

Law Offices

# HOLLAND & KNIGHT LLP

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July 27, 1998

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JUL 28 1998

BUREAU OF  
AIR REGULATION

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Tampa  
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LAWRENCE N. CURTIN  
850-425-5678

7/28 COPY: AL, HOWARD  
FAX TO IWAN

Mr. Kirby B. Green, III  
Deputy Secretary  
Florida Department of Environmental  
Protection  
3900 Commonwealth Boulevard  
Douglas Building  
Tallahassee, Florida 32399

Re: Tampa Electric Company Big Bend Station Units 1  
and 2; Flue Gas Desulfurization (FGD) System

Dear Kirby:

We received and reviewed your July 15, 1998, letter responding to the request for authorization prior to permit issuance to install permanent structures in support of the flue gas desulfurization system project for Tampa Electric Company's Big Bend Station Units 1 and 2. Prior to receiving your letter, we discussed the matter with Clair Fancy at the Bureau of Air Regulation and we were advised that some concerns existed due to the fact that the proposal outlined in our letter involved the placement of structures that would become a permanent part of the site. Mr. Fancy advised that there was concern that this was not consistent with policies of the United States Environmental Protection Agency (EPA) on this subject.

Since the initial conversations with Mr. Fancy, and prior to receipt of your July 15, 1998, letter, the schedule for the project has been reevaluated and we have determined that it is no longer necessary to begin installation of pilings or other permanent structures associated with the site in order to meet the in-service date for the pollution control devices. This is predicated upon our understanding that the Department intends to expedite review of the permit application.

We have discussed with Mr. Fancy the feasibility of performing limited dewatering activities, limited soil excavation activities, and the temporary installation of sheet pile prior to permit issuance. Mr. Fancy has advised us that it is his view that these activities are not inconsistent with the

Mr. Green  
July 27, 1998  
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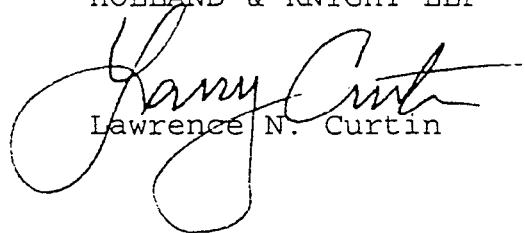
EPA policy on "commencement of construction" and would not be prohibited prior to permit issuance. This, of course, assumes that none of these activities would involve the installation of a permanent structure. It is my understanding that they would not. These activities would constitute limited site preparation activities only.

Based upon our discussions with Mr. Fancy, we intend to proceed with these activities. We understand, of course, that these activities are undertaken at the sole risk of Tampa Electric Company and with the understanding that no decision has yet been made on whether a permit can be issued for the project itself.

We appreciate your assistance in this matter. Please let us know if you have any questions or need additional information.

Sincerely,

HOLLAND & KNIGHT LLP



Lawrence N. Curtin

LNC/jfg

cc: Mr. Clair Fancy, P.E.  
Mr. Gregory M. Nelson

TAL-135437



Best Available Copy

# Department of Environmental Protection

Lawton Chiles  
Governor

Virginia B. Wetherell  
Secretary

July 15, 1998

Mr. Gregory M. Nelson, P.E.  
Manager, Environmental Planning  
Tampa Electric Company  
PO Box 111  
Tampa, FL 33601-0111

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**JUL 22 1998**

**BUREAU OF  
AIR REGULATION**

Re: Big Bend Station Units 1 and 2  
Flue Gas Desulfurization (FGD) System

Dear Mr. Nelson:


We have reviewed your request for a limited authorization to perform work related to construction of the proposed FGD project at Big Bend Station and determined that we cannot accommodate your request. Rule 62-4.030, Florida Administrative Code (F.A.C.), prohibits modification of any existing emissions unit without first receiving a permit. It further specifies that a permitted installation may only be modified in a manner that is consistent with the terms of such a permit. Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C., also reiterate the requirement for construction permits. We view the proposed project as a modification of the existing emissions units at Big Bend Station.

You are correct that Rule 62-4.040, F.A.C., exempts changes that do not change the quality, nature or quantity of air emissions. This rule exemption specifically exempts those changes that are unrelated to the emission of air pollutants. However, the project you are proposing changes the quality and quantity of air emissions. The installation of this air pollution control device will generally reduce emissions. There may be increases of emissions of other pollutants associated with the control equipment operation. Therefore, we must review the permit application in its entirety, with its proposed collateral emissions decreases and increases.

While we cannot authorize construction without first receiving an air construction permit, we understand your concerns regarding the time sensitive nature of your construction project. We can assure you that Department staff will expeditiously review your application. In fact, our staff are currently reviewing the application to assess the applicability of exemption of the project from the Prevention of Significant Deterioration (PSD) preconstruction review requirements as a pollution control project, pursuant to Rule 62-212.400(2)(a)2., F.A.C.

If you have any questions, please call Mr. Clair Fancy, P.E., Chief of the Bureau of Air Regulation at 850/488-0114.

Sincerely,

  
Kirby B. Green, III  
Deputy Secretary

KBG/jk