



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

*Electronically Sent – Received Receipt Requested*

Mr. Byron T. Burrows, P.E., Air Programs Manager  
Environmental Health and Safety  
Tampa Electric Company (TECO)  
P.O. Box 111  
Tampa, FL 33601-0111

Re: Project No. 0570039-048-AC  
Big Bend Station, Fuel Mill and Blending Cyclones (Emissions Units 029 and 030)  
Letter of Authorization, Temporary Relief of PM Testing Requirements for 2011

Dear Mr. Burrows:

On July 5, 2011, the Department received a letter from Mr. Robert Velasco, TECO, which requests temporary relief from the current stack testing requirements for Emissions Units 029 and 030 in Title V air operation Permit No. 0570039-045-AV. Specific Condition P.10 requires annual stack testing for particulate matter (PM) and visible emissions (VE) for demonstrating compliance with the emissions standards contained in Specific Conditions P.4 and P.5. Because the facility operates in a PM non-attainment maintenance area, these emissions units are subject to the Reasonably Available Control Technology (RACT) requirements for PM sources contained in Rule 62-296.711, F.A.C. A recent revision to the Title V air operation permit (permit No. 0570039-045-AV) re-grouped the many emissions points related to fuel handling and processing equipment in order to more clearly identify the appropriate applicable requirements. This action resulted in the identification and imposition of the applicable PM emissions limits and testing requirements for the cyclones that control emissions from the fuel blending and milling operations that had previously not been specifically listed in the past Title V permits. Based on information provided by Mr. Velasco, the Department understands that, because the prior permits did not clearly specify that PM testing was required, the exhaust ductwork from these units was not designed to accommodate Method 5 stack testing. The Department also understands that TECO will soon be submitting a construction permit application to request a determination, pursuant to the provisions of Rule 62-296.711(2)(c), F.A.C., that complying with a 5% opacity limit constitutes compliance with the intent of the RACT requirements. A review of the historical opacity test results confirmed that these units do not emit visible emissions in a measurable amount under normal operations. Therefore, the Department is agreeable with TECO's pending proposal to establish RACT for these small cyclones as 5% opacity and to remove the related PM emissions limits and testing requirements through the processing of the upcoming air construction permit application.

The current permit requires annual testing for PM every federal fiscal year. TECO is concerned that the September 30<sup>th</sup> deadline to complete this required test could arrive prior to the finalization of the proposed air construction permit. Therefore, TECO requests relief from the requirement to perform PM tests for emissions units 029 and 030 to avoid a potential perception that they could be out of compliance with a condition in their permit.

Based on the given circumstances, and on the fact that the testing frequency provisions contained in Rule 62-296.310(7), F.A.C. could potentially have allowed for PM testing only once every 5 years rather than annually,

## Letter of Authorization

---

the Department grants relief from the requirement to perform PM tests (Specific Condition P.10) for the current federal fiscal year (October 1, 2010 through September 30, 2011), provided:

The permittee continues to demonstrate compliance with the visible emissions standards for emissions units 029 and 030 as required by Specific Conditions P.10 and P.12.

Prior to January 30, 2012, the permittee shall submit an air construction permit application to establish the 5% opacity limit as RACT for these units, along with a concurrent request revise the Title V permit to reflect the conditions of the construction permit and to remove the PM limits and testing requirements for these units from Permit No. 0570039-045-AV. (These applications may be combined with Title V revision application required by the Letter of Authorization the Department issued on June 9, 2011, related to PM testing provisions for Units 1 and 2.)

The Department will consider this action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, of the Florida Statutes (F.S.). Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed 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 (received) in the Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this notice. Petitions filed by any other person must be filed within 14 days of receipt of this proposed action. A petitioner must 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, F.A.C.

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 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 each 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; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action 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 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 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.

**Letter of Authorization**

---

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department 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 of Appeal must be filed within thirty days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.



Jeffery F. Koerner, Program Administrator  
Division of Air Resource Management  
Office of Permitting and Compliance

8-5-11

(Date)

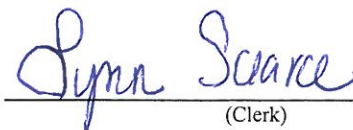
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this authorization was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 8-5-11 to the persons listed below.

Mr. Byron T. Burrows, P.E., TECO (btburrows@tecoenergy.com)  
Mr. Robert Velasco, P.E., TECO (ravelasco@tecoenergy.com)  
Ms. Cindy Zhang-Torres, P.E., DEP Southwest District Office (cindy.zhang-torres@dep.state.fl.us)  
Mr. Jason Waters, P.E., Hillsborough County EPC (watersj@epchc.org)  
Ms. Cindy Mulkey, DEP Siting Office (cindy.mulkey@dep.state.fl.us)  
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)  
Ms. Heather Abrams, EPA Region 4 (abrams.heather@epa.gov)  
Ms. Lynn Scarce, DEP BAR Reading File (lynn.scarce@dep.state.fl.us)

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
(Clerk)

August 5, 2011  
\_\_\_\_\_  
(Date)