



Clair DS# 00020

# Department of Environmental Protection

Lawton Chiles  
Governor

Virginia B. Wetherell  
Secretary

July 31, 1998

RECEIVED

AUG 11 1998

BUREAU OF  
AIR REGULATION

Mr. Iwan Choronenko, Director  
Air Management Division  
Hillsborough County Environmental  
Protection Commission  
1410 North 21 Street  
Tampa, Florida 33605

Dear Mr. Choronenko:

Thank you for your letter supporting the request by Tampa Electric Company (TEC) to commence construction on various components of the planned flue gas desulfurization (FGD) system for Big Bend Units 1 and 2.

Per the enclosed letter to TEC, we advised that the Department cannot accommodate the request based on our rules. We require some time to review the application in its entirety with its proposed emissions decreases and any collateral increases. For example, usage of petroleum coke is requested in the application. Also some of the emission allowances accumulated while the scrubber is in operation will likely be used at the same site when it is not in operation or at other facilities.

Enclosed is a letter from Holland and Knight advising us that TEC has determined that it is no longer necessary to begin installation of permanent structures based on the Department's intent to expedite review of the application.

If you have any questions regarding this matter, please call Mr. Clair Fancy at (850)921-9503.

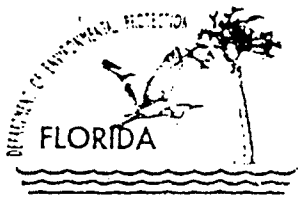
Sincerely,

*Virginia Wetherell*

for Kirby B. Green, III  
Deputy Secretary

Enclosures

KBG/aal



# 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:

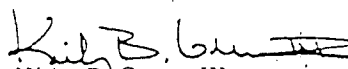
We have reviewed your request for a limited authorization to perform work related to construction of the proposed FGD project at Big Bend Station and determined that we cannot accommodate your request. Rule 62-4.030, Florida Administrative Code (F.A.C.), prohibits modification of any existing emissions 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

Law Offices

# HOLLAND & KNIGHT LLP

315 South Calhoun Street  
Suite 600  
P.O. Drawer 810 (ZIP 32302-0810)  
Tallahassee, Florida 32301

850-224-7000  
FAX 850-224-8832  
<http://www.nklaw.com>

July 27, 1998

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JUL 28 1998

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AIR REGULATION

Atlanta  
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San Francisco  
St. Petersburg  
Tampa  
Washington, D.C.  
West Palm Beach

LAWRENCE N. CURTIN  
850-425-5678

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

7/28 COPY: AL, HOWARD  
FAX TO IWAN

Mr. Green  
July 27, 1998  
Page 2

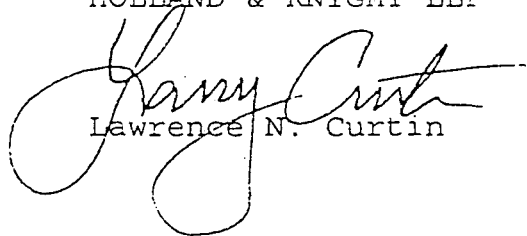
EPA policy on "commencement of construction" and would not be prohibited prior to permit issuance. This, of course, assumes that none of these activities would involve the installation of a permanent structure. It is my understanding that they would not. These activities would constitute limited site 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-1135437

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Deputy Secretary's Correspondence Control

| Correspond Number | Date Received | Date Written | Subject Reference | Date Due |
|-------------------|---------------|--------------|-------------------|----------|
|-------------------|---------------|--------------|-------------------|----------|

DS-00020 07/17/00 07/14/00 TECO Pollution Control Project 08/04/98

Name: Iwan Choronenko, QEP  
Affiliated Organization: TECO Air Management Div.  
Address: 1900 Ninth Avenue

City/State/Zip: Tampa, FL 33605  
Phone: 813/272-5960

AffiliationType: None  
Secretary's Ref:  
Assigned to: Air Resources  
County: Hillsborough  
Category: Pollution  
Rules:

INSTRUCTIONS: Prepare Response for KG  
Prepare in final form, a reply for the signature of Kirby Green.  
COMMENTS: Clair Fancy, Please respond for Kirby Green's signature.

RESPONDED ON: 11

Assigned by Kirby Green, Deputy Secretary Phone: 850-488-7131 SC: 278-7131

~~7/28/98~~ *KZ*

pls prepare response, as you  
did previous memo to me. *Clair*

*Clair*

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BUREAU OF  
AIR REGULATION

I finished this on 7/30, but misplaced  
the Correspondence Control Form. Here it  
is in case Kirby or his  
assistant need it for records. *al*

**COMMISSION**

DOTTIE BERGER  
JOE CHILLURA  
CHRIS HART  
JIM NORMAN  
JAN PLATT  
THOMAS SCOTT  
ED TURANCHIK

**EXECUTIVE DIRECTOR**

ROGER P. STEWART



ADMINISTRATIVE OFFICES, LEGAL &  
WATER MANAGEMENT DIVISION  
1900 - 9TH AVENUE  
TAMPA, FLORIDA 33605  
TELEPHONE (813) 272-5960  
FAX (813) 272-5157

AIR MANAGEMENT DIVISION  
TELEPHONE (813) 272-5530

WASTE MANAGEMENT DIVISION  
TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION  
TELEPHONE (813) 272-7104

July 14, 1998

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

*Clear  
FYI and  
response.  
R*

RE: Tampa Electric Company's (TECO) Pollution Control Project

Dear Mr. Green:

The TECO has submitted an application to install a flue gas desulfurization system to reduce sulfur dioxide emissions from their Big Bend Station Units 1 & 2. In correspondence to the Division of Air Resource Management and in a subsequent letter to you, dated July 2, 1998, TECO has requested authorization to begin limited work on the pollution control system prior to issuance of the final permit. The proposed work is outlined in their correspondence.

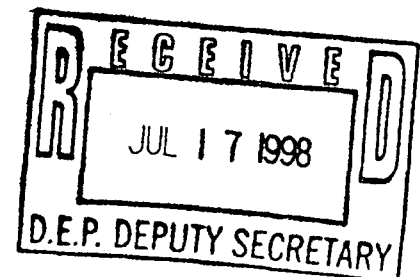
The Environmental Protection Commission staff has quickly reviewed TECO's request and the applicable regulations. Given the nature of the project, we believe it is appropriate to authorize these activities to begin prior to issuance of any final permit. According to the proposal, this project will result in a significant reduction in air pollution in the Tampa Bay area and we are anxious to see that happen.

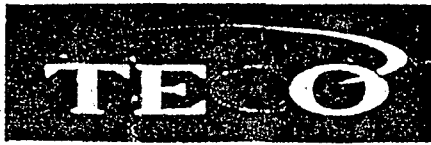
Regardless of your determination of their request, my Air Management Division will continue their detailed review of the total project itself and direct comments to the appropriate Department personnel. Thanks for you attention to this matter and we look forward to hearing from you.

Sincerely,

Iwan Choronenko, QEP  
Director, Air Management Division

cc: Howard Rhodes  
Greg Nelson





TAMPA ELECTRIC  
July 2, 1998

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

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

Dear Mr. Green:

As you know, Tampa Electric Company is proposing to construct an FGD system to remove sulfur dioxide (SO<sub>2</sub>) from the Big Bend Generating Station Units 1 and 2 gas stream prior to release to the atmosphere. The FGD system will result in significant reductions in SO<sub>2</sub> emissions from the Big Bend station.

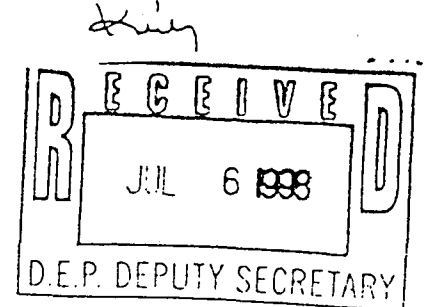
The company is proposing a completion date of January 1, 2000, and permit applications will be submitted to the Bureau of Air Quality Management on July 3, 1998. We previously discussed with you the concept of a limited work authorization that would allow certain activities to begin at the site on July 20, 1998. We have discussed this concept with Howard Rhodes and Clair Fancy as well. Allowing work to proceed on items that are not sources of air emissions prior to completion of permit processing will serve to ensure that the aggressive schedule for completion of the project can be met.

We have reviewed the provisions of Chapter 62, Florida Administrative Code (F.A.C.), and have discussed the matter, as noted above, with various members of the Department. We have concluded that the Department has authority to permit these activities to commence under Rule 62-4.040(1), F.A.C. That section provides as follows:

- (i) The following installations are exempted from the permit requirements of this chapter. The following exemptions do not relieve any installation from any other requirements of Chapter 403, F.S., or rules of the Department. Other installations may be exempted under other chapters of Title 62.
  - (a) Structural changes which will not change the quality, nature or quantity of air and water contaminate emissions or discharges or which will not cause pollution.
  - (b) Any existing or proposed installation which the Department shall determine does not or will not cause the issuance of air or water contaminants 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

70472 Buck over  
Howard Rhodes  
Please review  
and discuss  
with me.

1,2 & 3 not certified  
4 is certified  
62-4



Mr. Kirby B. Green, III  
July 2, 1998  
Page 2 of 2

within the state, so that the regulation thereof is not reasonably justified. . . .

Rule 62-4.040(1)(a) and (b), F.A.C. This rule provides the Department with the discretion to determine that certain activities may not require permitting.

Tampa Electric Company requests that the Department determine, under the rule quoted above, that the following activities are exempt from permitting:

1. Construction of piling for the chimney, absorber area, booster fan and duct work areas, limestone ball mill, and miscellaneous field fabrication tasks.
2. Installation of concrete foundation for the chimney, absorber tower, recycle pumps and support and steel structure, booster fans, and duct work support steel.
3. Construction of the concrete chimney.
4. Construction of the absorber tower shell.

It is our view that the foregoing activities fall within the scope of Rule 62-4.040(1) under either subsection (a), subsection (b), or both. None of these activities, by themselves, will be the source of air or water discharges. Each of these activities is directly related to, and necessary for completion of the installation of the FGD system for Units 1 and 2. As noted above, once that system is in place, there will be a very substantial reduction in SO<sub>2</sub> emissions from the station.

We understand that any activities that commence at the site pursuant to determinations made under Rule 62-4.040, F.A.C., would be at the sole risk of Tampa Electric Company in the event that it was determined, for some reason, that the scrubber project should not move forward.

We will be pleased to provide you with any additional information that you may require. We are also available to meet with you at your convenience to discuss this matter. If you should have any questions, I can be reached at (813) 641-5016. Thank you for your cooperation.

Sincerely,



Gregory M. Nelson, P.E.  
Manager  
Environmental Planning

EPemGMN110

c: Mr. Howard Rhodes, FDEP - Tallahassee  
Mr. Clair Fancy, FDEP - Tallahassee  
Mr. Richard Kirby, EPCHC