part application submitted for this facility, as approved by the Department, is a part of this permit. The owners and operators of these acid rain units must comply with the standard requirements and special provisions set forth in the application listed below:

a. DEP Form No. 62-210.900(1)(a), version 07/01/95, Revised Phase II Acid Rain Permit (Part) Application, signed and dated by the Designated Representative on January 11, 2002. [Chapter 62-213, F.A.C. and Rule 62-214.320, F.A.C.]

2. Sulfur dioxide (SO₂) allowance allocations for each Acid Rain unit are:

| E.U. ID No. | EPA ID # | Year | 2003 | 2004 | 2005 | 2006 | 2007 |
|-------------|----------|--|------|------|------|------|------|
| -001 | CT1 | SO ₂ allowances to be determined by U.S. EPA. | 0 | 0 | 0 | 0 | 0 |
| -002 | CT2 | SO ₂ allowances to be determined by U.S. EPA. | 0 | 0 | 0 | 0 | 0 |

3. Emission Allowances. Emissions from sources subject to the Federal Acid Rain Program (Title IV) shall not exceed any allowances that the source lawfully holds under the Federal Acid Rain Program. Allowances shall not be used to demonstrate compliance with a non-Title IV applicable requirement of the Act.

a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program, provided that such increases do not require a permit revision pursuant to Rule 62-213.400(3), F.A.C.

b. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program.

c. Allowances shall be accounted for under the Federal Acid Rain Program.

[Rule 62-213.440(1)(c)1., 2. & 3., F.A.C.]

4. Where an applicable requirement of the Act is more stringent than applicable regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

[40 CFR 70.6(a)(1)(ii); and, Rule 62-210.200, F.A.C., Definitions – Applicable Requirements.]

DeSoto County Generating Company, LLC
DeSoto County Energy Park
Permit No. 0270016-005-AV

Appendix H-1. Permit History/ID Number Changes.

Permit History (for tracking purposes):

| E.U. ID No. | Description | Permit No. | Issue Date | Expiration Date | Revised Date(s) |
|----------------------------|---------------------------------|--|-----------------------|----------------------------|----------------------------|
| -001 | Simple-Cycle Combustion Turbine | 0270016-001-AC (PSD-FL-284) 0270016-003-AV 0270016-004-AC | 6/30/00 01/01/03 | 7/1/02 12/31/07 | |
| -002 | Simple-Cycle Combustion Turbine | 0270016-001-AC (PSD-FL-284) 0270016-003-AV 0270016-004-AC | 6/30/00 01/01/03 | 7/1/02 12/31/07 | |
| -004 | Fuel Oil Storage Tank | 0270016-001-AC (PSD-FL-284) 0270016-003-AV | 6/30/00 01/01/03 | 7/1/02 12/31/07 | |

Appendix I-1. List of Insignificant Emissions Units and/or Activities.

DeSoto County Generating Company, LLC
DeSoto County Energy Park

Permit No. 0270016-005-AV

The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Categorical Exemptions, or that meet the criteria specified in Rule 62-210.300(3)(b)1., F.A.C., Generic Emissions Unit Exemption, are exempt from the permitting requirements of Chapters 62-210, 62-212 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission-limiting standards and the emissions from exempt emissions units or activities shall be considered in determining the potential emissions of the facility containing such emissions units. Emissions units and pollutant-emitting activities exempt from permitting under Rules 62-210.300(3)(a) and (b)1., F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6)(b), F.A.C. No emissions unit shall be entitled to an exemption from permitting under Rules 62-210.300(3)(a) and (b)1., F.A.C., if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source.

The below listed emissions units and/or activities are considered insignificant pursuant to Rule 62-213.430(6), F.A.C.

Brief Description of Emissions Units and/or Activities:

| |
|---|
| 1. Operation of a CO ₂ based fire protection system to be used in case of emergency fire in or near the combustion turbines. |
| 2. Operation of an electric based fire protection system for the building. The unit also contains a small space heater. |
| 3. Operation of a 13.5 mmBtu/hr indirect fired fuel gas heater to prevent the natural gas from freezing. |
| 4. Storage and handling operations for lube, transformer, and fuel oil. |
| 5. Miscellaneous maintenance and cleaning and painting of the building including the control room, maintenance shop, storage warehouse, offices and their contents. |
| 6. Miscellaneous heaters. |
| 7. Miscellaneous general-purpose internal combustion engines for routine facility maintenance and/or equipment malfunctions. |
| 8. Surface coating operations using VOCs. |
| 9. Water analysis tasks to ensure proper operation of the water injection system and the combustion turbine cooling processes. |
| 10. Storm water retention basin maintenance. |

Table 1-1. Summary of Air Pollutant Standards and Terms.

DeSoto County Generating Company, LLC
DeSoto County Energy Park

Permit No.: 0270016-005-AV
Facility ID No.: 0270016

These tables summarize information for convenience purposes only, and do not supersede any of the terms or conditions of this permit.

| E.U. ID Nos. | Brief Description | | | | | | |
|--------------------|---------------------------------|---|-----------------------|-----------|-------|------------------------|-------------------------|
| -001 | Simple-Cycle Combustion Turbine | The two gas turbines shall operate no more than an average of 3390 hours per unit during any calendar year, and no more than an average of 1000 hours per unit on fuel oil during any calendar year. No single combustion turbine shall operate more than 5,000 hours in a single year. | | | | | |
| -002 | Simple-Cycle Combustion Turbine | | | | | | |
| | | | | | | | |
| | | Allowable Emissions | Equivalent Emissions* | | | | |
| Pollutant | Fuels | Standard(s) | lbs./hour | lbs./hour | TPY | Regulatory Citation(s) | See permit condition(s) |
| Visible Emissions | gas oil | 10% Opacity | | | | 0270016-001-AC | A.17. |
| | | | | | | | |
| Particulate Matter | gas oil | | 10 17 | | 41 | 0270016-001-AC | A.16. |
| | | | | | | | |
| Carbon Monoxide | gas oil | 12 ppmvd 20 ppmvd | 42.5 71.4 | | 173 | 0270016-001-AC | A.13. |
| | | | | | | | |
| Sulfur Dioxide | gas oil | | 5 98.7 | | 110.6 | 0270016-001-AC | A.15. |
| | | | | | | | |
| Nitrogen Oxides | gas oil | 9 ppmvd 42 ppmvd | 64.1 351 | | 504 | 0270016-001-AC | A.12. |

Notes:

*The "Equivalent Emissions" listed are for informational purposes only.

Table 2-1. Summary of Compliance Requirements.

| Pollutant | Fuels | Compliance Method | Testing Time Frequency | CMS* | See permit condition(s) |
|--------------------|------------|--|------------------------|------|-------------------------|
| Visible Emissions | gas oil | EPA Method 9 | Annual | | A.22. |
| Particulate Matter | gas oil | VE emissions shall serve as a surrogate. | | | A.17. |
| Carbon Monoxide | gas oil | EPA Method 10 | Annual | | A.22. |
| Sulfur Dioxide | gas oil | Fuel sampling and analysis | Daily | | A.24. |
| Nitrogen Oxides | gas oil | CMS* | Continuous | Yes | A.23. |

Notes:
*CMS [=] continuous monitoring system