



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

August 19, 1998

VIA HAND DELIVERY

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

Re: Permit Amendment to Nos. AO 29-219924 (Unit 1) and AO 29-179912 (Unit 2)
Big Bend Station, Coal-fired Steam Generator Units 1 and 2

Dear Mr. Nelson:

The Department has reviewed Tampa Electric Company's letter dated August 19, 1998, in accordance with guidance memo DARM-PER/GEN-25, requesting an amendment to its operation permits to allow installation of a flue gas desulfurization system for Units 1 and 2 at the Big Bend Station. This request is acceptable and the permits are hereby amended as follows:

New Specific Condition:

The permittee is authorized to add a flue gas desulfurization system for Units 1 and 2 at Tampa Electric Company's Big Bend Station. This amendment is limited to the installation of the flue gas desulfurization system. This amendment does not authorize changes or modification at the Big Bend Station of the systems for handling solid fuel, nor authorize the use of petcoke fuel in any amount in Units 1 and 2.

A person whose substantial interests are affected by this permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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

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Mr. Gregory M. Nelson, P.E.
Tampa Electric Company
Permit Amendment to Nos. AO 29-219924 (Unit 1) and AO 29-179912 (Unit 2)
August 19, 1998
Page 2 of 3

proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and (f) A demand for relief.

A petition that does not dispute the material facts upon which the Department'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

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

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

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

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

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, 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, 3900 Commonwealth Boulevard, Mail Station #35, 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 thirty days after this order is filed with the clerk of the Department.

Mr. Gregory M. Nelson, P.E.
Tampa Electric Company
Permit Amendment to Nos. AO 29-219924 (Unit 1) and AO 29-179912 (Unit 2)
August 19, 1998
Page 3 of 3

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Sincerely,



Howard L. Rhodes, Director
Division of Air Resources
Management

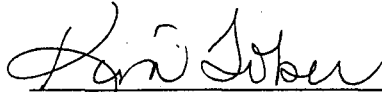
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this amendment was sent by hand delivery (*) and copies were mailed by U.S. Mail before the close of business on 8-19-98 to the person(s) listed:

Mr. Gregory M. Nelson, P.E., TEC *
Mr. Bill Thomas, P.E., DEP/SWD
Mr. Ivan Choronenko, HCEPC

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



(Clerk)


8-19-98
(Date)

Florida Department of
Environmental Protection

Memorandum

TO: Howard L. Rhodes

THRU: Clair Fancy 
Al Linero

FROM: Joe Kahn 

DATE: August 19, 1998

SUBJECT: Tampa Electric Company Big Bend Station

Attached for approval and signature is a letter that will amend operation permit numbers AO 29-219924 for Coal-fired Steam Generator Unit 1 and AO 29-179912 for Coal-fired Steam Generator Unit 2, pursuant to TEC's request dated August 19, 1998, in accordance with guidance memo DARM-PER/GEN-25, to allow installation of a flue gas desulfurization system for Units 1 and 2 at the Big Bend Station.

TEC submitted its request for amendment of its operation permits to allow TEC to begin construction of the proposed FGD system prior to the issuance of construction permits. TEC's application for construction permits include other features, such as the use of a coal/petcoke fuel mixture and the ability to operate Units 1 and 2 in the unscrubbed mode, that are not covered under the proposed amendment of its operation permits. I considered the application filed and under review for project numbers 0570039-003-AC and 0570039-004-AC and related additional information to constitute specific information related to TEC's request for letter amendment. Those projects will continue to be reviewed for ultimate issuance of construction permits pursuant to TEC's request.

I recommend your approval and signature of the amendment to operation permit numbers AO 29-219924 and AO 29-179912.

Attachments

/jk