



TAMPA ELECTRIC

RECEIVED

DEC 14 1998

BUREAU OF AIR REGULATION

December 3, 1998

Charles Mikalian, Esquire
Office of Legal Support
United States Environmental Protection Agency
Region IV
61 Forsyth Street, S.W.
Atlanta, GA 30303-8909

Via FedEx
Airbill No. 808009421926

Re: Tampa Electric Company
Request for information pursuant to § 114 of the Clean Air Act

Dear Mr. Mikalian:

As we discussed at our meeting with you and others at Region IV in Atlanta on November 17, 1998, we have recommenced gathering information in response to the Section 114 request. This letter, and the attachments, constitute the initial responses that we advised you we would be providing during the first full week of December. The responses, as in the past, are subject to the conditions set forth in this letter and in the attachments.

At the November 17, 1998, meeting we requested that EPA consider several temporal limitations on the information request that was sent to us. The first proposal was to limit the scope of the information requests to a time period that would be consistent with the general five-year statute of limitations for seeking civil penalties under the Clean Air Act. EPA declined to so limit the information request, based upon your interpretation that the limitations period could be extended by what you described as a "continuing" violation. We do not agree with your interpretation of the limitations period. However, for purposes of our responses, we are not adopting a five-year limitation at this time. Of course, by voluntarily providing this information we are not waiving any arguments that we have concerning the applicability of the limitations.

At our meeting we also requested that EPA consider limiting the information request to a period that would coincide with the adoption of the Clean Air Act Amendments of 1977. This would be consistent with the information that was produced by Mr. James Jackson of EPA headquarters in the original memorandum detailing the so-called enforcement initiative. In that document, it is stated that EPA did not intend to request information prior to the date of enactment of the Clean Air Act Amendments of 1977.

Charles Mikalian, Esq.

December 3, 1998

Page 2 of 6

You advised us that Region IV would not agree to such a limitation. The rationale that was provided was that information predating the adoption of the Clean Air Act Amendments of 1977 might be "useful." Although such information may well prove to be "useful" in some context, we do not believe that it relates to any of the purposes for which information may be requested under Section 114 of the Clean Air Act. Based upon our review, we believe that the configuration of the facilities as of the date that the PSD program was formally adopted by Congress would be the relevant and logical place to begin a review of any potential modifications (assuming that a five-year statute of limitations did not otherwise apply). Requesting information concerning the original configuration of the plants, several of which were constructed many years ago, appears to us to be well beyond the scope of Section 114 and of EPA's authority to initiate enforcement action. Consequently, we have determined at this time that the responses will generally be limited to a time frame dating back no further than 1977.

With respect to the units that are designated as 1 through 4 at the Frances J. Gannon Generating Station, we advised EPA that these facilities were reconverted from oil to coal-firing and were placed back in service after the reversion during a period spanning from 1983 to 1985. The reversion effort was extensively reviewed by EPA in Atlanta and in Washington. It was also extensively reviewed by the Department of Environmental Regulation, which was the predecessor of the State Department of Environmental Protection. The Environmental Protection Commission of Hillsborough County also was heavily involved in the effort, as were a number of environmental groups and activists. The reversion effort resulted in an amendment to the State Implementation Plan (SIP) that was published in the Federal Register by EPA. That amendment authorized the facilities to operate in the coal-fired mode. Every aspect of the reversion project was extensively reviewed and analyzed, and the reversion was fully permitted by the appropriate regulatory authorities.

At our meeting, we inquired as to the purpose of EPA's requesting information concerning Gannon Station Units 1 through 4 prior to the reversion. We specifically asked whether EPA intended to revisit the question of the appropriateness of the reversion. We were advised that EPA did not intend to revisit the appropriateness of the reversion, but simply wanted the information submitted. Once again, we do not understand the purpose of this request and are, therefore, limiting our responses at this time to information relevant to the configuration of the facilities after reversion to coal.

The responses that are included in this letter and in the attachments are current, to the best of our knowledge, as of the date of this response. We do not intend to supplement those responses in the future, except to the extent that we have indicated an intention to do so in the body of the response. Moreover, in some cases in the information request you have utilized such terms as "including, but not limited to" and other open-ended phrases. We are responding only to the specific requests that you have made, and are not taking into account those open-ended phrases, since it is unclear to us how those should be interpreted, and since they do not specifically request documents or information that is required to be provided under Section 114 of the Clean Air Act.

There are a number of instances in the body of the document request where terms are used that are not defined and are not standard terms used in the industry. We have attempted to identify those terms and have indicated that they are not standard and are undefined and cannot, at this point, be addressed. We do not intend to engage in speculation as to the meaning of such terms.

Charles Mikalian, Esq.

December 3, 1998

Page 3 of 6

As we have advised, there are a number of areas in the Section 114 request where responses will include information that is confidential, trade secret information. We request that these documents, which have been marked confidential, be handled as confidential in accordance with the provisions of 42 U.S.C. §7414(c) and the applicable regulations.

As we previously advised you, we are continuing to evaluate the legal basis for EPA's extensive requests for information. Although the letter of May 29, 1998, from Winston A. Smith transmitting the request indicates that its purpose is to evaluate compliance with various permit conditions and regulations, that letter also states that the request is a result of previous inspections made by EPA representatives in March of 1998. As we have advised you, those inspections did not have as their stated purpose a determination of compliance or an enforcement investigation. To the contrary, the initial record inspection was characterized to us as being for the purpose of assisting EPA in understanding how utilities operate for purposes of future regulation. The subsequent inspection was presented as a routine field inspection performed since it had been "some time" since the last inspection.

We understand that the Section 114 request transmitted to us is a part of a larger, extensive information gathering effort that is underway by EPA throughout the country. A number of utilities and boiler manufacturers have been contacted and have received, or been advised they will receive, Section 114 requests that are substantially identical to the requests that we received.

In addition to the foregoing, we have serious concerns about the propriety of EPA's request in terms of its scope and reasonableness. As we have advised, we believe that this Section 114 request is unprecedented and extremely burdensome for a number of reasons. It is unclear from the body of the request, and from the transmittal letter, exactly how the information that has been requested relates to those areas of Section 114 that authorize information to be gathered. The request seeks documents that do, in some cases, exist. However, it also seeks the creation of an extensive body of information. This information can only be created at a very significant expense and with the assistance of an outside consulting firm that would have to be retained. We believe that this is extremely burdensome, and outside of the scope of Section 114. We are evaluating ways in which to deal with this issue and will be in further communication with you in the future, as we previously have advised.

Subject to the foregoing, the following are responses to the Category 2 and Category 3 inquiries that you have made.

#### Category 2 Questions

#### Section 5 - Station Operations

34. Provide the dates when use of flue gas recirculation (FGR) was discontinued on any units at Gannon or Big Bend Stations.

Response:

*The flue gas recirculation (FGR) system on Gannon Unit 4 was decommissioned in May 1992. The FGR systems on Gannon Units 1-3 were decommissioned in the 4<sup>th</sup> quarter of 1992 or very early in the 1<sup>st</sup> quarter of 1993.*

35. Provide copies of all correspondence with Babcock & Wilcox or any other boiler manufacturer, consultant, or expert regarding the decision to discontinue the use of FGR, including any engineering analysis performed.

Response:

*Response is provided as Attachment #1 - Response to Question #35.*

42. Provide a summary table for each unit at Gannon and Big Bend Stations, for each operating day during calendar year 1997, showing the number of electrically isolatable sections on each unit's ESP and the number of sections energized on each date. Give a detailed reason for sections which are not energized.

Response:

*Response is provided as Attachment #2 - Response to Question #42.*

**Section 6 - Capital Improvements and Additions**

46. Provide a copy of the preliminary, draft, and final reports on all life extension studies performed for all units at Gannon and Big Bend Stations.

Response:

*Tampa Electric has not performed a life extension study for any of these units. To ensure the safety of our facilities, we perform investigations on selected high energy systems to determine their integrity and safety, which at times may include an evaluation of when replacement may be needed. These activities have been incorrectly referred to, at times, as life extension, when it should have been more correctly referred to as remaining life evaluation. Copies of the documents that refer to this activity are provided as Attachment #3 - Response to Question #46.*

47. Provide the work authorization packages for the following projects.
- a) The replacement of the Unit 3 superheater at Gannon Station.
  - b) The replacement of Unit 6 generator at Gannon Station.
  - c) The replacement of Unit 4 cyclones at Gannon Station.
  - d) The replacement of Unit 3 furnace floor at Gannon Station.

- e) The coal yard changes and additions associated with the increase in throughput permitted in 1988 at Gannon Station.
- f) The replacement of the Unit 1 furnace floor tubes at Big Bend Station.
- g) The replacement of Unit 1 furnace wall tubes at Big Bend Station.
- h) The installation of Unit 1 flue gas conditioning system at Big Bend Station.
- i) The replacement of the reheat section on Unit 1 at Big Bend Station.
- j) The replacements of reheat/superheat sections on Unit 2 at Big Bend Station.
- k) The repairs on boiler penthouse on Unit 2 at Big Bend Station.

Response:

*Copies of the requested documents are provided as Attachment #4 - Response to Question #47.*

Category 3 Questions

Section 2 - Process Information

15. Provide the dates for the conversion from coal to oil for Units 1 through 4 at Gannon Station. Describe any changes to the station that were made to accommodate this conversion and any contemporaneous changes at Gannon or Big Bend Stations. Provide the dates for the conversion back to coal from oil, and describe any changes to the Station that were made to accommodate this conversion or any contemporaneous changes.

Response:

*In-service dates for conversion from coal to oil:*

*Gannon 1 - September 1976*

*Gannon 2 - May 1976*

*Gannon 3 - December 1975*

*Gannon 4 - April 1975*

*In-service dates for conversion from oil to coal:*

*Gannon 1 - October 6, 1985*

*Gannon 2 - May 23, 1985*

*Gannon 3 - July 12, 1984*

*Gannon 4 - November 7, 1983*

*As noted previously, the reconversion of Gannon Units 1 through 4 from oil back to coal was extensively reviewed and analyzed, and appropriate permits were issued by the regulatory agencies. EPA was extensively involved in this effort, which resulted in a SIP amendment that was published in the Federal Register. Under separate cover, we will be supplying documents relating to the analysis and approval of the reconversion project. These documents will be submitted by December 11, 1998.*

**Section 5 - Station Operations**

39. Provide a schematic of any FGC systems that have ever been used for the units at Big Bend and Gannon Stations. Include design operating parameters, manufacturer's guarantee's on performance, and the actual operating parameters and procedures for the FGC system during any compliance tests. Quantify any emissions increase or decrease due to the addition or removal of any FGC system and any contemporaneous projects. Include the removal date of the system and the date of any related projects which affected emissions during this contemporaneous time period.

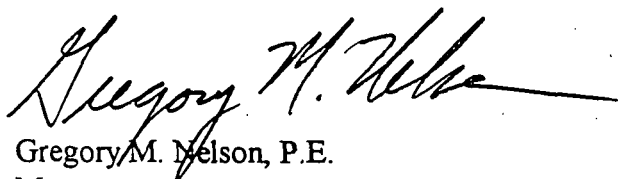
Response:

*Response is provided as Attachment #5 - Response to Question #39.*

Based on a conversation that you recently had with Lawrence Curtin of Holland & Knight, we will be providing you with a detailed time table for responding to the remaining questions in the Section 114 request. This time table will be submitted by December 11, 1998.

If you have any questions, you can contact me at (813) 641-5016.

Sincerely,



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

bc: L.N. Curtin, H&K (enc)  
J.L. Estes (enc)  
CP 1.8  
C 2.1

EP\gm\GMN

Enclosures