



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

February 24, 2005

Mr. Gene L. Ussery, Jr.
Gulf Power Company
One Energy Place
Pensacola, Florida 32520-0100

CERTIFIED MAIL – Return Receipt Requested

Re: Request for Additional Information Regarding Addition of SNCR to Unit 6
File No.: 0330045-012-AC

Dear Mr. Ussery:

The Department has received your permit revision application for the Crist Electric Generating Plant for the purpose of adding SNCR to unit 6. However, in order to continue processing this application, the Department is requesting the additional information outlined below. Should your response to any of the listed items require new calculations or result in changes to the submitted information, please submit the new calculations, assumptions, reference material and appropriate revised pages of the application form, certified by your Professional Engineer.

1. Page 3 of the application, Purpose of Application: Only the box for Air Construction permit has been checked. However, in the comment box on the same page, Item 3 has requested that the long term use of biomass be incorporated into the Title V permit. The construction permit that temporarily authorized the burning of biomass to determine the feasibility of burning it in order to reduce NO_x emissions expired October 4, 2003. Pursuant to Rule 62-213.420(1)(a)4., F.A.C., for a Title V operation permit revision application to have been considered a timely request, it must have been submitted at least ninety days prior to expiration of the construction permit, but no later than 180 days after the emissions unit commenced operation as modified. As such, there is no currently valid authorization for burning biomass that can be incorporated into a Title V permit. If Gulf Power desires to establish the authority to burn biomass as a new fuel during the current construction permit revision, please submit a summary of the results of the testing that was performed during the test burns in 2002 and 2003. Based on the results of the tests, provide an analysis comparing past actual emissions (prior to the burning of biomass) to future actual emissions (while burning biomass), and a statement of how the burning of biomass will affect the total annual heat input over the next five years. Include a statement of request specifying which of the four biomass fuels you would like to establish the authority to burn as new fuels, and the requested amount(s) of these fuels that can be burned hourly and annually without causing unstable conditions in the boilers.
2. Page 10 of the application, List of Pollutants Emitted by Facility: List contains a statement of "no change from previous Title V permit". It is suspected that with the addition of biomass burning in Units 4 and 5, and with the addition of SNCR on unit 6, the pollutants that will be emitted from these units after being modified could be different than those currently emitted. Provide a complete list of all pollutants that will be emitted as a result of the modifications.

"More Protection, Less Process"

Printed on recycled paper.

3. Page 12 of the application, Additional Requirements for All Applications: Reference is made to the Title V application that was previously submitted 6/22/04. The ability to reference previously submitted information only applies to a Title V permit revision provided that the required information has been previously submitted within the past five years. Because this is a construction permit revision that will be allowing modifications to existing operations, the information required by this section of the application must be submitted in order to detail any changes as a result of the authorized modifications.
4. Page 12 of the application, Additional Requirements for Air Construction Permit Applications: Box 3, Rule Applicability Analysis was not addressed. This information needs to be provided, especially as it relates to the requested modifications.
5. Regarding the Cooling Tower: The information submitted states that the new cooling tower will be a like kind replacement with the exception that the drift and evaluation percent of flow will be reduced from 2.4% to 2.1%. What is different about the new cooling tower that will provide the reduced drift? Explain the difference in design drift reduction (2.4% to 2.1%) and the estimated drift reduction (2% vs. 0.005%), and what effect these changes have on actual emissions from the cooling tower.
6. Regarding the SNCR: Provide a description of the location of the urea injection ports, the degree of mixing that can be expected at the injection locations, and how the controller will adjust the injection rates/number of injectors required based on load changes. How will the proposed 5ppm ammonia slip emission rate (24 hour average) be monitored? The application states that the SNCR system is designed to remove 25% of the NO_x from the exhaust stream with a guarantee of 20% reduction. Based on the design and the location of the injection ports, is 25% reduction the maximum that can ever be achieved, or could a greater reduction be achieved if needed in the future? The application also states that the SNCR system is designed for 25% removal "when operating". Does that imply that The SNCR system will be operated at will, or that it will always be operating when the proper temperature is reached in the boiler?

The above comments require a written response to the Department within ninety days of receipt of this notice unless additional time is requested pursuant to Rule 62-213.420(1)(b)6., F.A.C.

If you should have any questions, please contact Jonathan Holtom, P.E., at (850) 921-9531, or me at (850) 921-9515.

Sincerely,



James K. Pennington, P.E.
Administrator
North Permitting Section

JKP/jh

CC: Mr. Gregory N. Terry, P.E., Gulf Power Company
Mr. G. Dwain Waters, Gulf Power Company
Ms. Sandra Veazey, DEP, Northwest District Office (E-mail)
Mr. Greg Worley, U.S. EPA Region 4 (E-mail)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 		A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>James Blakey</i>	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
Mr. Gene L. Ussery, Jr. Gulf Power Company One Energy Place Pensacola, Florida 32520-0100		<i>JAMES BLAKEY</i>	
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No	
7001 1140 0002 1578 2335		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, August 2001		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Domestic Return Receipt		102595-02-M-1540	

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)										
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7001 1140 0002 1578 2335	<table border="1"> <tr> <td>Postage</td> <td>\$</td> <td rowspan="4" style="vertical-align: middle;"> <i>Delivered Under 2, 11/7/05</i> Postmark Here </td> </tr> <tr> <td>Certified Fee</td> <td></td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Restricted Delivery Fee (Endorse)</td> <td></td> </tr> </table>	Postage	\$	<i>Delivered Under 2, 11/7/05</i> Postmark Here	Certified Fee		Return Receipt Fee (Endorsement Required)		Restricted Delivery Fee (Endorse)	
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One Energy Place										
Pensacola, Florida 32520-0100										
Street, or PO 1										
City, State, ZIP										
PS Form 3800, January 2001										
See Reverse for Instructions										

SECTION 4. APPENDIX CF
CITATION FORMATS

The following examples illustrate the format used in the permit to identify applicable permitting actions and regulations.

Old Permit Numbers

Example: Permit No. AC50-123456 or Air Permit No. AO50-123456

Where: "AC" identifies the permit as an Air Construction Permit
"AO" identifies the permit as an Air Operation Permit
"123456" identifies the specific permit project number

New Permit Numbers

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: "099" represents the specific county ID number in which the project is located
"2222" represents the specific facility ID number
"001" identifies the specific permit project
"AC" identifies the permit as an air construction permit
"AF" identifies the permit as a minor federally enforceable state operation permit
"AO" identifies the permit as a minor source air operation permit
"AV" identifies the permit as a Title V Major Source Air Operation Permit

PSD Permit Numbers

Example: Permit No. PSD-FL-317

Where: "PSD" means issued pursuant to the Prevention of Significant Deterioration of Air Quality
"FL" means that the permit was issued by the State of Florida
"317" identifies the specific permit project

Florida Administrative Code (F.A.C.)

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

Agreement

On August 28, 2002, Gulf Power Company and the Florida Department of Environmental Protection entered into an agreement titled, "Agreement for the Purpose of Ensuring Compliance with the Ozone Ambient Air Quality Standards". Throughout the permit, this is cited as the "Agreement".

SECTION 4. APPENDIX GC
GENERAL CONDITIONS

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
 - a. Have access to and copy and records that must be kept under the conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of non-compliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida

SECTION 4. APPENDIX GC
GENERAL CONDITIONS

Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - a. Determination of Best Available Control Technology (not applicable to project);
 - b. Determination of Prevention of Significant Deterioration (not applicable to project); and
 - c. Compliance with New Source Performance Standards (not applicable to project).
14. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 - 1) The date, exact place, and time of sampling or measurements;
 - 2) The person responsible for performing the sampling or measurements;
 - 3) The dates analyses were performed;
 - 4) The person responsible for performing the analyses;
 - 5) The analytical techniques or methods used; and
 - 6) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SECTION 4. APPENDIX NA
NO_x AGREEMENT

One Energy Place
Pensacola, Florida 32520
Tel 850.444.6111



August 29, 2002

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0870

020943 - E1

Dear Ms. Bayo:

Enclosed are an original and fifteen copies of the Petition for Approval of FDEP/Gulf Power Company Agreement Pursuant to Section 366.8255(1)(d)7 of the Florida Statutes for Purposes of Cost Recovery of the Related Expenditures and Expenses through the Environmental Cost Recovery Clause.

Also enclosed is a 3.5 inch double sided, high density diskette containing the Petition in Microsoft Word format as prepared on a Windows NT based computer.

Sincerely,

A handwritten signature in cursive script that reads "Susan D. Ritenour".

Susan D. Ritenour
Assistant Secretary and Assistant Treasurer

lw

cc: Beggs and Lane
Jeffrey A. Stone, Esquire

DOCUMENT NUMBER DATE
J9191 AUG 30 8
FPSC-COMMISSION CLERK

SECTION 4. APPENDIX NA
NO_x AGREEMENT

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for approval of FDEP/Gulf Power agreement pursuant to Section 366.8255(1)(d)7 of the Florida Statutes for purposes of cost recovery of the related expenditures and expenses through the Environmental Cost Recovery Clause.

Docket No. 02 _____-EI
Date Filed: August 30, 2002

PETITION FOR APPROVAL OF FDEP/GULF POWER AGREEMENT PURSUANT TO SECTION 366.8255(1)(d)7 OF THE FLORIDA STATUTES FOR PURPOSES OF COST RECOVERY OF THE RELATED EXPENDITURES AND EXPENSES THROUGH THE ENVIRONMENTAL COST RECOVERY CLAUSE

GULF POWER COMPANY ("Gulf Power", "Gulf", or "the Company"), by and through its undersigned counsel, and pursuant to Section 366.8255(1)(d)7 of the Florida Statutes as amended during the 2002 Florida legislative session and Florida Public Service Commission ("Commission") Order Nos. PSC-94-0044-FOF-EI and PSC-94-1207-FOF-EI, hereby petitions this Commission for approval of the "Agreement for the Purpose of Ensuring Compliance with Ozone Ambient Air Quality Standards" ("Ozone Agreement") entered into on August 28, 2002 between the Florida Department of Environmental Protection ("FDEP") and Gulf Power as a new program for cost recovery through the Environmental Cost Recovery Clause ("ECRC"). As grounds for the relief requested by this petition, the Company would respectfully show:

(1) Notices and communications with respect to this petition and docket should be addressed to:

Jeffrey A. Stone
Russell A. Badders
Beggs & Lane
P. O. Box 12950
Pensacola, FL 32591-2950

Susan D. Ritenour
Assistant Secretary and Assistant Treasurer
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

SECTION 4. APPENDIX NA
NO_x AGREEMENT

(2) Gulf is a corporation with its headquarters located at 500 Bayfront Parkway, Pensacola, Florida 32501. The Company is an investor-owned electric utility operating under the jurisdiction of this Commission.

(3) Gulf owns and operates the Crist Plant generating facility in Escambia County, Florida. This plant generates electricity for the consuming public through the combustion of fossil fuels. The combustion of fossil fuels produces nitrogen oxides ("NO_x"), which are some of the precursor compounds that contribute to the formation of ozone in the ambient air. The Crist Plant currently satisfies all federal and state air emissions requirements, including those applicable to NO_x.

(4) Under the authority of the Clean Air Act, the United States Environmental Protection Agency ("USEPA") promulgated regulations dealing with air quality, including ambient air quality standards designed to protect human health and welfare. One such regulation places a limit on the amount of ozone that is considered to be acceptable in the ambient air during any 8-hour period ("Ozone Standard"). Based upon the best available information, including ambient air quality monitoring data, FDEP does not expect Escambia and Santa Rosa Counties to be in compliance with the Ozone Standard in 2004/2005 unless significant reductions of emissions of ozone precursor compounds are achieved in the Pensacola, Florida Metropolitan Planning Area ("PFMPA").

(5) In its 2002 session, the Florida legislature adopted amendments to section 366.8255(1)(d) of the Florida Statutes to provide that an electric utility may seek recovery of costs and expenses prudently incurred pursuant to a voluntary agreement with FDEP or USEPA, for the purpose of ensuring compliance with ozone ambient air quality standards. The

SECTION 4. APPENDIX NA
NO_x AGREEMENT

legislation, which was sponsored in the Florida House by Representative Jerry Maygarden of Pensacola and in the Florida Senate by Senator Charlie Clary of Destin, and was supported during the legislative session by FDEP Secretary David Struhs and Florida Governor Jeb Bush, was signed into law by Governor Bush on May 23, 2002. In order to qualify for recovery through the ECRC, the agreement between the electric utility and the qualifying environmental agency for the purpose of ensuring compliance with ozone ambient air quality standards must be entered into on or after May 23, 2002 and prior to October 1, 2002.

(6) Representatives of FDEP and Gulf have met and arrived at a mutual agreement in furtherance of the purposes of Section 366.8255(1)(d)7 of the Florida Statutes as amended by Chapter 2002-276 of the Laws of Florida. A copy of the resulting Ozone Agreement, which was signed by the parties on August 28, 2002, is attached to and made a part of this petition as Appendix A.

(7) The Ozone Agreement calls for Gulf Power to make changes in its equipment and/or operations at Plant Crist. Such changes are designed to reduce the overall NO_x emission rate at the plant as part of a community wide effort to reduce ozone precursor compounds in the PFMPA. When fully implemented, the Ozone Agreement will limit the overall 30 day average NO_x emission rate at Plant Crist to 0.2 lbs./mmbtu year-round except for periods in which Crist Unit No. 7 ("Crist 7") is offline.¹ The predominant change envisioned by the agreement is the

¹ As the largest and most efficient of seven generating units at Plant Crist, Crist 7 is generally the economic choice to be operated. Whenever Crist 7 is offline, there is a greater reduction in NO_x emissions than would otherwise result from operating Crist 7 with the new SCR. Since NO_x reduction is the goal, the Ozone Agreement recognizes that the emission rate limit is not necessary when Crist 7 is not operating.

SECTION 4. APPENDIX NA
NO_x AGREEMENT

addition of Selective Catalytic Reduction (“SCR”) technology to Crist 7 by May 1, 2005.² In addition to the NO_x emission reductions that will occur as a result of the installation and operation of the Crist 7 SCR project, the Ozone Agreement also calls for further reductions in NO_x emissions through the addition of NO_x reduction technologies on one or more of the other coal-fired units at Plant Crist. The selection and installation of one or more additional NO_x reduction technologies for one or more of the other units will follow engineering studies conducted as part of the Ozone Agreement.³ The engineering studies contemplated by the Ozone Agreement are intended to produce unit specific cost and performance data that will allow Gulf to make a decision between various alternatives based on the relative cost-effectiveness of each technology. To augment the NO_x reductions envisioned from the addition of the NO_x reduction technologies discussed above, the Ozone Agreement also calls for the retirement of the three oldest Crist generating units (Crist 1, Crist 2 and Crist 3) by May 1, 2006.

(8) As shown in the graph set forth in Appendix B to this petition, the annual NO_x emission reductions envisioned by the Ozone Agreement, as compared to 1999 baseline data, are equivalent to a result that could otherwise be achieved by the installation of SCR technology on both Crist 7 and Crist 6. The flexibility to study other alternatives for achieving an overall plant

² Due to structural interference and performance concerns for the new SCR, the Ozone Agreement also calls for a new Crist 7 precipitator to be constructed at a new location in order to allow the new SCR to be built in the location of the old Crist 7 precipitator. The new SCR will be completed one year after construction of the new precipitator is completed.

³ The deadline for installing other selected NO_x reduction technologies is May 1, 2006 unless the cost effective choice is determined to be SCR technology for Crist 6. If SCR for Crist 6 is selected, the deadline for installation will be December 31, 2007. The Ozone Agreement calls for Gulf to obtain written concurrence from FDEP before implementing NO_x reduction technology or technologies on one or more of the remaining coal-fired units at Plant Crist. The written concurrence from FDEP will specify that the use of the selected technology or technologies is reasonable and necessary to achieve the overall plantwide emission rate of 0.2 lbs/mmbtu specified in the Ozone Agreement.

SECTION 4. APPENDIX NA
NO_x AGREEMENT

wide btu weighted average NO_x emission rate of 0.2 lbs/mmbtu may allow Gulf to avoid the cost of installing SCR technology on Crist 6 for a net savings of as much as \$50 million or more.

(9) Gulf seeks approval of the Ozone Agreement as an environmental compliance program/activity appropriate for recovery through the ECRC pursuant to the amendments to the Florida Statutes contained in Chapter 2002-276 of the Laws of Florida. This new program is appropriate for ECRC recovery based on the provisions of Section 366.8255(1)(d)7 of the Florida Statutes and the prior orders of the Commission implementing the ECRC.

(10) The Company's expenses and/or expenditures associated with the activities discussed in the Ozone Agreement are not recovered through any other cost recovery mechanism or through base rates. These new activities were not included in the Company's last test year forecast upon which its current base rates were established. As a result, the expenditures and/or expenses associated with these activities will be incurred separate and apart from the expenditures and/or expenses for activities that were approved in the Company's last test year forecast upon which rates are based.

(11) Gulf is not requesting a change in the ECRC factors as part of this petition. The projected expenditures and expenses will be reflected in subsequent true-up and/or projection filings submitted as part of the ongoing docket addressing the ECRC. The actual expenditures made and expenses incurred by the Company will be addressed in subsequent ECRC filings and will be subject to audit.

SECTION 4. APPENDIX NA
NO_x AGREEMENT

(12) The parties to the Ozone Agreement acknowledge that the NO_x reduction activities identified therein are conditioned upon timely approval by this Commission for cost recovery through the ECRC. Given that substantial expenditures must be undertaken early in 2003 in order to meet the deadlines set forth in the Ozone Agreement, it is imperative that Gulf obtain an order from this Commission authorizing Gulf to recover the costs incurred pursuant to this agreement through the Environmental Cost Recovery Clause that is rendered final within 90 days of the execution of the agreement.⁴ If a final order is not rendered within 90 days of the date of execution of this agreement, the parties concur that the dates and schedules set forth in the Ozone Agreement are subject to revision solely by mutual agreement of the parties in order to allow Gulf to move forward with the activities described therein above pending a final order by the FPSC. If a final order is not rendered within 120 days of execution of this agreement, the entire agreement automatically becomes null and void unless extended by mutual written agreement of the parties within 30 days thereafter. The net effect of these provisions is that delay in final rendition of an order approving the request made by this petition beyond the end of this year will either result in delay of the NO_x emission reductions contemplated by the Ozone Agreement or cancellation of the agreement altogether. Either result will frustrate the intent underlying enactment of Chapter 2002-276 of the Laws of Florida which is to enable communities such as the PFMPA to avoid becoming classified as non-attainment areas for ozone ambient air quality standards with the consequential effects that may include imposition of emission caps that could limit expansion of business and industry, addition of required vehicle emission testing, and federal road funding cutbacks. As a result, Gulf respectfully requests that

⁴ A final order is one that is no longer subject to review or appeal by a court of competent jurisdiction.

SECTION 4. APPENDIX NA
NO_x AGREEMENT

the Commission take this petition up for consideration as Proposed Agency Action at the earliest opportunity. Towards that end, Gulf respectfully suggests that a Commission decision on this petition as Proposed Agency Action at the Commission Conference scheduled for October 1, 2002 followed by expedited entry of a PAA order would allow the traditional 21 day period for substantially affected parties to request a hearing to run in time for the Commission to hold a hearing, if requested, on November 20-22, 2002 as part of the proceedings in Docket No. 020007-EI related to the ECRC. Absent a request for hearing, such a PAA order will become final and begin the time for a substantially affected party to file a notice of appeal. If no such notice is filed, the resulting order will be rendered final and no longer subject to review or appeal within the deadlines specified by the Ozone Agreement. If a request for hearing is filed by an appropriate party, a Commission decision could still be issued and made final in the absence of an appeal before the Ozone Agreement would be rendered null and void by its own terms.

WHEREFORE, Gulf Power Company respectfully requests the Commission to approve the "Agreement for the Purpose of Ensuring Compliance with Ozone Ambient Air Quality Standards" entered into on August 28, 2002 between the Florida Department of Environmental Protection and Gulf Power Company and the costs associated therewith for recovery through the

SECTION 4. APPENDIX NA
NO_x AGREEMENT

Environmental Cost Recovery Clause consistent with this petition, and that such approval and authorization be set forth in a Proposed Agency Action order issued by the Commission at the earliest practical opportunity or grant such other relief as is just and reasonable.

Respectfully submitted the 29th day of August, 2002.



JEFFREY A. STONE

Florida Bar No. 325933

RUSSELL A. BADDERS

Florida Bar No. 7455

Beggs & Lane

501 Commendencia Street

P. O. Box 12950

Pensacola, Florida 32591-2950

(850) 432-2451

Attorneys for Gulf Power Company

SECTION 4. APPENDIX NA
NO_x AGREEMENT

Appendix A

**AGREEMENT FOR THE PURPOSE OF ENSURING
COMPLIANCE WITH OZONE AMBIENT AIR
QUALITY STANDARDS**

This agreement is entered into by the Florida Department of Environmental Protection (DEP) and Gulf Power Company (GULF), for the exclusive purposes as follows: (a) ensuring that GULF's electrical generating facility located within the Pensacola, Florida Metropolitan Planning Area (PFMPA) supports the Area's compliance with the eight hour ozone ambient air quality standard and (b) authorizing related cost recovery pursuant to Section 366.8255(1)(d) of the Florida Statutes as amended by the Florida Legislature in its 2002 session and signed into law by the Governor of the State of Florida.

WHEREAS:

I. GULF owns and operates the Crist Plant electrical generating facility in Escambia County, Florida. This plant generates electricity for the consuming public through the combustion of fossil fuel. The combustion of fossil fuels produces some of the precursor compounds that contribute to the formation of ozone in the ambient air.

II. Under the authority of the Clean Air Act, the U. S. Environmental Protection Agency (EPA) promulgated regulations dealing with air quality, including ambient air quality standards designed to protect human health and welfare. One such regulation places a limit on the amount of ozone that is considered to be acceptable in the ambient air during any 8-hour period (Ozone Standard).

III. Based upon the best available information, including ambient air quality monitoring data, DEP does not expect Escambia and Santa Rosa Counties to be in compliance with the Ozone Standard in 2004/2005 unless significant reductions of emissions of ozone precursor compounds are achieved in the Pensacola, Florida Metropolitan Planning Area.

IV. In its 2002 session, the Florida legislature adopted amendments to section 366.8255(1)(d) of the Florida Statutes to provide that an electric utility may seek recovery of costs and expenses prudently incurred pursuant to a voluntary agreement with DEP or EPA, for the purpose of ensuring compliance with ozone ambient air quality standards.

V. Representatives of DEP and GULF have met and arrived at a mutual agreement in furtherance of the purposes of Section 366.8255(1)(d)7 of the Florida Statutes as amended during the 2002 Florida legislative session.

VI. DEP and GULF concur that installation of Selective Catalytic Reduction (SCR) controls at Crist Unit #7 as well as the implementation of other NO_x reduction

SECTION 4. APPENDIX NA
NO_x AGREEMENT

technologies on one or more of the other three coal-fired generating units at Plant Crist will be needed as part of a community wide effort to reduce ozone precursor compounds in the Pensacola Metropolitan Planning Area. Due to structural interference and performance concerns for the new SCR, a new Unit #7 precipitator will also be constructed at a new location and the SCR will be completed one year later in the location of the old Unit #7 precipitator.

VII. It is anticipated that the implementation of this agreement will result in an approximately 61% reduction [9,188 tons] in annual NO_x emissions from the GULF Crist Plant based upon 1999 baseline data.

NOW THEREFORE, in consideration of the premises and the mutual agreements contained herein, and intending to be legally bound, the DEP and GULF hereby agree as follows:

1. By May 1, 2005, GULF, after obtaining necessary permits and approvals, will install and begin and continue operating an SCR system at Crist Unit #7 whenever the Crist Unit #7 is online. The SCR system is designed to achieve no less than an 85% reduction in the quantity of nitrogen oxides as measured at the SCR unit inlet (SCR Project). The SCR Project includes the installation of a new precipitator necessary to structurally accommodate installation of the SCR. See Exhibit "A" for proposed project schedule.
2. In addition to the Crist Unit #7 SCR Project, and in order to achieve an overall plant wide Btu weighted average of 0.2 lbs/mmbtu NO_x emission rate as further specified in paragraph 3 below, Gulf agrees to conduct engineering studies on the feasibility of other NO_x reduction technologies on one or more of the remaining three coal-fired units at Plant Crist. Such studies and related unit specific demonstration projects may include (but are not limited to) SCR, Selective Non-Catalytic Reduction (SNCR) technology, Over-Fired Air (OFA) technology, natural gas reburn technology, selective use of biomass fuel, etc. Gulf further agrees to complete these studies by May 1, 2005. In the event GULF identifies an SCR project for Crist Unit #6 as the NO_x reduction technology, GULF will implement, begin and continue operating the SCR on Crist Unit #6 as described in paragraph 3 below by December 31, 2007. In the event GULF identifies a NO_x reduction technology other than SCR on Crist Unit #6, GULF will select and implement one or more NO_x reduction technologies on one or more of the three other Plant Crist coal-fired units by May 1, 2006. GULF will obtain written concurrence from DEP, before implementing such NO_x reduction technology or technologies, that the use thereof is reasonable and necessary to achieve the overall plantwide emission rate of 0.2 lbs/mmbtu specified in paragraph 3 below.

SECTION 4. APPENDIX NA
NO_x AGREEMENT

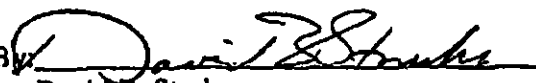
3. GULF will make necessary changes identified and within the timeframes set forth in paragraph 2 above, that will allow it to limit the overall 30 day average NO_x emission rate at the Crist Plant to 0.2 lbs./mmbtu year-round except for periods in which Crist Unit #7 is offline. The emission rate shall be calculated pursuant to the formula set forth in Exhibit "B" to this agreement. While Crist Unit #7 is online, this 0.2 lbs./mmbtu will be achieved by utilizing the SCR system on Crist Unit #7 [discussed in paragraph 1 above] and the controls identified pursuant to paragraph 2 above. During such time as Crist Unit #7 may be offline between May 1 and September 15, GULF agrees to operate any NO_x reduction technology or technologies DEP may have determined to be reasonable and necessary at other Plant Crist coal-fired units, pursuant to paragraph 2 above, unless prevented from doing so by circumstances beyond its reasonable control.
4. In addition to the NO_x emission rate reduction strategies implemented pursuant to paragraphs 1 through 3 above, as a further part of this agreement to support the PFMPA's compliance with the eight hour ozone ambient air quality standard, GULF agrees to retire Crist Unit #1 within 120 days of receiving a final order from the Florida Public Service Commission as provided in paragraph 8 below. In addition, GULF further agrees to retire Crist Unit #2 and Crist Unit #3 on or before May 1, 2006.
5. In the event state or federal law changes to require a change in NO_x emissions or the PFMPA is declared non-attainment for ozone, any reduction requirements would be in accordance with all applicable state and federal requirements. In addition, although Florida currently has no state statute providing for NO_x trading or credits, GULF shall be entitled to retain all NO_x reduction credits and trading rights that may be authorized by Florida law in the future.
6. In the event the FPSC issues a final order authorizing GULF to recover costs incurred pursuant to this agreement, by July 5, 2004, GULF will submit a Title V renewal application to the Department's Bureau of Air Regulation, 2600 Blair Stone Rd, MS 5500, Tallahassee, FL 32399 to incorporate the control technologies contained in this agreement as well as the NO_x emission rate as described in paragraphs 1 through 3 above. DEP concurs that the changes envisioned by this agreement will not constitute "modifications" that trigger New Source Review.
7. DEP concurs that the steps and changes described in paragraphs 1 through 4 above are prudent for purposes of (a) ensuring that GULF's electrical generating facility located within the PFMPA supports the Area's compliance with the eight hour ozone ambient air quality standard and (b) authorizing

SECTION 4. APPENDIX NA
NO_x AGREEMENT

related cost recovery pursuant to Section 366.8255(1)(d) of the Florida Statutes as amended by the Florida Legislature in its 2002 session and signed into law by the Governor of the State of Florida.

8. This agreement is based upon the assumption that an order from the Florida Public Service Commission (FPSC) authorizing GULF to recover the costs incurred pursuant to this agreement through the Environmental Cost Recovery Clause is rendered final (final order) within 90 days of the execution of the agreement. A final order is one that is no longer subject to review or appeal by a court of competent jurisdiction. If a final order is not rendered within 90 days of the date of execution of this agreement, the parties concur that the dates and schedules herein are subject to revision solely by mutual agreement, in order to allow GULF to move forward with the activities described in paragraphs 1-4 above pending a final order by the FPSC. Gulf will exercise good faith in seeking approval of such cost recovery from the FPSC in a timely manner. DEP will support the efforts of GULF before the FPSC and in any subsequent review or appeal. If a final order is not rendered within 120 days of execution of this agreement, the entire agreement shall automatically become null and void unless extended by mutual written agreement of the parties within 30 days thereafter.
9. This agreement shall bind the parties hereto and those whom they represent and may be modified only in writing with the consent of both parties.
10. This agreement is entered into and effective on the date of the last signature of the parties below.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: 
David B. Struhs
Secretary

Date: August 28, 2002

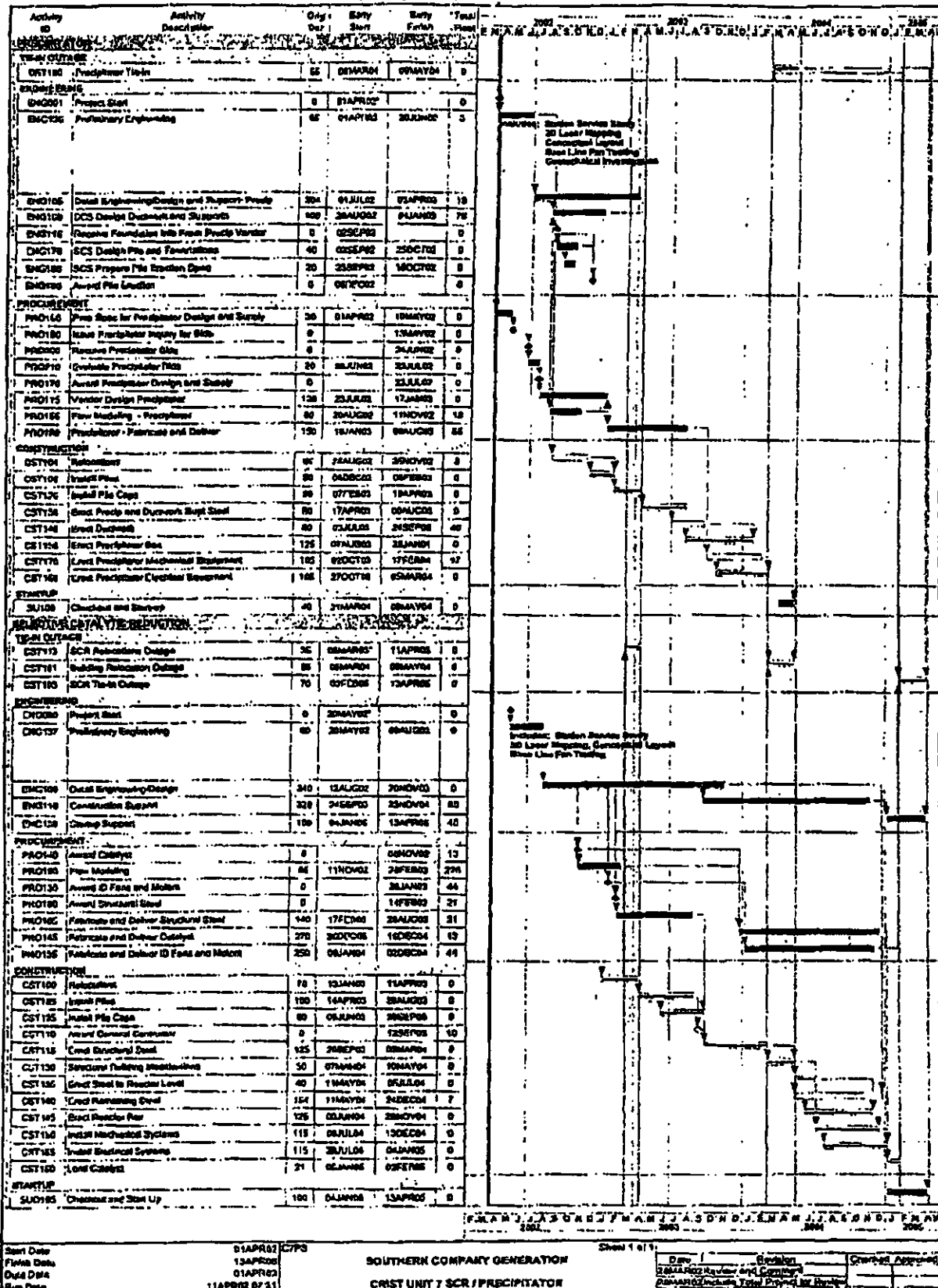
GULF POWER COMPANY

By: 
Thomas A. Fanning
President and Chief Executive Officer

Date: August 28, 2002

SECTION 4. APPENDIX NA
NO_x AGREEMENT

EXHIBIT "A"



**AGREEMENT FOR THE PURPOSE OF ENSURING
COMPLIANCE WITH OZONE AMBIENT AIR
QUALITY STANDARDS**

Exhibit "B"

Gulf will measure its compliance with the emission rate limit set forth in paragraph 3 of this agreement by determining the Plant Crist NO_x emission rate, when Crist Unit #7 has operated for 30 sequential days (which need not be consecutive) on a generating unit-specific btu weighted average basis pursuant to the following formula:

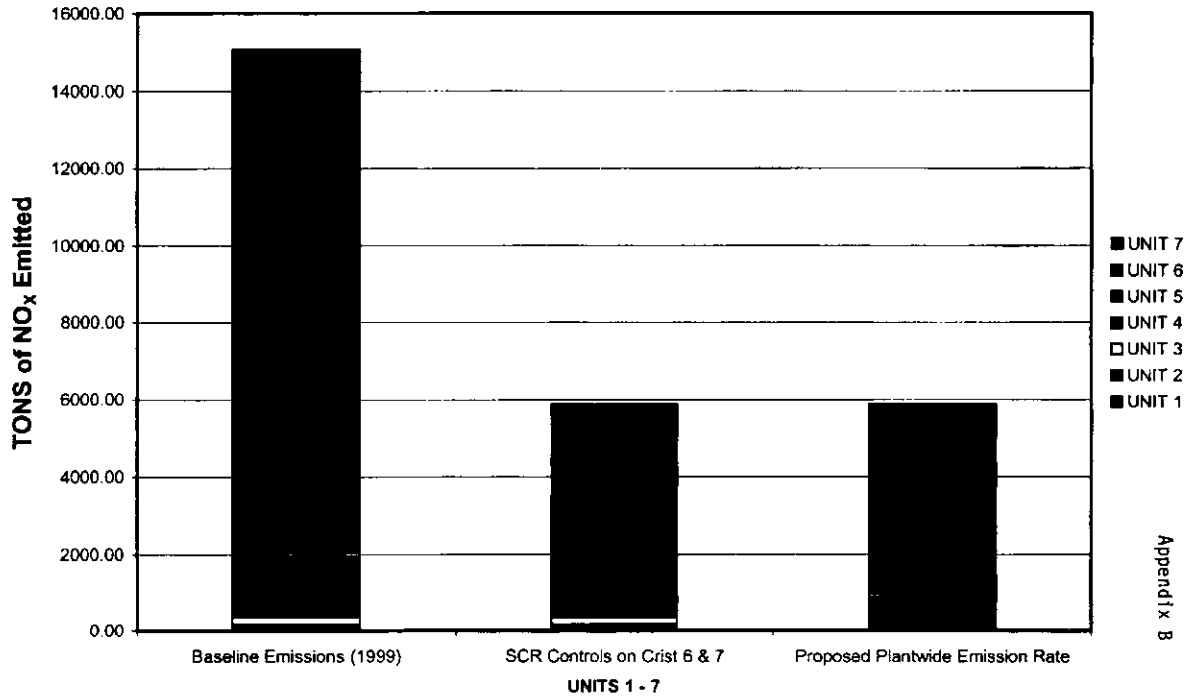
$$\begin{array}{l} \text{plant wide} \\ \text{daily} \\ \text{mmbtu} \\ \text{weighted} \\ \text{NO}_x \text{ rate} \end{array} = \frac{\sum_{\substack{\text{Units} \\ 4, 5, 6, 7}} \left[\left(\text{Unit \# daily mmbtu} \right) \times \left(24 \text{ hour avg unit \# NO}_x \text{ CEMs rate} \right) \right]}{\sum_{\substack{\text{Units} \\ 4, 5, 6, 7}} \left(\text{Unit \# daily mmbtu} \right)}$$

For the purposes of this calculation, a Crist Unit #7 operating day means any calendar day that Crist Unit #7 is online a minimum of 18 hours.

Unit # daily mmbtu (heat input) in the foregoing formula is determined by Plant Crist's daily as-burned fuel analysis

SECTION 4. APPENDIX NA
NO_x AGREEMENT

Comparison of Crist Plant Emission Reduction Alternatives



Appendix B

SECTION 4. APPENDIX NA

NO_x AGREEMENT

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of FDEP/Gulf)
Power agreement pursuant to Section)
366.8255(1)(d)7 of the Florida Statutes for)
purposes of cost recovery of the related)
expenditures and expenses through the)
Environmental Cost Recovery Clause.)
_____)

Docket No. 02____-EI

Certificate of Service

this 29th day of August 2002 by U.S. Mail or hand delivery to the following:

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SECTION 4. APPENDIX SC
STANDARD CONDITIONS

{Permitting Note: Unless otherwise specified by permit or rule, the following conditions apply to all emissions units and activities at this facility.}

EMISSIONS AND CONTROLS

1. **Plant Operation - Problems:** If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. **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.]
3. **Excess Emissions Allowed:** Unless otherwise specified in the permit, excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
4. **Excess Emissions Prohibited:** Excess emissions caused 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. [Rule 62-210.700(4), F.A.C.]
5. **Excess Emissions - Notification:** In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program 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.]
6. **Objectionable Odor Prohibited:** No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(203), F.A.C.]
7. **General Visible Emissions:** Unless otherwise specified in the permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20 percent opacity. [Rule 62-296.320(4)(b)1, F.A.C.]
8. **Unconfined Particulate Emissions:** During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

TESTING REQUIREMENTS

9. **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 two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]
10. **Operating Rate During Testing:** Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted

SECTION 4. APPENDIX SC
STANDARD CONDITIONS

capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate 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 purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]

11. **Calculation of Emission Rate:** For each emissions performance test, 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.]
12. **Test Procedures:** Tests shall be conducted in accordance with all applicable requirements of Chapter 62-297, F.A.C.
 - a. **Required Sampling Time.** 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. The minimum observation period for a visible emissions compliance test shall be thirty (30) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur.
 - b. **Minimum Sample Volume.** Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.
 - c. **Calibration of Sampling Equipment.** Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C.

[Rule 62-297.310(4), F.A.C.]

13. **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.]

14. **Sampling Facilities:** The permittee shall install permanent stack sampling ports and provide sampling facilities that meet the requirements of Rule 62-297.310(6), F.A.C.
15. **Test Notification:** 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. [Rule 62-297.310(7)(a)9, F.A.C.]
16. **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 shall 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. [Rule 62-297.310(7)(b), F.A.C.]
17. **Test Reports:** 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. 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. 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:

SECTION 4. APPENDIX SC
STANDARD CONDITIONS

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.]

RECORDS AND REPORTS

18. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2, F.A.C.]
19. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(2), F.A.C.]