



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

September 12, 2008

Sent by Electronic Mail, Received Receipt Requested

Mr. Byron T. Burrows, Manager – Air Programs
Environmental, Health & Safety
Tampa Electric Company
P.O. Box 111
Tampa, Florida 33601-0111

Re: Tampa Electric Company – Big Bend Station
Facility ID No. 0570039
Approval of Receiving Coal by Trucks
Exemption from Requirement to Obtain Air Construction Permit

Dear Mr. Burrows:

On September 10, 2008 (via e-mail), Environmental Protection Commission received your request for one-time relief to allow Tampa Electric Company to receive coal by rail using the Kinder Morgan Terminal and ultimately transfer the coal by trucks to the Big Bend Station fuel yard.

As stated in your request, this requirement is necessitated due to the temporary shutdown of the United Bulk Terminal in Southern Louisiana due to Hurricane Gustav and the impending Hurricane Ike. This is the terminal where all of Tampa Electric's coal is trans-loaded from river barges to Ocean going Vessels. The Big Bend Station is currently permitted to receive coal only from waterborne transportation. In an effort to continue to provide power service to its customers throughout Florida, coal can be delivered in trains from Illinois during the next several weeks to the Kinder Morgan Terminal for discharge and reload into trucks for delivery to Big Bend Station. Four unit trains of coal with a total capacity of 40,000 tons will be delivered to the Kinder Morgan Terminal. From there, the coal will be delivered to the Big Bend Station fuel yard via trucks.

Each truck capacity is 25 tons; therefore a total of 1,600 trucks will be used to transfer coal to Big Bend Station. The delivery by trucks will take place at intervals over the next several weeks. The Big Bend Station will receive and consume the coal using the existing hopper and conveyor system in the fuel yard. This operation will not cause exceedance of any throughput limits. Particulate matter is the only pollutant of concern. Emission estimates based on throughput will be less than two tons.

Determination: Based on the above discussion, the Department approves your request for one-time relief to transfer 40,000 tons of coal in trucks from the Kinder Morgan Terminal to the Big Bend Station fuel yard. All other permit requirements of *Subsection H- Solid Fuel Yard* per Title V Permit No. 0570039-028-AV shall apply. Pursuant to Rule 62.4.040(1)(b), F.A.C., the Bureau of Air Regulation determines that the activity will not emit air pollutants, "... in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified." Therefore, the project is exempt from the requirement to obtain an air construction permit. This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

NOTICE OF EXEMPTION FROM AIR CONSTRUCTION PERMITTING

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Petitions: 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 with (received by) the agency clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions must be filed within 21 days of receipt of this written notice of exemption from air permitting requirements. 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 (in a proceeding initiated by another party) 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 when and how each petitioner received notice of the agency action or proposed decision; (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, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 written notice. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Permitting Authority unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Permitting Authority.

NOTICE OF EXEMPTION FROM AIR CONSTRUCTION PERMITTING

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.


Trina Vielhauer, Chief
Bureau of Air Regulation

TLV/sa

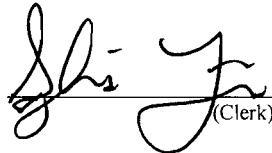
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Exemption from Air Construction Permitting was sent by electronic mail with received receipt requested before the close of business on 9/12/08 to the persons listed below.

- Mr. Byron T. Burrows, Tampa Electric Company (btburrows@tecoenergy.com)
- Mr. Andrew Thuy Nguyen, Tampa Electric Company (atnguyen@tecoenergy.com)
- Mr. Jerry Campbell, Hillsborough County Environmental Protection Commission (campbell@epchc.org)
- Ms. Diana Lee, Hillsborough County Environmental Protection Commission, (Lee@epchc.org)
- Ms. Kathleen Forney, U.S. EPA, Region 4 (forney.kathleen@epamail.epa.gov)
- Mr. Mike Halpin, DEP Siting Office (Mike.Halpin@dep.state.fl.us)

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.


(Clerk)

9/12/08
(Date)

Livingston, Sylvia

From: Byron Burrows [btburrows@tecoenergy.com]
Sent: Friday, September 12, 2008 10:58 AM
To: Livingston, Sylvia
Subject: Re: TECO - Big Bend Station 0570039 - Exemption from Requirement to Obtain Air Construction Permit

Received document. Thank you for the prompt attention.

From BlackBerry
Byron Burrows
Mob: 813.230.3445

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

From: "Livingston, Sylvia" <Sylvia.Livingston@dep.state.fl.us>
Cc: Mike Halpin <Mike.Halpin@dep.state.fl.us>
Cc: <forney.kathleen@epamail.epa.gov>
Cc: <campbell@epchc.org>
Cc: <Lee@epchc.org>
To: Byron Burrows <btburrows@tecoenergy.com>
To: Andrew Nguyen <atnguyen@tecoenergy.com>

Sent: 9/12/2008 10:52:08 AM
Subject: TECO - Big Bend Station 0570039 - Exemption from Requirement to Obtain Air Construction Permit

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The document(s) may require immediate action within a specified time frame.

Please open and review the document(s) as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site:

<<http://www.adobe.com/products/acrobat/readstep.html>> .

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record.

Thank you,

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-0771
sylvia.livingston@dep.state.fl.us

<<0570039.pdf>>

The Department of Environmental

Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and

improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of

service you received. Copy the url below to a web browser to complete the DEP

survey:

<http://survey.dep.state.fl.us/?refemail=Sylvia.Livingston@dep.state.fl.us>

Thank you in advance for completing the survey.

Livingston, Sylvia

From: Andrew Nguyen [atnguyen@tecoenergy.com]**Sent:** Friday, September 12, 2008 2:36 PM**To:** Livingston, Sylvia**Subject:** Re: TECO - Big Bend Station 0570039 - Exemption from Requirement to Obtain Air Construction Permit

Thank you!!!

Andrew Thuy Nguyen
Senior Engineer, Air Programs
Environmental, Health & Safety
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601
Phone: 813-228-4654
Fax: 813-228-1308
Cell: 813-309-1341
ATNguyen@TECOenergy.com

>>> "Livingston, Sylvia" <Sylvia.Livingston@dep.state.fl.us> 09/12/2008 10:52 AM >>>

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Thank you,

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-0771
sylvia.livingston@dep.state.fl.us

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The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

9/12/2008

Livingston, Sylvia

From: Campbell, Jerry [Campbell@epchc.org]
Sent: Friday, September 12, 2008 11:52 AM
To: Livingston, Sylvia
Subject: RE: TECO - Big Bend Station 0570039 - Exemption from Requirement to Obtain Air Construction Permit

Got it.

Jerry

From: Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]
Sent: Friday, September 12, 2008 10:52 AM
To: btburrows@tecoenergy.com; atnguyen@tecoenergy.com
Cc: Campbell, Jerry; Lee, Diana; forney.kathleen@epamail.epa.gov; Halpin, Mike
Subject: TECO - Big Bend Station 0570039 - Exemption from Requirement to Obtain Air Construction Permit

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Thank you,

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-0771
sylvia.livingston@dep.state.fl.us

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9/24/2008

Livingston, Sylvania

From: Arif, Syed
Sent: Friday, September 12, 2008 11:23 AM
To: Livingston, Sylvania
Subject: RE: TECO - Big Bend Station 0570039 - Exemption from Requirement to Obtain Air Construction Permit

Thanks!

From: Livingston, Sylvania
Sent: Friday, September 12, 2008 11:22 AM
To: Arif, Syed; Walker, Elizabeth (AIR); Gibson, Victoria
Subject: FW: TECO - Big Bend Station 0570039 - Exemption from Requirement to Obtain Air Construction Permit

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-0771 (temp)
GIC 713
sylvia.livingston@dep.state.fl.us

From: Livingston, Sylvania
Sent: Friday, September 12, 2008 10:52 AM
To: 'btburrows@tecoenergy.com'; 'atnguyen@tecoenergy.com'
Cc: 'campbell@epchc.org'; 'Lee@epchc.org'; 'forney.kathleen@epamail.epa.gov'; Halpin, Mike
Subject: TECO - Big Bend Station 0570039 - Exemption from Requirement to Obtain Air Construction Permit

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Thank you,

Sylvia Livingston
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850/921-0771
sylvia.livingston@dep.state.fl.us

<< File: 0570039.pdf >>