# Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary


**NOTICE OF FINAL AIR PERMIT**

*Sent by Electronic Mail – Received Receipt Requested*

Progress Energy Florida
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Authorized Representative:
Daniel Roderick, Vice President, Nuclear Project Construction

Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Levy County, Florida

Dear Mr. Roderick:

Enclosed is the final air construction permit, which authorizes construction of two mechanical draft cooling towers, diesel-powered emergency generators and fire pumps and miscellaneous support equipment. The work will be conducted at the proposed Levy Nuclear Plant, which will be a new nuclear power plant (SIC No. 4911). The facility is proposed to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida. As noted in the attached Final Determination, only minor changes and clarifications were made to the draft permit. This final permit is issued pursuant to Chapter 403, Florida Statutes.

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 (Mail Station #35, 3900 Commonwealth Boulevard, 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 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Trina Vielhauer, Chief
Bureau of Air Regulation

TLV/jfk

## CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Air Permit package (including the Final Determination and Final Permit) 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 2/20/09 to the persons listed below.

Mr. Daniel Roderick, Progress Energy Florida, Inc. (daniel.roderick@pgnmail.com)
Mr. Jamie Hunter, Progress Energy Florida, Inc. (john.hunter@pgnmail.com)
Mr. Albert Ugelow, CH2M Hill (albert.ugelow@ch2m.com)
Mr. Chris Kirts, Northeast District Office (chris.kirts@dep.state.fl.us)
Mr. Mike Halpin, Siting Office (mike.halpin@dep.state.fl.us)
Ms. Cindy Mulkey, Siting Office (cindy.mulkey@dep.state.fl.us)
Ms. Ann Seiler, Siting Office (ann.seiler@dep.state.fl.us)
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
Ms. Heather Abrams, EPA Region 4 (abrams.heather@epamail.epa.gov)
Ms. Victoria Gibson, BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

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

(Clerk) 2/20/09 (Date)

# Florida Department of Environmental Protection

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

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Secretary


**PERMITTEE**

Progress Energy Florida
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Authorized Representative:
Daniel Roderick, Vice President, Nuclear Projects, Construction

Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
ARMS ID No. 0750088
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Permit Expires: 1/1/2018

**PROJECT AND LOCATION**

This permit authorizes construction of two mechanical draft cooling towers and diesel-powered emergency generators and fire pumps. The work will be conducted at the proposed Levy Nuclear Plant, which will be a new nuclear power plant (SIC No. 4911). The facility is proposed to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida. The UTM coordinates are Zone 17, 342.2 km East, and 3217.2 km North.

**STATEMENT OF BASIS**

This air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. as well as the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

**CONTENTS**



Executed in Tallahassee, Florida

Joseph Kahn, Director
Division of Air Resource Management

2/18/09
(Date)

# Florida Department of Environmental Protection

**Memorandum**

To: Joseph Kahn, Division of Air Resource Management

Through: Trina Vielhauer, Bureau of Air Regulation

From: Jeff Koerner, New Source Review Section

Date: February 17, 2009

Subject: Final Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
Progress Energy Florida, Inc., Proposed Levy Nuclear Plant
Cooling Tower Project for Units 1 and 2

As part of the proposed 2000 MW Levy nuclear power plant, Progress Energy Florida, Inc. will construct two mechanical draft cooling towers, four 4000 kW emergency standby generators, four 35 kW ancillary emergency generators, two 650 hp fire pumps and miscellaneous support equipment. The project is subject to PSD preconstruction review for particulate matter (PM) emissions. The attached Final Determination summarizes the publication and comment process. There are no pending petitions for administrative hearings or extensions of time in which to file a petition for an administrative hearing. I recommend your approval of the attached final permit for this project.

Attachments

TLV/jfk

## PERMITTEE

Progress Energy Florida
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

## PERMITTING AUTHORITY

Florida Department of Environmental Protection (Department)
Division of Air Resource Management
Bureau of Air Regulation, New Source Review Section
2600 Blair Stone Road, MS #5505
Tallahassee, Florida 32399-2400

## PROJECT

Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
Air Construction Permit for the Prevention of Significant Deterioration (PSD) of Air Quality Cooling Towers for the Proposed Levy Nuclear Power Plant

This permit authorizes construction of two mechanical draft cooling towers, diesel-powered emergency generators and fire pumps and miscellaneous support equipment. The work will be conducted at the proposed Levy Nuclear Plant. The facility is proposed to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida.

## NOTICE AND PUBLICATION

On July 31, 2008, the Permitting Authority issued an initial draft air construction permit for the project. Subsequently, the applicant filed for extensions of time to request an administrative hearing. On November 20, 2008, the Permitting Authority received technical comments from the applicant indicating that the engines for the emergency generators and fire pumps are not eligible for a categorical exemption from air permitting. On December 8, 2008, the Department issued a revised draft permit package. The applicant published the Public Notice in the Levy County Journal on January 15, 2009. The Department received the proof of publication on January 21, 2009. The applicant requested an extension of time in which to file a petition, which expired on January 30, 2009.

## COMMENTS

No comments on the draft permit package were received from the public, the Department's Northeast District Office or the EPA Region 4 Office. The applicant reminded the Department of small freshwater coolers (< 500 gpm) that were previously discussed. This miscellaneous support equipment:

- Has no applicable unit-specific applicable requirements;
- Is conservatively estimated to have potential particulate matter emissions much less than 5 tons per year;
- Will not make the facility a Title V source (the main cooling towers already do that); and
- Will not constitute a modification of any existing non-exempt emissions unit at a non-Title V source or any existing non-insignificant emissions unit at a Title V source.

Therefore, in accordance with Rule 62-210.300(3)(b), F.A.C., the freshwater coolers are exempt from the requirement to obtain an air construction permit. These are mentioned as miscellaneous, unregulated support equipment in the emissions unit description in Section 1 and Subsection 3B of the final permit. The Department also corrected a typo for ultra low sulfur diesel by changing "0.00015% by weight" to "0.0015% by weight".

## CONCLUSION

The final action of the Department is to issue the permit with the minor changes, corrections and clarifications as described above.

## FACILITY AND PROJECT DESCRIPTION

Progress Energy Florida, Inc. has submitted a site certification package to the Department's Power Plant Siting Office for a proposed 2000 megawatt (MW) nuclear power plant. A part of this package includes an application for an air permit to construct two 44-cell mechanical draft cooling towers, arranged in an array of 2 x 22 cells that will operate continuously. The towers will obtain make-up water from the nearby Cross Florida Barge Canal to cool the Unit 1 and 2 condensers. The cooling water flow rate for all 44 cells is estimated at 531,100 gallons per minute (gpm) and the design air flow rate per cell is estimated at 1,662,887 actual cubic feet per minute (acfm). The cooling towers provide direct contact between the cooling water and air passing through the tower. Drift is created when small amounts of cooling water become entrained in the air stream and are carried out of the tower. Particulate matter (PM) is emitted as salt and solids in the water droplets escape as drift from the tower. Drift eliminators will be used to minimize PM emissions caused by the cooling tower drift.

The project also includes four 4000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps. During normal operation, the facility will generate all of its own power needs or obtain power from the local grid. In the event the facility is not operational and power is not available from the local power grid, the emergency generators will be used to keep the control room and certain essential plant equipment and utilities energized and the emergency fire pumps will be available to maintain water pressure to the fire suppression systems. The facility will also operate other miscellaneous unregulated and insignificant emissions units and activities.

This project adds the following new emissions units.

| ID No. | Emission Unit Description |
|---|---|
| 001 | Unit 1 Cooling Tower |
| 002 | Unit 2 Cooling Tower |
| 003 | Four 4000 kW emergency generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps |
| 004 | Miscellaneous unregulated support equipment including freshwater cooling towers (less than 500 gpm) |

## FACILITY REGULATORY CLASSIFICATION

- The facility will not be a major source of hazardous air pollutants (HAP).
- The facility will have no units subject to the acid rain provisions of the Clean Air Act.
- The facility will be a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility will be a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C. The project is subject to PSD preconstruction review for PM emissions only.
- The facility will have units subject to the New Source Performance Standards (NSPS) in Part 60, Title 40 of the Code of Federal Regulations (CFR).

## SECTION 2. ADMINISTRATIVE REQUIREMENTS

1. Permitting Authority: The permitting authority for this project is the Bureau of Air Regulation, Division of Air Resource Management, Florida Department of Environmental Protection (Department). The Bureau of Air Regulation's mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. All documents related to applications for permits to operate an emissions unit shall be submitted to the Northeast District Office.

2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Northeast District Office. The mailing address and phone number of the Northeast District Office is: 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256, 904/807-3300.

3. Appendices: The following Appendices are attached as part of this permit:

   a. Appendix A. Citation Formats;

   b. Appendix B. General Conditions;

   c. Appendix C. Common Conditions;

   d. Appendix D. Summary of Best Available Control Technology Determinations;

   e. Appendix E. NSPS Subpart A, General Provisions; and

   f. Appendix F. NSPS Subpart IIII, Stationary Compression Ignition Internal Combustion Engines

4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.

5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]

6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]

7. BACT Determination Subject to Revision: The applicant must submit a new BACT analysis within two years prior to beginning construction of the cooling towers due to the extended construction schedule of the nuclear units. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an air construction permit revision application. [Rule 62-212.400(BACT), F.A.C.]

8. Application for Title V Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. A Title V air operation permit is required for regular operation of the permitted emissions unit. The permittee shall apply for a Title V air operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050, 62-4.220 and Chapter 62-213, F.A.C.]

## A. UNIT 1 AND 2 COOLING TOWERS (EU-001 and EU-002)

This section of the permit addresses the following emissions units.

| ID No. | Emission Unit Description |
|---|---|
| 001 | Unit 1 Mechanical Draft Cooling Tower |
| 002 | Unit 2 Mechanical Draft Cooling Tower |

*{Permitting Note: In accordance with Rule 62-212.400(PSD), F.A.C., the above emission units are subject to Best Available Control Technology (BACT) determinations for total particulate matter (PM).*

### EQUIPMENT

1. Cooling Towers: The permittee is authorized to construct and operate two new mechanical draft cooling towers with the following nominal design characteristics: 44 cells; a circulating water flow rate of 531,100 gpm; a design air flow of 1,662,887 acfm; and drift eliminators designed for a drift rate of no more than 0.0005% of the circulating water flow for each tower. [Application No. 0750088-001-AC and Design]
2. Hours of Operation: The new cooling towers may operate continuously (8760 hours per calendar year). [Application No. 0750088-001-AC]
3. Cooling Tower Design Drift Rate: The cooling towers shall be designed and maintained to achieve a drift rate of no more than 0.0005% of the circulating water flow. Within 60 days of commencing operation, the permittee shall notify the compliance authority that the cooling towers were constructed to achieve the specific drift rate of no more than 0.0005% of the circulating flow rate. [Application No. 0750088-001-AC; Rule 62-212.400(BACT); and Design]
4. Circulating Water Flow Rate: Upon request, the applicant shall provide a means for determining the circulating water flow rate through the new cooling tower. [Rule 62-4.070, F.A.C.]
5. Emissions Report: PM and $PM_{10}$ emissions from the cooling towers shall be reported as part of the annual operating report. [Rule 62-210.370(3), F.A.C.]

## B. EMERGENCY GENERATORS AND FIRE PUMPS (EU-003 and EU-004)

This section of the permit addresses the following emissions units.

| ID No. | Emission Unit Description |
|---|---|
| 003 | Four 4000 kW emergency generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps |
| 004 | Miscellaneous unregulated support equipment including freshwater cooling towers (less than 500 gpm) |

### EQUIPMENT

1. New Equipment: The permittee is authorized to construct and operate four 4000 kW emergency standby generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps. [Application No. 0750088-001-AC]
2. Hours of Operation: Each unit may operate as necessary to support emergency operations including a loss of power at the facility. Each emergency generator and fire pump may operate for up to 48 hours per year of non-emergency operation to ensure that the units remain in working order. [Application No. 0750088-001-AC]
3. Authorized Fuel: Each emergency generator and fire pump shall fire only ultra low sulfur diesel with a maximum sulfur content of 0.0015% by weight. [Application No. 0750088-001-AC]
4. Applicable NSPS Provisions: The engines for the emergency generators and fire pumps are subject to the applicable provisions in the following New Source Performance Standards (NSPS) of 40 CFR 60: Subpart A (General Provisions) and Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines), which consist of record keeping and reporting requirements. The NSPS provisions are attached as Appendix E and Appendix F of this permit. [Subparts A and IIII in 40 CFR 60 and Rule 62-204.800, F.A.C.]

## SECTION 4. APPENDICES
## CONTENTS

## CITATION FORMATS

The following illustrate the formats used in the permit to identify applicable requirements from permits and regulations.

**Old Permit Numbers**

Example: Permit No. AC50-123456 or Permit No. AO50-123456

Where: "AC" identifies the permit as an Air Construction Permit
"AO" identifies the permit as an Air Operation Permit
"123456" identifies the specific permit project number

**New Permit Numbers**

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: "099" represents the specific county ID number in which the project is located
"2222" represents the specific facility ID number for that county
"001"identifies the specific permit project number
"AC" identifies the permit as an air construction permit
"AF" identifies the permit as a minor source federally enforceable state operation permit
"AO" identifies the permit as a minor source air operation permit
"AV" identifies the permit as a major Title V air operation permit

**PSD Permit Numbers**

Example: Permit No. PSD-FL-317

Where: "PSD" means issued pursuant to the preconstruction review requirements of the Prevention of Significant Deterioration of Air Quality
"FL" means that the permit was issued by the State of Florida
"317" identifies the specific permit project number

**Florida Administrative Code (F.A.C.)**

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

**Code of Federal Regulations (CFR)**

Example: [40 CRF 60.7]

Means: Title 40, Part 60, Section 7

## SECTION 4. APPENDIX B
## GENERAL CONDITIONS

The permittee shall comply with the following general conditions from Rule 624.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:

   a. Have access to and copy and records that must be kept under the conditions of the permit;
   b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
   c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

   Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

   a. A description of and cause of non-compliance; and

   b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

   The permittee shall be responsible for any and all damages which may result and maybe subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, F.S.. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules andF.S. after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted byF.S. or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

    a. Determination of Best Available Control Technology (applicable);
    b. Determination of Prevention of Significant Deterioration (applicable); and
    c. Compliance with New Source Performance Standards (applicable).

14. The permittee shall comply with the following:

    a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

    b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

    c. Records of monitoring information shall include:

        1) The date, exact place, and time of sampling or measurements;
        2) The person responsible for performing the sampling or measurements;
        3) The dates analyses were performed;
        4) The person responsible for performing the analyses;
        5) The analytical techniques or methods used; and
        6) The results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

## EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 624.130, F.A.C.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]
8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

*{Permitting Note: Rule 62-210.700 (Excess Emissions), F.A.C., cannot vary any NSPS or NESHAP provision.}*

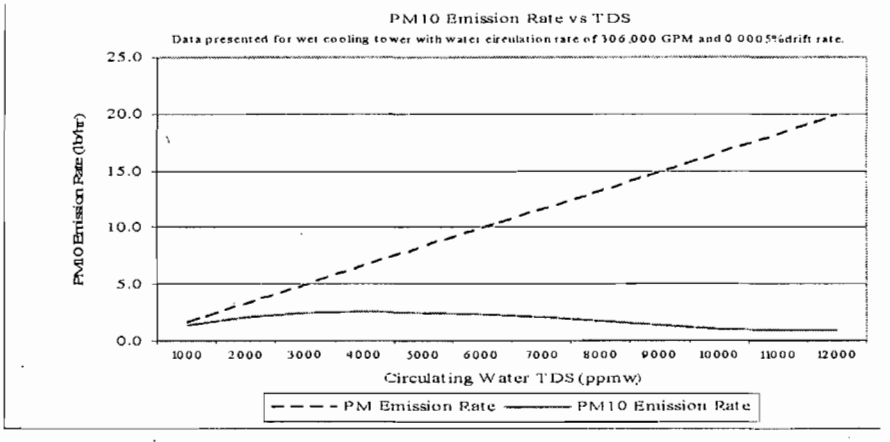
## RECORDS AND REPORTS

10. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1)(b)2, F.A.C.]
11. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(3), F.A.C.]

**PSD Applicability for the Project**

The Levy Nuclear Plant is a proposed PSD major stationary source located in Levy County, which is in an area that is currently in attainment with the state and federal AAQS or otherwise designated as unclassifiable. The applicant proposes to construct and operate two mechanical draft cooling towers to support nuclear Units 1 and 2. The cooling towers will emit particulate matter (PM) as a result of the carry over of solids (primarily salt) in the water droplet drift. The PM emissions include particles with a mean diameter of 10 microns or less ($PM_{10}$). Particulate matter will be controlled by the drift rate design specifications, which serve as a surrogate to control $PM/PM_{10}$.

Based on the application, future PM emissions are estimated to be 514 tons/year based on 8760 hours per year of operation, which makes the project new major stationary source subject to the preconstruction review requirements of Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality. PM emissions will exceed the significant emission rate of 25 tons per year, but $PM_{10}$ emissions are estimated at 5.6 tons/year, which is less than the significant emissions rate of 15 tons/year. The $PM/PM_{10}$ estimates are based upon the study, "Calculating Realistic PM10 Emissions from Cooling Towers" by Joel Reisman and Gordon Frisbie. According to the study, $PM_{10}$ emissions increase with PM as the concentration of total dissolved solids (TDS) increases to about 4000 ppm. At TDS levels greater than 4000 ppm, the amount of $PM_{10}$ sized particles will decrease while PM continues to increase. The paper states that at higher TDS, the drift droplets contain more solids and therefore, upon evaporation, result in larger particles for any given initial droplet size. Table 1 provides a graph of the correlation of PM and $PM_{10}$ as a function of TDS in the circulating water.




With the estimated TDS of 25,000 ppm for the new cooling towers and a circulating flow rate of 531,100 gallons per minute, the report suggests large PM emissions with minimal $PM_{10}$ emissions as indicated in the application. Since $PM_{10}$ emissions will not exceed the significant emissions rate, a BACT determination is required for PM, but not $PM_{10}$. In addition, no air quality analysis is required because the modeled pollutant is $PM_{10}$, which is not subject to PSD preconstruction review for this project.

The project will also include construction of diesel-powered emergency generators, ancillary emergency generators and fire pumps. The emergency generators and fire pumps will operate for no more than 48 hours/year of non-emergency operation to ensure that each unit is functioning properly and available for emergency operation. Based on the applicant's original estimates, annual emissions from all of these units combined will be: of 16.4 tons/year of $NO_X$, 0.07 tons/year of $SO_2$, 3.5 tons/year of CO, 1.4 tons/year of VOC and 1.2 tons/year of $PM/PM_{10}$.

**BACT Determination**

The Department conducted a review of EPA's RACT/BACT/LAER Clearinghouse for mechanical draft cooling towers between 2003 and 2008. Based upon the review, the Department concludes that BACT for mechanical draft cooling towers is based upon drift eliminators. BACT has been established as low as 0.0005% drift rate. The Department agrees and BACT is determined to be a design drift rate of 0.0005% for the new cooling towers. For the diesel-powered emergency generators, ancillary emergency generators and fire pumps, the applicant proposes the use of ultra low sulfur diesel to minimize PM emissions. The Department agrees and BACT for these units is determined to be the firing of diesel with a maximum sulfur content of 0.00015% by weight.

Due to the extended construction schedule of the nuclear units, the applicant is required to submit a new BACT analysis and determination within two years prior to beginning construction of the cooling towers. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an application for a revised air construction permit, which will require a new Public Notice.

## NSPS SUBPART A, GENERAL PROVISIONS

Emissions units subject to a New Source Performance Standard of 40 CFR 60 are also subject to the applicable requirements of Subpart A, the General Provisions, including:

§ 60.1 Applicability.

§ 60.2 Definitions.

§ 60.3 Units and abbreviations.

§ 60.4 Address.

§ 60.5 Determination of construction or modification.

§ 60.6 Review of plans.

§ 60.7 Notification and Record Keeping.

§ 60.8 Performance Tests.

§ 60.9 Availability of information.

§ 60.10 State Authority.

§ 60.11 Compliance with Standards and Maintenance Requirements.

§ 60.12 Circumvention.

§ 60.13 Monitoring Requirements.

§ 60.14 Modification.

§ 60.15 Reconstruction.

§ 60.16 Priority List.

§ 60.17 Incorporations by Reference.

§ 60.18 General Control Device Requirements.

§ 60.19 General Notification and Reporting Requirements.

Individual subparts may exempt specific equipment or processes from some or all of these requirements. The general provisions may be provided in full upon request.

**Updated 7/19/06- EFFECTIVE 9/11/06**

**Source Federal Register Dated 7/11/06**

**Subpart IIII--Standards of Performance for Stationary Compression Ignition Internal Combustion Engines**

**What This Subpart Covers**
**60.4200** Am I subject to this subpart?

**Emission Standards for Manufacturers**
**60.4201** What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?
**60.4202** What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?
**60.4203** How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?

**Emission Standards for Owners and Operators**
**60.4204** What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?
**60.4205** What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?
**60.4206** How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

**Fuel Requirements for Owners and Operators**
**60.4207** What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?

**Other Requirements for Owners and Operators**
**60.4208** What is the deadline for importing and installing stationary CI ICE produced in the previous model year?
**60.4209** What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

**Compliance Requirements**
**60.4210** What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?
**60.4211** What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

**Testing Requirements for Owners and Operators**
**60.4212** What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?
**60.4213** What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters percylinder?

**Notification, Reports, and Records for Owners and Operators**
**60.4214** What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

**Special Requirements**
**60.4215** What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?
**60.4216** What requirements must I meet for engines used in Alaska?
**60.4217** What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

**General Provisions**
**60.4218** What parts of the General Provisions apply to me?

**Definitions**
**60.4219** What definitions apply to this subpart?

**Tables to Subpart IIII of Part 60**
**Table 1** to Subpart IIII of Part 60--Emission Standards for Stationary Pre-2007 Model Year Engines with a displacement of < 10 liters per cylinder and 2007-2010 Model Year Engines >2,237 KW (3,000 HP) and with a displacement of < 10 liters per cylinder
**Table 2** to Subpart IIII of Part 60--Emission Standards for 2008 Model Year and Later Emergency Stationary CI ICE < 37 KW (50 HP) and with a Displacement of < 10 liters per cylinder
**Table 3** to Subpart IIII of Part 60--Certification Requirements for Stationary Fire Pump Engines
**Table 4** to Subpart IIII of Part 60--Emission Standards for Stationary Fire Pump Engines
**Table 5** to Subpart IIII of Part 60--Labeling and Recordkeeping Requirements for New Stationary Emergency Engines
**Table 6** to Subpart IIII of Part 60--Optional 3-Mode Test Cycle for Stationary Fire Pump Engines
**Table 7** to Subpart IIII of Part 60--Requirements for Performance Tests for Stationary CI ICE with a displacement of >=30 liters per cylinder
**Table 8** to Subpart IIII of Part 60--Applicability of General Provisions to Subpart IIII

**Sec. 60.4200 Am I subject to this subpart?**

(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

(1) Manufacturers of stationary CI ICE with a displacement of less than 30 liters per cylinder where the model year is:

(i) 2007 or later, for engines that are not fire pump engines,

(ii) The model year listed in table 3 to this subpart or later model year, for fire pump engines.

(2) Owners and operators of stationary CI ICE that commence construction after July 11, 2005 where the stationary CI ICE are:

(i) Manufactured after April 1, 2006 and are not fire pump engines, or

(ii) Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.

(3) Owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005.

(b) The provisions of this subpart are not applicable to stationary CI ICE being tested at a stationary CI ICE test cell/stand.

(c) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

(d) Stationary CI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C (or the exemptions described in 40 CFR part 89, subpart J and 40 CFR part 94, subpart J, for engines that would need to be certified to standards in those parts), except that owners and operators, as well as manufacturers, may be eligible to request an exemption for national security.

**Sec. 60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later nonemergency stationary CI ICE with a maximum engine power less than or equal to 2,237 kilowatt (KW) (3,000 horsepower (HP)) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same model year and maximum engine power.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 through 2010 model year nonemergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(c) Stationary CI internal combustion engine manufacturers must certify their 2011 model year and later nonemergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same maximum engine power.

(d) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later nonemergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

**Sec. 60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section.

(1) For engines with a maximum engine power less than 37 KW (50 HP):

(i) The certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants for model year 2007 engines, and

(ii) The certification emission standards for new nonroad CI engines in 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, 40 CFR 1039.115, and table 2 to this subpart, for 2008 model year and later engines.

(2) For engines with a maximum engine power greater than or equal to 37 KW (50 HP), the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (b)(1) through (2) of this section.

(1) For 2007 through 2010 model years, the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(2) For 2011 model year and later, the certification emission standards for new nonroad CI engines for enginesof the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants.

(c) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

(d) Beginning with the model years in table 3 to this subpart, stationary CI internal combustion engine manufacturers must certify their fire pump stationary CI ICE to the emission standards in table 4 to this subpart, for all pollutants, for the same model year and NFPA nameplate power.

**Sec. 60.4203 How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?**

Engines manufactured by stationary CI internalcombustion engine manufacturers must meet the emission standards as required in Sec. Sec. 60.4201 and 60.4202 during the useful life of the engines.

**Sec. 60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of less than 10 liters per cylinder must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder must comply with the emission standards for new CI engines in Sec. 60.4201 for their 2007 model year and later stationary CI ICE, as applicable.

(c) Owners and operators of non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (c)(1) and (2) of this section.

(1) Reduce nitrogen oxides (NOX) emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (g/KW-hr) (1.2 grams per HP-hour (g/HP-hr)).

(2) Reduce particulate matter (PM) emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

**Sec. 60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of pre-2007 model year emergency stationary CI ICE with a displacement of less than 10 liters per cylinder that are not fire pump engines must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in Sec. 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

(c) Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants.

(d) Owners and operators of emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (d)(1) and (2) of this section.

(1) Reduce NOX emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (1.2 grams per HP-hour).

(2) Reduce PM emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

**Sec. 60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?**

Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in Sec. Sec. 60.4204 and 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.

**Sec. 60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?**

(a) Beginning October 1, 2007, owners and operators of stationary CI ICE subject to this subpart that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).

(b) Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.

(c) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of paragraphs (a) and (b) of this section beyond the dates required for the purpose of using up existing fuel inventories. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

(d) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart that are located in areas of Alaska not accessible by the Federal Aid Highway System may petition the Administrator for approval to use any fuels mixed with used lubricating oil that do not meet the fuel requirements of paragraphs (a) and (b) of this section. Owners and operators must demonstrate in their petition to the Administrator that there is no other place to use the lubricating oil. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

(e) Stationary CI ICE that have a national security exemption under Sec. 60.4200(d) are also exempt from the fuel requirements in this section.

**Sec. 60.4208 What is the deadline for importing or installing stationary CI ICE produced in the previous model year?**

(a) After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.

(b) After December 31, 2009, owners and operators may not install stationary CI ICE with a maximum engine power of less than 19 KW (25 HP) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines.

(c) After December 31, 2014, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 19 KW (25 HP) and less than 56 KW (75 HP) that do not meet the applicable requirements for 2013 model year non-emergency engines.

(d) After December 31, 2013, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 56 KW (75 HP) and less than 130 KW (175 HP) that do not meet the applicable requirements for 2012 model year non-emergency engines.

(e) After December 31, 2012, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 130 KW (175 HP), including those above 560 KW (750 HP), that do not meet the applicable requirements for 2011 model year
non-emergency engines.

(f) After December 31, 2016, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 560 KW (750 HP) that do not meet the applicable requirements for 2015 model year non-emergency engines.

(g) In addition to the requirements specified in Sec. Sec. 60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (f) of this section after the dates specified in paragraphs (a) through (f) of this section.

(h) The requirements of this section do not apply to owners or operators of stationary CI ICE that have been modified, reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location.

**Sec. 60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?**

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in Sec. 60.4211.

(a) If you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine.

(b) If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in Sec. 60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

**Sec. 60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of less than 10 liters per cylinder to the emission standards specified in Sec. 60.4201(a) through (c) and Sec. 60.4202(a), (b) and (d) using the certification procedures required in 40 CFR part 89, subpart B, or 40 CFR part 1039, subpart C, as applicable, and must test their engines as specified in those parts. For the purposes of this subpart, engines certified to the standards intable I to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89. For the purposes of this subpart, engines certified to the standards in table 4 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89, except that engines with NFPA nameplate power of less than 37 KW (50 HP) certified to model year 2011 or later standards shall be subject to the same requirements as engines certified to the standards in 40 CFR part 1039.

(b) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the emission standards specified in Sec. 60.4201(d) and Sec. 60.4202(c) using the certification procedures required in 40 CFR part 94 subpart C, and must test their engines as specified in 40 CFR part 94.

(c) Stationary CI internal combustion engine manufacturers must meet the requirements of 40 CFR 1039.120, 40 CFR 1039.125, 40 CFR 1039.130, 40 CFR 1039.135, and 40 CFR part 1068 for engines that are certified to the emission standards in 40 CFR part 1039. Stationary CI internal combustion engine manufacturers mustmeet the corresponding provisions of 40 CFR part 89 or 40 CFR part 94 for engines that would be covered by that part if they were nonroad (including marine) engines. Labels on such engines must refer to stationary engines, rather than or in addition to nonroad or marine engines, as appropriate. Stationary CI internal combustion engine manufacturers must label their engines according to paragraphs (c)(1) through (3) of this section.

(1) Stationary CI internal combustion engines manufactured from January1, 2006 to March 31, 2006 (January I, 2006 to June 30, 2006 for fire pump engines), other than those that are part of certified engine families under the nonroad CI engine regulations, must be labeled according to 40 CFR 1039.20.

(2) Stationary CI internal combustion engines manufactured from April 1, 2006 to December 31, 2006 (or, for fire pump engines, July 1, 2006 to December 31 of the year preceding the year listed in table 3 to this subpart) must be labeled according to paragraphs (c)(2)(i) through (iii) of this section:

(i) Stationary CI internal combustion engines that are part of certified engine families under the nonroad regulations must meet the labeling requirements for nonroad CI engines, but do not have to meet the labeling requirements in 40 CFR 1039.20.

(ii) Stationary CI internal combustion engines that meet Tier 1 requirements (or requirements for fire pumps) under this subpart, but do not meet the requirements applicable to nonroad CI engines must be labeled according to 40 CFR 1039.20. The engine manufacturer may add language to the label clarifying that the engine meets Tier 1 requirements (or requirements for fire pumps) of this subpart.

(iii) Stationary CI internal combustion engines manufactured after April 1, 2006 that do not meet Tier 1 requirements of this subpart, or fire pumps engines manufactured after July 1, 2006 that do not meet the requirements for fire pumps under this subpart, may not be used in the U.S. If any such engines are manufactured in the U.S after April 1, 2006 (July 1, 2006 for fire pump engines), they must be exported or must be brought into compliance with the appropriate standards prior to initial operation. The export provisions of 40 CFR 1068.230 would apply to engines for export and the manufacturers must label such engines according to 40 CFR 1068.230.

(3) Stationary CI internal combustion engines manufactured after January 1, 2007 (for fire pump engines, after January 1 of the year listed in table 3 to this subpart, as applicable) must be labeled according to paragraphs (c)(3)(i) through (iii) of this section.

(i) Stationary CI internal combustion engines that meet the requirements of this subpart and the corresponding requirements for nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate.

(ii) Stationary CI internal combustion engines that meet the requirements of this subpart, but are not certified to the standards applicable to nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate, but the words ``stationary'' must be included instead of ``nonroad'' or ``marine'' on the label. In addition, such engines must be labeled according to 40 CFR 1039.20.

(iii) Stationary CI internal combustion engines that do not meet the requirements of this subpart must be labeled according to 40 CFR 1068.230 and must be exported under the provisions of 40 CFR 1068.230.

(d) An engine manufacturer certifying an engine family or families to standards under this subpart that are identical to standards applicable under parts 89, 94, or 1039 for that model year may certify any such family that contains both nonroad (including marine) and stationary engines as a single engine family and/or may include any such family containing stationary engines in the averaging, banking and trading provisions applicable for such engines under those parts.

(e) Manufacturers of engine families discussed in paragraph (d) of this section may meet the labeling requirements referred to in paragraph (c) of this section for stationary CI ICE by either adding a separate label containing the information required in paragraph (c) of this section or by adding the words ``and stationary'' after the word ``nonroad'' or ``marine,'' as appropriate, to the label.

(f) Starting with the model years shown in table 5 to this subpart, stationary CI internal combustion engine manufacturers must add a permanent label stating that the engine is for stationary emergency use only to each new emergency stationary CI internal combustion engine greater than or equal to 19 KW (25 HP) that meets all the emission standards for emergency engines in Sec. 60.4202 but does not meet all the emission standards for non-emergency engines in Sec. 60.4201. The label must be added according to the labeling requirements specified in 40 CFR 1039.135(b). Engine manufacturers must specify in the owner's manual that operation of emergency engines is limited to emergency operations and required maintenance and testing.

(g) Manufacturers of fire pump engines may use the test cycle in table 6 to this subpart for testing fire pump engines and may test at the NFPA certified nameplate HP, provided that the engine is labeled as ``Fire Pump Applications Only''.

(h) Engine manufacturers, including importers, may introduce into commerce uncertified engines or engines certified to earlier standards that were manufactured before the new or changed standards took effect until inventories are depleted, as long as such engines are part of normal inventory. For example, if the engine manufacturers' normal industry practice is to

keep on hand a one-month supply of engines based on its projected sales, and a new tier of standards starts to apply for the 2009 model year, the engine manufacturer may manufacture engines based on the normal inventory requirements late in the 2008 model year, and sell those engines for installation. The engine manufacturer may not circumvent the provisions of Sec. Sec. 60.4201 or 60.4202 by stockpiling engines that are built before new or changed standards take effect. Stockpiling of such engines beyond normal industry practice is a violationof this subpart.

(i) The replacement engine provisions of 40 CFR 89.1003(b)(7), 40 CFR 94.1103(b)(3), 40 CFR 94.1103(b)(4) and 40 CFR 1068.240 are applicable to stationary CI engines replacing existing equipment that is less than 15 years old.

**Sec. 60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?**

(a) If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.

(b) If you are an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in Sec. Sec. 60.4204(a) or 60.4205(a), or if you are an owner or operator of a CI fire pump engine that is manufactured prior to the model years in table 3 to this subpart and must comply with the emission standards specified in Sec. 60.4205(c), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) through (5) of this section.

(1) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

(2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.

(3) Keeping records of engine manufacturer data indicating compliance with the standards.

(4) Keeping records of control device vendor data indicating compliance with the standards.

(5) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in Sec. 60.4212, as applicable.

(c) If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in Sec. 60.4204(b) or Sec. 60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in Sec. 60.4205(c), you must comply by purchasing an engine certified to the emission standards in Sec. 60.4204(b), or Sec. 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's specifications.

(d) If you are an owner or operator and must comply with the emission standards specified in Sec. 60.4204(c) or Sec. 60.4205(d), you must demonstrate compliance according to the requirements specified in paragraphs (d)(1) through (3) of this section.

(1) Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in Sec. 60.4213.

(2) Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(i) through (v) of this section.

(i) Identification of the specific parameters you propose to monitor continuously;

(ii) A discussion of the relationship between these parameters and NOX and PM emissions,identifying how the emissions of these pollutants change with changes in these parameters, and how limitations on these parameters will serve to limit NOX and PM emissions;

(iii) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(iv) A discussion identifying the methods and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(3) For non-emergency engines with a displacement of greater than orequal to 30 liters per cylinder, conducting annual performance tests to demonstrate continuous compliance with the emission standards as specified in Sec. 60.4213.

(e) Emergency stationary ICE may be operated for the purpose of maintenance checks andreadiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under Sec. 60.4205 but not Sec. 60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited.

**Sec. 60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?**

Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to this subpart must do so according to paragraphs (a) through (d) of this section.

(a) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F.

(b) Exhaust emissions from stationary CI ICE that are complying with theemission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.

(c) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \qquad \text{(Eq. 1)}$$

Where:

STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.

Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in Sec. 60.4213 of this subpart, as appropriate.

(d) Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre2007 model year engines in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c) must not exceedthe NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c), determined from the equation in paragraph (c) of this section.

Where:
STD = The standard specified for that pollutant in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre2007 model year engines in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c) may follow the testing procedures specified in Sec. 60.4213, as appropriate.

**Sec. 60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?**

Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must conduct performance tests according to paragraphs (a) through (d) of this section.

(a) Each performance test must be conducted according to the requirements in Sec. 60.8 and under the specific conditions that this subpart specifies in table 7. The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in Sec. 60.8(c).

(c) You must conduct three separate test runs for each performance test required in this section, as specified in Sec. 60.8(f). Each test run must last at least 1 hour.

(d) To determine compliance with the percent reduction requirement, you must follow the requirements as specified in paragraphs (d)(1) through (3) of this section.

(1) You must use Equation 2 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \qquad \text{(Eq. 2)}$$

Where:
Ci = concentration of NOX or PM at the control device inlet,
Co = concentration of NOX or PM at the control device outlet, and
R = percent reduction of NOX or PM emissions.

(2) You must normalize the NOX or PM concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen (O2) using Equation 3 of this section, or an equivalent percent carbon dioxide (CO2) using the procedures described in paragraph (d)(3) of this section.

$$C_{adj} = C_d \frac{5.9}{20.9 - \%O_2} \qquad \text{(Eq. 3)}$$

Where:
Cadj = Calculated NOX or PM concentration adjusted to 15 percent O2.
Cd = Measured concentration of NOX or PM, uncorrected.
5.9 = 20.9 percent O2-15 percent O2, the defined O2 correction value, percent.
%O2 = Measured O2 concentration, dry basis, percent.

(3) If pollutant concentrations are to be corrected to 15 percent O2 and CO2 concentration is measured in lieu of O2 concentration measurement, a CO2 correction factor is needed. Calculate theCO2 correction factor as described in paragraphs (d)(3)(i) through (iii) of this section.

(i) Calculate the fuel-specific Fo value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

$$F_o = \frac{0.209_{F_d}}{F_c} \qquad \text{(Eq. 4)}$$

Where:
Fo = Fuel factor based on the ratio of O2 volume to the ultimate CO2 volume produced by the fuel at zero percent excess air.
0.209 = Fraction of air that is O2, percent/100.
Fd = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, $dsm^3/J$ ($dscf/10^6$ Btu).
Fc = Ratio of the volume of CO2 produced to the gross calorific value of the fuel from Method 19, $dsm^3/J$ ($dscf/10^6$ Btu).

(ii) Calculate the CO2 correction factor for correcting measurement data to 15 percent O2, as follows:

$$X_{co_2} = \frac{5.9}{F_o} \qquad \text{(Eq. 5)}$$

Where:

XCO2 = CO2 correction factor, percent.
5.9 = 20.9 percent O2-15 percent O2, the defined O2 correction value, percent.

(iii) Calculate the NOX and PM gas concentrations adjusted to 15 percent O2 using CO2 as follows:

$$C_{adj} = C_d \frac{X_{co_2}}{\%CO_2} \qquad \text{(Eq. 6)}$$

Where:
Cadj = Calculated NOX or PM concentration adjusted to 15 percent O2.
Cd = Measured concentration of NOX or PM, uncorrected.
%CO2 = Measured CO2 concentration, dry basis, percent.

(e) To determine compliance with the NOX mass per unit output emission limitation, convert the concentration of NOX in the engine exhaust using Equation 7 of this section:

$$ER = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{\text{KW-hour}} \qquad \text{(Eq. 7)}$$

Where:

ER = Emission rate in grams per KW-hour.
Cd = Measured NOX concentration in ppm.
$1.912 \times 10^{-3}$ = Conversion constant for ppm NOX to grams per standard cubic meter at 25 degrees Celsius.
Q = Stack gas volumetric flow rate, in standard cubic meter per hour.
T = Time of test run, in hours.
KW-hour = Brake work of the engine, in KW-hour.

(f) To determine compliance with the PM mass per unit output emission limitation, convert the concentration of PM in the engine exhaust using Equation 8 of this section:

$$ER = \frac{C_{adj} \times Q \times T}{KW\text{-hour}} \qquad \text{(Eq. 8)}$$

Where:
ER = Emission rate in grams per KW-hour.
Cadj = Calculated PM concentration in grams per standard cubic meter.
Q = Stack gas volumetric flow rate, in standard cubic meter per hour.
T = Time of test run, in hours.
KW-hour = Energy output of the engine, in KW.

**Sec. 60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of non-emergency stationary CI ICE that are greater than 2,237 KW (3,000 HP), or have a displacement of greater than or equal to 10 liters per cylinder, or are pre-2007 model year engines that are greater than 130 KW (175 HP) and not certified, must meet the requirements of paragraphs (a)(1) and (2) of this section.

(1) Submit an initial notification as required in Sec. 60.7(a)(1). The notification must include the information in paragraphs (a)(1)(i) through (v) of this section.

(i) Name and address of the owner or operator;

(ii) The address of the affected source;

(iii) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;

(iv) Emission control equipment; and

(v) Fuel used.

(2) Keep records of the information in paragraphs (a)(2)(i) through (iv) of this section.

(i) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(ii) Maintenance conducted on the engine.

(iii) If the stationary CI internal combustion is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards.

(iv) If the stationary CI internal combustion is not a certified engine, documentation that the engine meets the emission standards.

(b) If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(c) If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

**Sec. 60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?**

(a) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are required to meet the applicable emission standards in Sec. 60.4205. Non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder, must meet the applicable emission standards in Sec. 60.4204(c).

(b) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are not required to meet the fuel requirements in Sec. 60.4207.

**Sec. 60.4216 What requirements must I meet for engines used in Alaska?**

(a) Prior to December 1, 2010, owners and operators of stationary CI engines located in areas of Alaska not accessible by the Federal Aid Highway System should refer to 40 CFR part 69 to determine the diesel fuel requirements applicable to such engines.

(b) The Governor of Alaska may submit for EPA approval, by no later than January 11, 2008, an alternative plan for implementing the requirements of 40 CFR part 60, subpart IIII, for public-sector electrical utilities located in rural areas of Alaska not accessible by the Federal Aid Highway System. This alternative plan must be based on the requirements of section 111 of the Clean Air Act including any increased risks to human heath and the environment and must also be based on the unique circumstances related to remote power generation, climatic conditions, and serious economic impacts resulting from implementation of 40 CFR part 60, subpart IIII. If EPA approves by rulemaking process an alternative plan, the provisions as approved by EPA under that plan shall apply to the diesel engines used in new stationary internal combustion engines subject to this paragraph.

**Sec. 60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?**

(a) Owners and operators of stationary CI ICE that do not use diesel fuel, or who have been given authority by the Administrator under Sec. 60.4207(d) of this subpart to use fuels that do not meet the fuel requirements of paragraphs (a) and (b) of Sec. 60.4207, may petition the Administrator for approval of alternative emission standards, if they can demonstrate that they use a fuel that is not the fuel on which the manufacturerof the engine certified the engine and that the engine cannot meet the applicable standards required in Sec. 60.4202 or Sec. 60.4203 using such fuels.

(b) [Reserved]

**Sec. 60.4218 What parts of the General Provisions apply to me?**

Table 8 to this subpart shows which parts of the General Provisions in Sec. Sec. 60.1 through 60.19 apply to you.

**Sec. 60.4219 What definitions apply to this subpart?**

As used in this subpart, all terms not defined herein shall have the meaning given them in the CAAand in subpart A of this part.

*Combustion turbine* means all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components andsub-components comprising any simple cycle combustion turbine, any regenerative/recuperative cycle combustion turbine, the combustion turbine portion of any cogeneration cycle combustion system, or the combustion turbine portion of any combined cycle steam/electric generating system.

*Compression ignition* means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

*Diesel fuel* means any liquid obtained from the distillation of petroleum with a boiling pointof approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.

*Diesel particulate filter* means an emission control technology that reduces PM emissions by trapping the particles in a flow filter substrate and periodically removes the collected particles by either physical action or by oxidizing (burning off) the particles in a process called regeneration.

*Emergency stationary internal combustion engine* means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary

ICE used to pump water in the case of fire or flood, etc. Stationary CI ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.

*Engine manufacturer* means the manufacturer of the engine. See the definition of ``manufacturer" in this section.

*Fire pump engine* means an emergency stationary internal combustion engine certified to NFPA requirements that is used to provide power to pump water for fire suppression or protection.

*Manufacturer* has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures a stationary engine for sale in the United States or otherwise introduces a new stationary engine into commerce in the United States. This includes importers who import stationary engines for sale or resale.

*Maximum engine power* means maximum engine power as defined in 40 CFR 1039.801.

*Model year* means either:

(1) The calendar year in which the engine was originally produced, or

(2) The annual new model production period of the engine manufacturer if it is differentthan the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year. For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was originally produced.

*Other internal combustion engine* means any internal combustion engine, except combustion turbines, which is not a reciprocating internal combustion engine or rotary internal combustion engine.

*Reciprocating internal combustion engine* means any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work.

*Rotary internal combustion engine* means any internal combustion engine which uses rotary motion to convert heat energy into mechanical work.

*Spark ignition* means relating to a gasoline, natural gas, or liquefied petroleum gas fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

*Stationary internal combustion engine* means any internal combustion engine, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary internal combustion engine is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition), and is not used to propel a motor vehicle or a vehicle used solely for competition. Stationary ICE include reciprocating ICE, rotary ICE, and other ICE, except combustion turbines.

*Subpart* means 40 CFR part 60, subpart IIII.

*Useful life* means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. The values for useful life for stationary CI ICE with a displacement of less than 10 liters per cylinder are given in 40 CFR 1039.101(g). The values for useful life for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder are given in40 CFR 94.9(a).

**Tables to Subpart IIII of Part 60**

TABLE 1 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY PRE-2007 MODEL YEAR ENGINES WITHA DISPLACEMENT OF <10 LITERS PER CYLINDER AND 2007–2010 MODEL YEAR ENGINES >2,237 KW (3,000 HP)AND WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER

[As stated in §§ 60.4201(b), 60.4202(b), 60.4204(a), and 60.4205(a), you must comply with the following emission standards]

| Maximum engine power | Emission standards for stationary pre-2007 model year engines with a displacement of <10 liters per cylinder and 2007–2010 model year engines >2,237 KW (3,000 HP) and with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr) | | | | |
|---|---|---|---|---|---|
| | NMHC + NOX | HC | NOX | CO | PM |
| KW<8 | 10.5 (7.8) | N/A | N/A | 8.0 (6.0) | 1.0 (0.75) |

| | | | | | |
|---|---|---|---|---|---|
| (HP<11) | | | | | |
| 8≤KW<19 (11≤HP<25) | 9.5 (7.1) | N/A | N/A | 6.6 (4.9) | 0.80(.060) |
| 19≤KW<37 (25≤HP<50) | 9.5 (7.1) | N/A | N/A | 5.5 (4.1) | 0.80(.060) |
| 37≤KW<56 (50≤HP<75) | N/A | N/A | 9.2 (6.9) | N/A | N/A |
| 56≤KW<75 (75≤HP<100) | N/A | N/A | 9.2 (6.9) | N/A | N/A |
| 75≤KW<130 (100≤HP<175) | N/A | N/A | 9.2 (6.9) | N/A | N/A |
| 130≤KW<225 (175≤HP<300) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| 225≤KW<450 (300≤HP<600) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| 450≤KW≤560 (600≤HP≤750) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| KW>560 (HP>750) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |

TABLE 2 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR 2008 MODEL YEAR AND LATER EMERGENCYSTATIONARY CI ICE <37 KW (50 HP) WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER
[As stated in § 60.4202(a)(1), you must comply with the following emission standards]

| **Engine power** | **Emission standards for 2008 model year and later emergency stationary CI ICE <37 KW (50 HP) with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)** | | | |
|---|---|---|---|---|
| | **Model year(s)** | **NOX + NMHC** | **CO** | **PM** |
| KW<8 (HP<11) | 2008+ | 7.5 (5.6) | 8.0 (6.0) | 0.40 (0.30) |
| 8≤KW<19 (11≤HP<25) | 2008+ | 7.5 (5.6) | 6.6 (4.9) | 0.40 (0.30) |
| 19≤KW<37 (25≤HP<50) | 2008+ | 7.5 (5.6) | 5.5 (4.1) | 0.30 (0.22) |

TABLE 3 TO SUBPART IIII OF PART 60.—CERTIFICATION REQUIREMENTS FOR STATIONARY FIRE PUMP ENGINES
[As stated in § 60.4202(d), you must certify new stationary fire pump engines beginning with the following model years:]

| **Engine power** | **Starting model year engine manufacturers must certify new stationary fire pump engines according to § 60.4202(d)** |
|---|---|
| KW<75 (HP<100) | 2011 |
| 75≤KW<130 (100≤HP<175) | 2010 |
| 130≤KW≤560 (175≤HP≤750) | 2009 |
| KW>560 (HP>750) | 2008 |

TABLE 4 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY FIRE PUMP ENGINES
[As stated in §§ 60.4202(d) and 60.4205(c), you must comply with the following emission standards for stationary fire pump engines]

| Maximum Engine Power | Model Years | NMHC + NOx | CO | PM |
|---|---|---|---|---|

| | | | | |
|---|---|---|---|---|
| KW<8 (HP<11) | 2010 and earlier | 10.5 (7.8) | 8.0 (6.0) | 1.0 (.75) |
| | 2011+ | 7.5 (5.6) | n/a | 0.40 (0.30) |
| 8≤KW<19 (11≤HP<25) | 2010 and earlier | 9.5 (7.1) | 6.6 (4.9) | 0.80 (0.60) |
| | 2011+ | 7.5 (5.6) | n/a | 0.40 (0.30) |
| 19≤KW<37 (25≤HP<50) | 2010 and earlier | 9.5 (7.1) | 5.5 (4.1) | 0.80 (0.60) |
| | 2011+ | 7.5 (5.6) | n/a | 0.30 (0.22) |
| 37≤KW<56 (50≤HP<75) | 2010 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| | 2011+1 | 4.7 (3.5) | n/a | 0.40 (0.30) |
| 56≤KW<75 (75≤HP<100) | 2010 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| | 2011+1 | 4.7 (3.5) | n/a | 0.40 (0.30) |
| 75≤KW<130 (100≤HP<175) | 2009 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| | 2010+2 | 6.4 (4.8) | n/a | 0.30 (0.22) |
| 130≤KW<225 (175≤HP<300) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2009+3 | 6.4 (4.8) | n/a | 0.20 (0.15) |
| 225≤KW<450 (300≤HP<600) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2009+3 | 6.4 (4.8) | n/a | 0.20 (0.15) |
| 450≤KW≤560 (600≤HP≤750) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2009+ | 6.4 (4.8) | n/a | 0.20 (0.15) |
| KW>560 (HP>750) | 2007 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2008+ | 6.4 (4.8) | n/a | 0.20 (0.15) |

1 For model years 2011–2013, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 revolutions per minute (rpm) may comply with the emission limitations for 2010 model year engines.

2 For model years 2010–2012, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2009 model year engines.

3 In model years 2009–2011, manufacturers of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2008 model year engines.

TABLE 5 TO SUBPART IIII OF PART 60.—LABELING AND RECORDKEEPING REQUIREMENTS FOR NEW STATIONARYEMERGENCY ENGINES

[You must comply with the labeling requirements in § 60.4210(f) and the recordkeeping requirements in § 60.4214(b) for new emergency stationary CI ICE beginning in the following model years:]

| Engine Power | Starting Model Year |
|---|---|
| 19≤KW<56 (25≤HP<75) | 2013 |
| 56≤KW<130 (75≤HP<175) | 2012 |
| KW≥130 (HP≥175) | 2011 |

TABLE 6 TO SUBPART IIII OF PART 60.—OPTIONAL 3-MODE TEST CYCLE FOR STATIONARY FIRE PUMP ENGINES

[As stated in § 60.4210(g), manufacturers of fire pump engines may use the following test cycle for testing fire pump engines:]

| Mode No. | Engine Speed1 | Torque (percent)2 | Weighting Factors |
|---|---|---|---|
| 1 | Rated | 100 | .030 |
| 2 | Rated | 75 | 0.50 |
| 3 | Rated | 50 | 0.20 |

1 Engine speed: ±2 percent of point.

2 Torque: NFPA certified nameplate HP for 100 percent point. All points should be ±2 percent of engine percent load value.

TABLE 7 TO SUBPART IIII OF PART 60.—REQUIREMENTS FOR PERFORMANCE TESTS FOR STATIONARY CI ICE WITH ADISPLACEMENT OF ≥30 LITERS PER CYLINDER

[As stated in § 60.4213, you must comply with the following requirements for performance tests for stationary CI ICE with a displacement of ≥30 liters per cylinder:]

| For Each | Complying with the requirement to | You must | Using | According to the following requirements |
|---|---|---|---|---|
| 1. Stationary CI internal combustion engine with a displacement of ≥30 liters per cylinder. | a. Reduce NOX emissions by 90 percent or more. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, appendix A. | (a) Sampling sites must be located at the inlet and outlet of the control device. |
| | | ii. Measure O2 at the inlet and outlet of the control device; | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A. | (b) Measurements to determine O2 concentration must be made at the same time as the measurements for NOX concentration. |
| | | iii. If necessary, measure moisture content at the inlet and outlet of the control device; and, | (3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (c) Measurements to determine moisture content must be made at the same time as the measurements for NOX concentration. |
| | | iv. Measure NOX at the inlet and outlet of the control device. | (4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (d) NOX concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1- hour or longer runs. |
| | b. Limit the concentration of NOX in the stationary CI internal combustion engine exhaust. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, Appendix A. | (a) If using a control device, the sampling site must be located at the outlet of the control device. |
| | | ii. Determine the | (2) Method 3, 3A, | (b) Measurements |

| | | | | |
|---|---|---|---|---|
| | | O2 concentration of the stationary internal combustion engine exhaust at the sampling port location; and, | or 3B of 40 CFR part 60, appendix A. | to determine O2 concentration must be made at the same time as the measurement for NOX concentration. |
| | | iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and, | (3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (c) Measurements to determine moisture content must be made at the same time as the measurement for NOX concentration. |
| | | iv. Measure NOX at the exhaust of the stationary internal combustion engine. | (4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (d) NOX concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |
| | c. Reduce PM emissions by 60 percent or more. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, appendix A. | (a) Sampling sites must be located at the inlet and outlet of the control device. |
| | | ii. Measure O2 at the inlet and outlet of the control device; | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A. | (b) Measurements to determine O2 concentration must be made at the same time as the measurements for PM concentration. |
| | | iii. If necessary, measure moisture content at the inlet and outlet of the control device; and | (3) Method 4 of 40 CFR part 60, appendix A. | (c) Measurements to determine and moisture content must be made at the same time as the measurements for PM concentration. |
| | | iv. Measure PM at the inlet and outlet | (4) Method 5 of 40 CFR part 60, | (d) PM concentration must |

| | | | | |
|---|---|---|---|---|
| | | of the control device. | appendix A. | be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |
| | d. Limit the concentration of PM in the stationary CI internal combustion engine exhaust. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, Appendix A. | (a) If using a control device, the sampling site must be located at the outlet of the control device. |
| | | ii. Determine the O2 concentration of the stationary internal combustion engine exhaust at the sampling port location; and | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A. | (b) Measurements to determine O2 concentration must be made at the same time as the measurements for PM concentration. |
| | | iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and | (3) Method 4 of 40 CFR part 60, appendix A. | (c) Measurements to determine moisture content must be made at the same time as the measurements for PM concentration. |
| | | iv. Measure PM at the exhaust of the stationary internal combustion engine. | (4) Method 5 of 40 CFR part 60, appendix A. | (d) PM concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |

TABLE 8 TO SUBPART IIII OF PART 60.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART IIII
[As stated in § 60.4218, you must comply with the following applicable General Provisions:]

| General Provisions citation | Subject of citation | Applies to subpart | Explanation |
|---|---|---|---|
| § 60.1 | General applicability of the General Provisions | yes | |
| § 60.2 | Definitions | yes | Additional terms defined in § 60.4219. |
| § 60.3 | Units and abbreviations | yes | |
| § 60.4 | Address | yes | |

| | | | |
|---|---|---|---|
| § 60.5 | Determination of construction or modification | yes | |
| § 60.6 | Review of plans | yes | |
| § 60.7 | Notification and Recordkeeping | yes | Except that § 60.7 only applies as specified in § 60.4214(a). |
| § 60.8 | Performance tests | yes | Except that § 60.8 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder and engines that are not certified. |
| § 60.9 | Availability of information | yes | |
| § 60.10 | State Authority | yes | |
| § 60.11 | Compliance with standards and maintenance requirements. | no | Requirements are specified in subpart IIII. |
| § 60.12 | Circumvention | yes | |
| § 60.13 | Monitoring requirements | yes | Except that § 60.13 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder. |
| § 60.14 | Modification | yes | |
| § 60.15 | Reconstruction | yes | |
| § 60.16 | Priority list | yes | |
| § 60.17 | Incorporations by reference | yes | |
| § 60.18 | General control device requirements | no | |
| § 60.19 | General notification and reporting requirements | yes | |

## Livingston, Sylvia

**From:** Livingston, Sylvia
**Sent:** Friday, February 20, 2009 11:51 AM
**To:** 'daniel.roderick@pgnmail.com'
**Cc:** 'john.hunter@pgnmail.com'; 'albert.ugelow@ch2m.com'; 'chris.kirts@dep.state.fl.us'; Halpin, Mike; Mulkey, Cindy; Seiler, Ann; 'forney.kathleen@epa.gov'; 'abrams.heather@epamail.epa.gov'; Gibson, Victoria; Thomas, Bruce X.; Koerner, Jeff; Walker, Elizabeth (AIR)
**Subject:** Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

Dear Sir/ Madam:

Attached is the official **Notice of Final Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send".

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**Click on the following link to access the permit project documents:**

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0750088.001.AC.F_pdf.zip

**Owner/Company Name:** PROGRESS ENERGY FLORIDA, INC.
**Facility Name:** LEVY NUCLEAR PLANT
**Project Number:** 0750088-001-AC/ PSD-FL-403
**Permit Status:** FINAL
**Permit Activity:** CONSTRUCTION
**Facility County:** LEVY
Processor: Bruce Thomas

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Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

## Livingston, Sylvia

**From:** Hunter, John J (Jamie) [John.Hunter@pgnmail.com]
**Sent:** Friday, February 20, 2009 11:54 AM
**To:** Livingston, Sylvia
**Subject:** RE: Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

Received

**From:** Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]
**Sent:** Friday, February 20, 2009 11:51 AM
**To:** daniel.roderick@pgnmail.com
**Cc:** Hunter, John J (Jamie); albert.ugelow@ch2m.com; chris.kirts@dep.state.fl.us; Halpin, Mike; Mulkey, Cindy; Seiler, Ann; forney.kathleen@epa.gov; abrams.heather@epamail.epa.gov; Gibson, Victoria; Thomas, Bruce X.; Koerner, Jeff; Walker, Elizabeth (AIR)
**Subject:** Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

Dear Sir/ Madam:

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http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0750088.001.AC.F_pdf.zip

**Owner/Company Name:** PROGRESS ENERGY FLORIDA, INC.
**Facility Name:** LEVY NUCLEAR PLANT
**Project Number:** 0750088-001-AC/ PSD-FL-403
**Permit Status:** FINAL
**Permit Activity:** CONSTRUCTION
**Facility County:** LEVY
Processor: Bruce Thomas

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## Livingston, Sylvia

**From:** Abrams.Heather@epamail.epa.gov
**Sent:** Monday, February 23, 2009 10:08 AM
**To:** Livingston, Sylvia
**Subject:** Re: Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

We were able to access.

Heather Abrams
Air Permits Section
U.S. EPA - Region 4
61 Forsyth St. SW
Atlanta, Georgia 30303

Phone: 404-562-9185
Fax: 404-562-9019

"Livingston, Sylvia" <Sylvia.Livingston@dep.state.fl.us>

02/20/2009 11:51 AM

To <daniel.roderick@pgnmail.com>

cc <john.hunter@pgnmail.com>, <albert.ugelow@ch2m.com>, <chris.kirts@dep.state.fl.us>, "Halpin, Mike" <Mike.Halpin@dep.state.fl.us>, "Mulkey, Cindy" <Cindy.Mulkey@dep.state.fl.us>, "Seiler, Ann" <Ann.Seiler@dep.state.fl.us>, Kathleen Forney/R4/USEPA/US@EPA, Heather Abrams/R4/USEPA/US@EPA, "Gibson, Victoria" <Victoria.Gibson@dep.state.fl.us>, "Thomas, Bruce X." <Bruce.X.Thomas@dep.state.fl.us>, "Koerner, Jeff" <Jeff.Koerner@dep.state.fl.us>, "Walker, Elizabeth \(AIR\)" <Elizabeth.Walker@dep.state.fl.us>

Subject Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

Dear Sir/ Madam:
Attached is the official Notice of Final Permit for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the
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on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send".
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http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0750088.001.AC.F_pdf.zip

Owner/Company Name:. PROGRESS ENERGY FLORIDA, INC.
Facility Name: LEVY NUCLEAR PLANT
Project Number: 0750088-001-AC/ PSD-FL-403 Permit Status: FINAL Permit Activity: CONSTRUCTION
Facility County: LEVY
Processor: Bruce Thomas
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Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

Note: The attached document is in Adobe Portable Document Format (pdf).
Adobe Acrobat Reader can be downloaded for free at the following internet site:
<http://www.adobe.com/products/acrobat/readstep.html> .

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you

## Walker, Elizabeth (AIR)

**From:** Livingston, Sylvia
**Sent:** Wednesday, April 29, 2009 9:45 AM
**To:** Walker, Elizabeth (AIR)
**Subject:** FW: Levy Nuclear Plant,

---

**From:** Bradley, Chris [mailto:Chris.Bradley@pgnmail.com]
**Sent:** Monday, March 23, 2009 4:28 PM
**To:** Livingston, Sylvia
**Cc:** Miller, Garry; Hunter, John J (Jamie)
**Subject:** RE: Levy Nuclear Plant,

Good afternoon Ms. Livingston –

Mr. Roderick is no longer with Progress Energy and there is no current replacement. In the meantime, please send any information or notifications to Mr. Garry Miller. He has been copied on this e-mail and he can be reached at the following address.

Mr. Garry Miller, General Manager
Nuclear Plant Development & License Renewal
Post Office Box 1551
Raleigh, NC 27602-1551
Garry.Miller@pgnmail.com

If you have any questions or comments, please contact me.

Sincerely,

Chris Bradley
Sr. Environmental Specialist
Technical Services/EHSS Section-POG
Progress Energy Florida, Inc.
Telephone: 727.820.5962
Fax: 727.820.5229
E-mail: Chris.Bradley@pgnmail.com

---

**From:** Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]
**Sent:** Monday, March 23, 2009 10:58 AM
**To:** Bradley, Chris
**Subject:** FW: Levy Nuclear Plant,

Mr. Bradley,

I am working with Bruce Thomas in finding Daniel Roderick's correct email address. Have you had any luck in finding it or if I should send the notification email to someone else?

Thanks,

Sylvia Livingston
Bureau of Air Regulation

Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

---

**From:** Thomas, Bruce X.
**Sent:** Sunday, February 22, 2009 1:02 PM
**To:** Livingston, Sylvia
**Cc:** Koerner, Jeff
**Subject:** FW: Levy Nuclear Plant,

-----Original Message-----
**From:** Bradley, Chris [mailto:Chris.Bradley@pgnmail.com]
**Sent:** Fri 2/20/2009 3:59 PM
**To:** Thomas, Bruce X.
**Cc:**
**Subject:** FW: Levy Nuclear Plant,

Hey Bruce –

Per George Howroyd of CH2MHIII, Albert Ugelow is no longer with CH2MHill. I am still working on Daniel Roderick.

Chris Bradley
Sr. Environmental Specialist
Technical Services/EHSS Section-POG
Progress Energy Florida, Inc.
Telephone: 727.820.5962
Fax: 727.820.5229
E-mail: Chris.Bradley@pgnmail.com

---

**From:** George.Howroyd@CH2M.com [mailto:George.Howroyd@CH2M.com]
**Sent:** Friday, February 20, 2009 3:33 PM
**To:** Bradley, Chris
**Subject:** RE: Levy Nuclear Plant,

Al Ugelow has left the company. (I cannot recall if he retired or he just left.)

---

**From:** Bradley, Chris [mailto:Chris.Bradley@pgnmail.com]
**Sent:** Friday, February 20, 2009 3:31 PM
**To:** Howroyd, George/ATL
**Subject:** FW: Levy Nuclear Plant,

Geo – Can you help me out on with Bruce Thomas's question regarding Albert Ugelow at CH2MHill?

Thanks,

Chris

---

**From:** Thomas, Bruce X. [mailto:Bruce.X.Thomas@dep.state.fl.us]
**Sent:** Friday, February 20, 2009 1:29 PM

**To:** Bradley, Chris
**Cc:** Livingston, Sylvia
**Subject:** Levy Nuclear Plant,

Chris,

The email addresses we have for Albert Ugelow and Daniel Roderick are being returned as undeliverable.

Mr. Daniel Roderick, Progress Energy Florida, Inc. (daniel.roderick@pgnmail.com)
Mr. Albert Ugelow, CH2M Hill (albert.ugelow@ch2m.com)

I would appreciate it if you would please check to see if there is a spelling error or some type of firewall we need to work around. Please give me a call (850/921-7744) if you have any questions. Thanks, Bruce

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey. Thank you in advance for completing the survey.*

## Walker, Elizabeth (AIR)

**From:** Livingston, Sylvia
**Sent:** Wednesday, April 29, 2009 9:47 AM
**To:** Walker, Elizabeth (AIR)
**Subject:** FW: Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

---

**From:** Livingston, Sylvia
**Sent:** Tuesday, March 24, 2009 8:02 AM
**To:** 'Garry.Miller@pgnmail.com'
**Subject:** Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

Dear Sir/ Madam:

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**Owner/Company Name:** PROGRESS ENERGY FLORIDA, INC.
**Facility Name:** LEVY NUCLEAR PLANT
**Project Number:** 0750088-001-AC/ PSD-FL-403
**Permit Status:** FINAL
**Permit Activity:** CONSTRUCTION
**Facility County:** LEVY
Processor: Bruce Thomas

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Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

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## Walker, Elizabeth (AIR)

**From:** Livingston, Sylvia
**Sent:** Wednesday, April 29, 2009 9:46 AM
**To:** Walker, Elizabeth (AIR)
**Subject:** FW: Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

---

**From:** Miller, Garry [mailto:garry.miller@pgnmail.com]
**Sent:** Tuesday, March 24, 2009 8:02 AM
**To:** Livingston, Sylvia
**Subject:** Read: Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

Your message

To: garry.miller@pgnmail.com
Subject:

was read on 3/24/2009 8:02 AM.

## Walker, Elizabeth (AIR)

**From:** Livingston, Sylvia
**Sent:** Wednesday, April 29, 2009 9:50 AM
**To:** Walker, Elizabeth (AIR)
**Subject:** FW: Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

---

**From:** Livingston, Sylvia
**Sent:** Monday, March 23, 2009 10:54 AM
**To:** 'daniel.roderick@pgnmail.com'
**Subject:** FW: Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

Dear Sir/ Madam:

Attached is the official **Notice of Final Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send".

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**Facility Name:** LEVY NUCLEAR PLANT
**Project Number:** 0750088-001-AC/ PSD-FL-403
**Permit Status:** FINAL
**Permit Activity:** CONSTRUCTION
**Facility County:** LEVY
**Processor:** Bruce Thomas

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Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506

sylvia.livingston@dep.state.fl.us

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## Walker, Elizabeth (AIR)

**From:** Livingston, Sylvia
**Sent:** Wednesday, April 29, 2009 9:49 AM
**To:** Walker, Elizabeth (AIR)
**Subject:** FW: Levy Nuclear Plant,

---

**From:** Thomas, Bruce X.
**Sent:** Sunday, February 22, 2009 1:02 PM
**To:** Livingston, Sylvia
**Cc:** Koerner, Jeff
**Subject:** FW: Levy Nuclear Plant,

-----Original Message-----
**From:** Bradley, Chris [mailto:Chris.Bradley@pgnmail.com]
**Sent:** Fri 2/20/2009 3:59 PM
**To:** Thomas, Bruce X.
**Cc:**
**Subject:** FW: Levy Nuclear Plant,

Hey Bruce –

Per George Howroyd of CH2MHIII, Albert Ugelow is no longer with CH2MHill. I am still working on Daniel Roderick.

Chris Bradley
Sr. Environmental Specialist
Technical Services/EHSS Section-POG
Progress Energy Florida, Inc.
Telephone: 727.820.5962
Fax: 727.820.5229
E-mail: Chris.Bradley@pgnmail.com

---

**From:** George.Howroyd@CH2M.com [mailto:George.Howroyd@CH2M.com]
**Sent:** Friday, February 20, 2009 3:33 PM
**To:** Bradley, Chris
**Subject:** RE: Levy Nuclear Plant,

Al Ugelow has left the company. (I cannot recall if he retired or he just left.)

---

**From:** Bradley, Chris [mailto:Chris.Bradley@pgnmail.com]
**Sent:** Friday, February 20, 2009 3:31 PM
**To:** Howroyd, George/ATL
**Subject:** FW: Levy Nuclear Plant,

Geo – Can you help me out on with Bruce Thomas's question regarding Albert Ugelow at CH2MHill?

Thanks,

Chris

---

**From:** Thomas, Bruce X. [mailto:Bruce.X.Thomas@dep.state.fl.us]
**Sent:** Friday, February 20, 2009 1:29 PM
**To:** Bradley, Chris
**Cc:** Livingston, Sylvia
**Subject:** Levy Nuclear Plant,

Chris,

The email addresses we have for Albert Ugelow and Daniel Roderick are being returned as undeliverable.

Mr. Daniel Roderick, Progress Energy Florida, Inc. (daniel.roderick@pgnmail.com)
Mr. Albert Ugelow, CH2M Hill (albert.ugelow@ch2m.com)

I would appreciate it if you would please check to see if there is a spelling error or some type of firewall we need to work around. Please give me a call (850/921-7744) if you have any questions. Thanks, Bruce

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey. Thank you in advance for completing the survey.*

## Walker, Elizabeth (AIR)

**From:** System Administrator
**To:** albert.ugelow@ch2m.com
**Sent:** Friday, February 20, 2009 11:52 AM
**Subject:** Undeliverable:Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

Your message did not reach some or all of the intended recipients.

Subject: Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403
Sent: 2/20/2009 11:51 AM

The following recipient(s) cannot be reached:

albert.ugelow@ch2m.com on 2/20/2009 11:52 AM
There was a SMTP communication problem with the recipient's email server. Please contact your system administrator.
<tlhexsprot2.floridadep.net #5.5.0 smtp;550 #5.1.0 Address rejected albert.ugelow@ch2m.com>

## Walker, Elizabeth (AIR)

**From:** System Administrator
**To:** daniel.roderick@pgnmail.com
**Sent:** Friday, February 20, 2009 11:52 AM
**Subject:** Undeliverable:Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403

Your message did not reach some or all of the intended recipients.

Subject: Progress Energy Florida, Inc - Levy Nuclear Plant; 0750088-001-AC/ PSD-FL-403
Sent: 2/20/2009 11:51 AM

The following recipient(s) cannot be reached:

daniel.roderick@pgnmail.com on 2/20/2009 11:52 AM
The e-mail account does not exist at the organization this message was sent to. Check the e-mail address, or contact the recipient directly to find out the correct address.
< mx.pgnmail.com.pph5a.pphosted.com #5.1.1 SMTP; 550 Mailbox unavailable or access denied - <daniel.roderick@pgnmail.com>>

*Progress Energy Florida - Levy Nuclear Plant 0750088-001-AC*

new case # OGC 08-2938

(Bruce T.)

| | |
|---|---|
| **2008** | |
| 19-Dec | new case opened in OGC (closed 08-2085) |
| 19-Dec | Received 1st request for extension of time through Jan 30, 2009 |
| **2009** | |
| 6-Jan | Jeff approved granting the extension through Jan 30th |
| 27-Jan | OGC issued the order granting an extension of time through January 30th only |
| | EXPIRES on JANUARY 30TH |
| 5-Feb | no further comments or requests -- OGC CLOSED THIS CASE TODAY |
| | **CASE CLOSED** |

## Gibson, Victoria

**From:** Koerner, Jeff
**Sent:** Monday, February 02, 2009 4:31 PM
**To:** Gibson, Victoria
**Subject:** FW: Levy Nuclear Project - Proof of Publication of Draft Air Permit
**Attachments:** LNP_Proof_of_Publication_01_15_2009.pdf

Proof of publication was published on January 15th.

We're waiting 30 days for comments.

After the 30 day comment period and the extension request expires, we can issue the permit.

Thanks!

Jeff Koerner, BAR - New Source Review Section
Florida Department of Environmental Protection
850/921-9536

---

**From:** Koerner, Jeff
**Sent:** Thursday, January 22, 2009 4:47 PM
**To:** Moore, Ronni
**Subject:** FW: Levy Nuclear Project - Proof of Publication of Draft Air Permit

Ronni,

Here's the proof of publication I received earlier this week.

Not sure why they need an extension, but I'm sure they would want it for at least 14 days after the publication date.

I'm OK with approving the extension.

Thanks!

Jeff Koerner, BAR - New Source Review Section
Florida Department of Environmental Protection
850/921-9536

---

**From:** Bradley, Chris [mailto:Chris.Bradley@pgnmail.com]
**Sent:** Wednesday, January 21, 2009 8:35 AM
**To:** Koerner, Jeff
**Subject:** Levy Nuclear Project - Proof of Publication of Draft Air Permit

Good morning Jeff –

I have attached a scanned copy of the proof of publication from the Levy County Journal for the Levy Nuclear Project. This notice was published on January 15, 2009 and the original proof of publication will be submitted to you via overnight delivery.

If you have any questions, please contact me. Again, thank you for your patience, assistance and guidance in this matter.

Best regards,

Chris Bradley
Sr. Environmental Specialist
Technical Services/EHSS Section-POG
Progress Energy Florida, Inc.
Telephone: 727.820.5962
Vnet No: 230.5962
Cell: 727.409.2477
Fax: 727.820.5229
E-mail: Chris.Bradley@pgnmail.com

## Gibson, Victoria

**From:** Vielhauer, Trina
**Sent:** Friday, February 06, 2009 2:04 PM
**To:** Gibson, Victoria
**Subject:** FW: Progress Energy OGC# 08-2938 Memo Closing File
**Attachments:** 082938 2-6-09.pdf

---

**From:** Swango, Katie
**Sent:** Friday, February 06, 2009 2:03 PM
**To:** Koerner, Jeff; Vielhauer, Trina
**Cc:** Moore, Ronni
**Subject:** Progress Energy OGC# 08-2938 Memo Closing File

Please find attached the PDF version of the Memo Closing File for the above mentioned case. Please let me know if you have a problem opening or viewing the attachment and I will send you another copy as soon as possible.

Thanks,

*Katie Marie Swango*
*Administrative Assistant for*
*Rebecca Robinette, Ronni Moore, & Pat Comer*

Florida Department of Environmental Protection
Office of General Counsel

# Memo

**To:** Jeff Koerner, Trina Vielhauer, and OGC File

**From:** Ronni Moore, Assistant General Counsel

**Date:** February 6, 2009

**Re:** Progress Energy Florida, Inc. vs. DEP; DEP Permit No. PSD-FL-403; OGC No. 08-2938

---

On December 5, 2008, the Department issued its notice of intent to issue an air construction permit subject to the preconstruction review requirements for the Prevention of Significant Deterioration of Air Quality, permit no. PSD-FL-403, to Progress Energy Florida, Inc. (Progress Energy) for its Levy Nuclear Power Plant, located in Levy County, Florida. Progress Energy requested and was granted an extension of time to file a petition for hearing on the intent through January 30, 2009.

Progress Energy neither requested a further extension of time nor filed a petition by close of business on January 30th. There being no further matters to consider, the Department's file in this matter is closed.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.,

Petitioner,

vs.

OGC No. 08-2938
DEP Permit No. PSD-FL-403

DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent.
_____/

**ORDER GRANTING REQUEST FOR EXTENSION OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Progress Energy Florida, Inc., (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Levy County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **January 30, 2009**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 27 day of January, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via ✓ facsimile ___ U.S. mail ___ hand delivery ___ ONLY on this 27th day of January, 2009, to:

Robert A. Manning
Hopping Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, FL 32301

facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Patricia L. Comer

for RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
phone 850/245-2193
facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - Trina.Vielhauer@dep.state.fl.us
Jeff Koerner, DEP – Jeff.Koerner@dep.state.fl.us

## Gibson, Victoria

**From:** Vielhauer, Trina
**Sent:** Tuesday, January 27, 2009 3:57 PM
**To:** Gibson, Victoria
**Subject:** FW: Order Granting Request for Extension of Time OGC# 08-2938
**Follow Up Flag:** Follow up
**Flag Status:** Red
**Attachments:** PEF OGC#082938.pdf

-----Original Message-----
**From:** Swango, Katie
**Sent:** Tue 1/27/2009 12:59 PM
**To:** Koerner, Jeff; Vielhauer, Trina
**Cc:** Moore, Ronni
**Subject:** Order Granting Request for Extension of Time OGC# 08-2938

Please find attached the PDF version of the Order Granting the Request for extension of time for Progress Energy Florida. Please let me know if you have a problem opening or viewing the above attachment and I will send you another version as soon as possible.

Thanks

*Katie Marie Swango*
*Administrative Assistant for*
*Rebecca Robinette, Ronni Moore, & Pat Comer*

## Gibson, Victoria

**From:** Koerner, Jeff
**Sent:** Tuesday, January 06, 2009 1:16 PM
**To:** Moore, Ronni
**Cc:** Vielhauer, Trina; Gibson, Victoria; Thomas, Bruce X.
**Subject:** Progress Energy - Cooling Towers for Proposed Levy County Nuclear Plant

Ronni,

We can approve this request. They left two small fresh water cooling towers out of their application and may need to modify the application again ...

Thanks!

Jeff Koerner, BAR - New Source Review Section
Florida Department of Environmental Protection
850/921-9536

---

**From:** Vielhauer, Trina
**Sent:** Tuesday, January 06, 2009 12:42 PM
**To:** Koerner, Jeff
**Subject:** RE:

Jeff,
I remember us talking about this one before we left for the holidays...did we get back to Ronni yet?

---

**From:** Moore, Ronni
**Sent:** Monday, December 22, 2008 12:37 PM
**To:** Koerner, Jeff; Vielhauer, Trina
**Subject:**

Afternoon,

We received the attached request for extension for time on the revised draft issued to Progress Energy's Levy plant on December 5th. The request asks for an extension through January 30, 2009. Please let me know what action you want taken on this request.

Thanks,
Ronni

Ronda L. Moore
Assistant General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000

Phone: 850.245.2193
Fax: 850.245.2302
ronni.moore@dep.state.fl.us

Please consider the environment before printing this email.

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC No.: 08-2085
FDEP Draft Permit No. PSD-FL-403
Project No. 0750088-001-AC

Progress Energy Florida, Inc.
Levy Nuclear Plant
Levy County, Florida

/

**FIRST REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress Energy) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including January 30, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress Energy states the following:

1. On or about December 8, 2008, Progress Energy received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Revised Draft Permit" (Revised Draft Permit No. PSD-FL-403, Project No. 0750088-001-AC) and Technical Evaluation and Preliminary Determination, for the Levy Nuclear Plant, Unit 1 and 2 Cooling Towers, which is located approximately 4 miles northwest of the town of Inglis, east of State Highway 19 in Inglis, Levy County, Florida.

2. Based on Progress Energy's initial review, the Revised Draft Permit and associated documents contain provisions that may warrant clarification or corrections.

4. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the Revised Draft

Permit, in the event resolution cannot be reached. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Progress Energy respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.PSD-FL-403 (Project No. 0750088-001-AC) be formally extended to and including January 30, 2009.

RESPECTFULLY SUBMITTED this 19th day of December, 2008.

By: Robert Manning

Robert A. Manning
Florida Bar ID No. 0035173
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
(850) 224-8551 Facsimile

Attorneys for Progress Energy Florida, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399, this 19th day of December, 2008.

Robert Manning
Attorney

## Gibson, Victoria

**From:** Gibson, Victoria
**Sent:** Friday, December 19, 2008 3:37 PM
**To:** Arif, Syed; Koerner, Jeff
**Subject:** FW: Request for Extension of Time - 0750088-001-AC - Progress Energy Florida, Inc.
**Attachments:** SKMBT_50108121915250.pdf

FYI,

Vickie

---

**From:** Crandall, Lea
**Sent:** Friday, December 19, 2008 3:34 PM
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Thomas, Bruce X.
**Subject:** Request for Extension of Time - 0750088-001-AC - Progress Energy Florida, Inc.

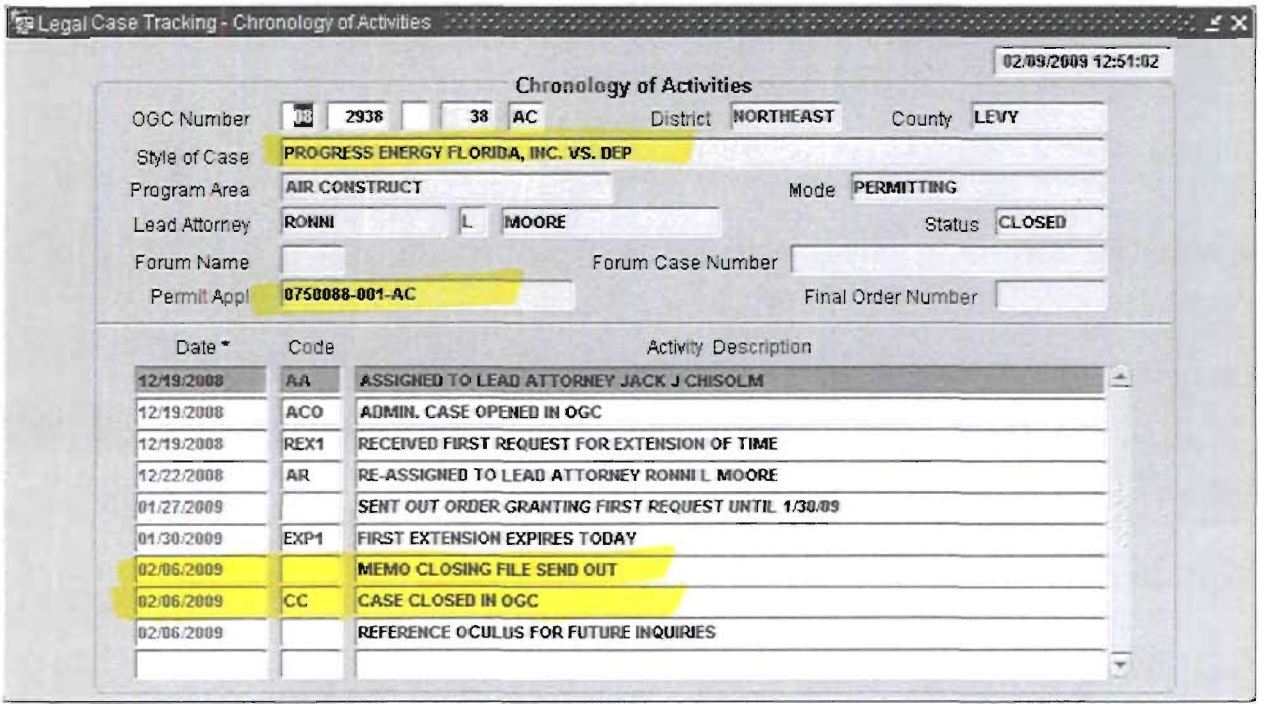
**FYI, the attached Request for Extension of Time for 0750088-001-AC - Progress Energy Florida, Inc. was filed today.**

**Thanks,**
**Lea**

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

---

**From:** ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]
**Sent:** Friday, December 19, 2008 3:25 PM
**To:** Crandall, Lea
**Subject:** Message from KMBT_501


Legal Case Tracking - Chronology of Activities
02/09/2009 12:51:02
Chronology of Activities
OGC Number 03 2938 38 AC
District NORTHEAST
County LEVY
Style of Case PROGRESS ENERGY FLORIDA, INC. VS. DEP
Program Area AIR CONSTRUCT
Mode PERMITTING
Lead Attorney RONNI L MOORE
Status CLOSED
Forum Name
Forum Case Number
Permit Appl 0750088-001-AC
Final Order Number
Date * Code Activity Description
12/19/2008 AA ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
12/19/2008 ACO ADMIN. CASE OPENED IN OGC
12/19/2008 REX1 RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
12/22/2008 AR RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
01/27/2009 SENT OUT ORDER GRANTING FIRST REQUEST UNTIL 1/30/09
01/30/2009 EXP1 FIRST EXTENSION EXPIRES TODAY
02/06/2009 MEMO CLOSING FILE SEND OUT
02/06/2009 CC CASE CLOSED IN OGC
02/06/2009 REFERENCE OCULUS FOR FUTURE INQUIRIES

*Progress Energy Florida - Levy Nuclear Plant 0750088-001-AC*

OGC 08-2085 – old case #

(Bruce T.)

| | |
|---|---|
| **2008** | |
| 13-Aug | Received first request for an extension of time-- scanned a copy and sent to Jeff, Syed, Bruce T., Trina, Lee and Ronni |
| | under consideration - asking for time through November 12 |
| 14-Aug | Syed and Bruce T. asked Ronni to grant only through October 12 |
| 27-Aug | OGC granted request through October 13 |
| 6-Oct | one week notice to Syed and Bruce T. |
| | Expires on October 13th |
| 13-Oct | Received the 2nd request for additional time through December 1 |
| 14-Oct | Bruce T has asked the facility why they have requested this extension |
| 23-Oct | Order issued granting additional time through November 24th |
| | EXPIRES ON NOVEMBER 24TH |
| 24-Nov | Received 3rd request for an extension of time through Jan 16, 2009 |
| 9-Dec | Memo closing the file – Ronni will open a new case # 08-2938 |
| 15-Dec | Case closed in OGC |

Florida Department of Environmental Protection
Office of General Counsel

# Memo

**To:** Jeff Koerner, Trina Vielhauer, and OGC File

**From:** Ronni Moore, Assistant General Counsel

**Date:** December 9, 2008

**Re:** Progress Energy Florida, Inc. vs. DEP; DEP Permit No. PSD-FL-403; Project No.: 0750088-001-AC; OGC No. 08-2085

---

On July 31, 2008, the Department issued a notice of intent to issue air construction permit no. PSD-FL-403 to Progress Energy Florida, Inc. (Progress). Progress requested extensions of time to file a petition for hearing on the intent, which the Department granted. Progress submitted its third request for extension of time on November 24, 2008, asking for an extension through January 16, 2009.

On December 5, 2008, the Department issued Progress a revised draft permit withdrawing the previously issued intent that is the subject of this case. There being no further matters to consider, the Department's file in this matter is closed.

## Gibson, Victoria

**From:** Vielhauer, Trina
**Sent:** Wednesday, December 10, 2008 9:08 AM
**To:** Gibson, Victoria
**Subject:** FW: Progress Energy OGC# 08-2085 Memo Closing File
**Follow Up Flag:** Follow up
**Flag Status:** Red
**Attachments:** 082085 12-09-08.pdf

---

**From:** Swango, Katie
**Sent:** Tuesday, December 09, 2008 3:09 PM
**To:** Koerner, Jeff; Vielhauer, Trina
**Cc:** Moore, Ronni
**Subject:** Progress Energy OGC# 08-2085 Memo Closing File

Please find attached the PDF version of the Memo closing this file. Please let me know if you have a problem opening or viewing the above attachment and I will send you a hard copy as soon as possible.

Thanks

***Katie Marie Swango***
***Administrative Assistant for***
***Rebecca Robinette, Ronni Moore, & Pat Comer***

**Gibson, Victoria**

**From:** Vielhauer, Trina
**Sent:** Monday, November 24, 2008 9:52 PM
**To:** Moore, Ronni; Thomas, Bruce X.; Gibson, Victoria
**Cc:** Koerner, Jeff; Arif, Syed; Holtom, Jonathan
**Subject:** Re: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

Hey Bruce,

It sounds like we will need to withdraw the old permit at some point (for the engines as I recall) and reissue a new permit with pm bact on the engines. So, I would think we can grant the extension on this one while we review their submittal on the engines' bact. Then, we would simultaneously issue the new draft and state in those documents the new draft rescinds and replaces the prior version. We need to keep Ronni in the loop too of course.

I think Jeff is handling it right now. I'm in tuesday but out wednesday so if you have questions just let me know.

Trina Vielhauer

---
Sent from my BlackBerry Wireless Handheld

---

**From:** Moore, Ronni
**To:** Thomas, Bruce X.; Gibson, Victoria
**Cc:** Koerner, Jeff; Koerner, Jeff; Arif, Syed; Vielhauer, Trina; Holtom, Jonathan
**Sent:** Mon Nov 24 16:58:33 2008
**Subject:** RE: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

Bruce, I've attached another copy of the request for extension (just in case you could open it, perhaps it's because it's a PDF?). The request states Progress submitted written comments on November 18th and more time is need to work through the issues with the draft permit, and is asking for an extension through Jan. 16th.

Ronda L. Moore
Assistant General Counsel
Please consider the environment before printing this email.

**From:** Thomas, Bruce X.
**Sent:** Monday, November 24, 2008 4:30 PM
**To:** Moore, Ronni; Gibson, Victoria
**Cc:** Koerner, Jeff; Koerner, Jeff; Arif, Syed; Vielhauer, Trina; Holtom, Jonathan
**Subject:** RE: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC
**Importance:** High

I'm not sure who is/may be out on vacation so I am using a buckshot approach. I also cannot open the request for extension so I don't know what the issue is. I would like to stay in the loop on this as this is my first exposure to this type of action. Please also make sure someone checks Ronni's schedule so we have that base covered. I would appreciate it if someone from the skeleton staff left this week would summarize or open the request so I can catch up. Thanks and have a Happy Thanksgiving! Bruce

-----Original Message-----
**From:** Crandall, Lea
**Sent:** Mon 11/24/2008 3:58 PM
**To:** Moore, Ronni; Thomas, Bruce X.; Gibson, Victoria
**Cc:**
**Subject:** 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

**FYI, please see the attached 3rd Request for Extension of Time.**

**Thanks,**
**Lea**

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

---

**From:** ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]
**Sent:** Monday, November 24, 2008 3:51 PM
**To:** Crandall, Lea
**Subject:** Message from KMBT_501

**Gibson, Victoria**

**From:** Koerner, Jeff
**Sent:** Monday, November 24, 2008 8:23 PM
**To:** Moore, Ronni; Thomas, Bruce X.; Gibson, Victoria
**Cc:** Arif, Syed; Vielhauer, Trina; Holtom, Jonathan
**Subject:** RE: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

Bruce and Ronni,

Progress Energy just submitted their comments, which included an updated BACT proposal for PM from the emergency generators.

I have this and plan to issue a revised draft permit package, which will give them their administartive rights again.

Ronni, I suggest you move slowly on this 3rd request because I expect to issue the revised draft soon, which will also rescind the previous draft making this request moot. Now I'm starting to sound like Trina ...

Anyway, I'm taking care of this.

Thanks!

Jeff

P.S. Ronni, if you're still interested in selling your old Civic, I have a 2nd son looking for a brand new used car ... and the new Jettas look nice.

-----Original Message-----
**From:** Moore, Ronni
**Sent:** Mon 11/24/2008 4:58 PM
**To:** Thomas, Bruce X.; Gibson, Victoria
**Cc:** Koerner, Jeff; Koerner, Jeff; Arif, Syed; Vielhauer, Trina; Holtom, Jonathan
**Subject:** RE: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

Bruce, I've attached another copy of the request for extension (just in case you could open it, perhaps it's because it's a PDF?). The request states Progress submitted written comments on November 18th and more time is need to work through the issues with the draft permit, and is asking for an extension through Jan. 16th.

Ronda L. Moore
Assistant General Counsel


Please consider the environment before printing this email.

**From:** Thomas, Bruce X.
**Sent:** Monday, November 24, 2008 4:30 PM
**To:** Moore, Ronni; Gibson, Victoria
**Cc:** Koerner, Jeff; Koerner, Jeff; Arif, Syed; Vielhauer, Trina; Holtom, Jonathan
**Subject:** RE: 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC
**Importance:** High

I'm not sure who is/may be out on vacation so I am using a buckshot approach. I also cannot open the request for extension so I don't know what the issue is. I would like to stay in the loop on this as this is my first exposure to this type of action. Please also make sure someone checks Ronni's schedule so we have that base covered. I would appreciate it if someone from the skeleton staff left this week would summarize or open the request so I can catch up. Thanks and have a Happy Thanksgiving! Bruce

-----Original Message-----
**From:** Crandall, Lea
**Sent:** Mon 11/24/2008 3:58 PM
**To:** Moore, Ronni; Thomas, Bruce X.; Gibson, Victoria
**Cc:**
**Subject:** 3rd Request for Extension of Time - Progress Energy - 0750088-001-AC

**FYI, please see the attached 3rd Request for Extension of Time.**

**Thanks,**
**Lea**

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

**From:** ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]
**Sent:** Monday, November 24, 2008 3:51 PM
**To:** Crandall, Lea
**Subject:** Message from KMBT_501

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC No.: 08-2085
FDEP Draft Permit No. PSD-FL-403
Project No. 0750088-001-AC

DEPT OF ENVIRONMENTAL PROTECTION

NOV 24 2008

OFFICE OF GENERAL COUNSEL

Progress Energy Florida, Inc.
Levy Nuclear Plant
Levy County, Florida

_____/

**THIRD REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress Energy) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including January 16, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress Energy states the following:

1. On or about July 31, 2008, Progress Energy received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit" (Draft Permit No. PSD-FL-403, Project No. 0750088-001-AC) and Technical Evaluation and Preliminary Determination, for the Levy Nuclear Plant, Unit 1 and 2 Cooling Towers, which is located approximately 4 miles northwest of the town of Ingilis, east of State Highway 19 in Ingilis, Levy County, Florida.

2. Based on Progress Energy's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

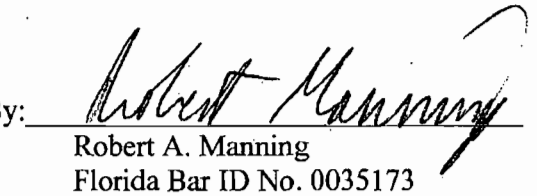
3. On November 18, 2008, Progress Energy submitted written comments and will be discussing with the Department possible resolutions to the issues needing clarification or correction.

4. On October 22, 2008 the Department granted Progress Energy's second request for extension of time until November 24, 2008 to file a petition is this matter.

5. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the Draft Permit, in the event resolution cannot be reached. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Progress Energy respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.PSD-FL-403 (Project No. 0750088-001-AC) be formally extended to and including January 16, 2009.

RESPECTFULLY SUBMITTED this 24th day of November, 2008.

By: 

Robert A. Manning
Florida Bar ID No. 0035173
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
(850) 224-8551 Facsimile

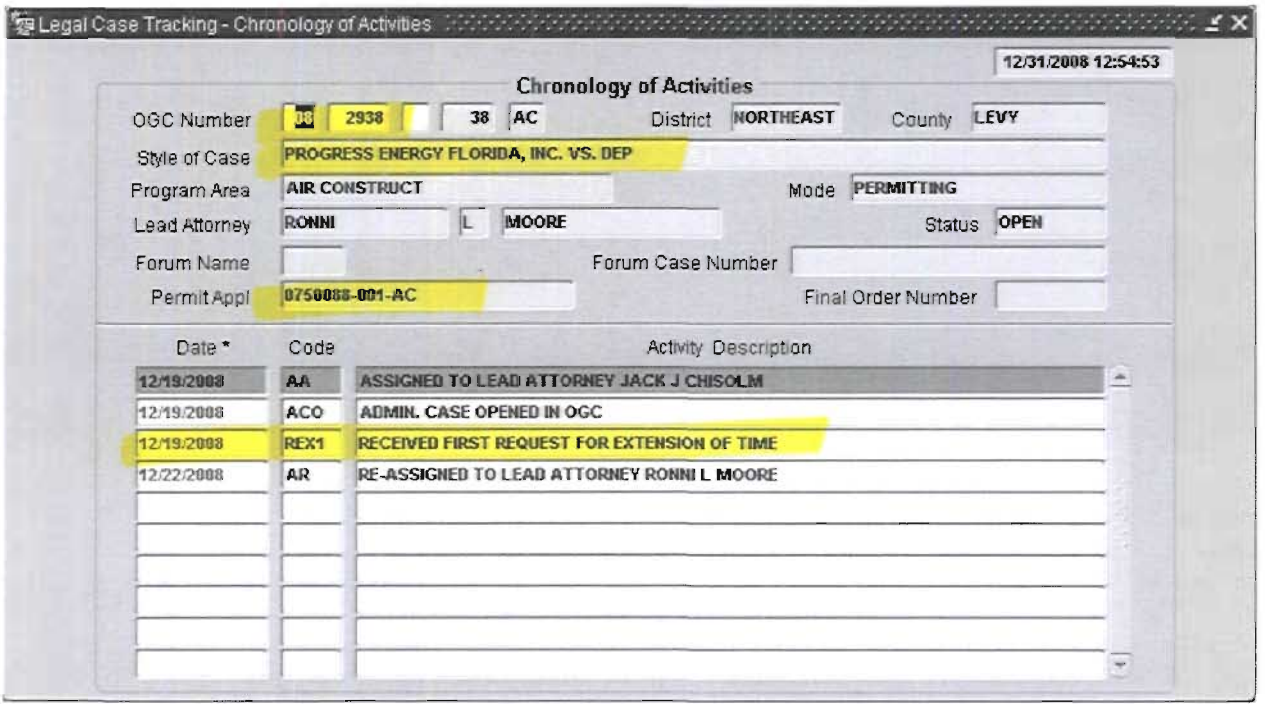
Attorneys for Progress Energy Florida, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399, this 24th day of November, 2008.

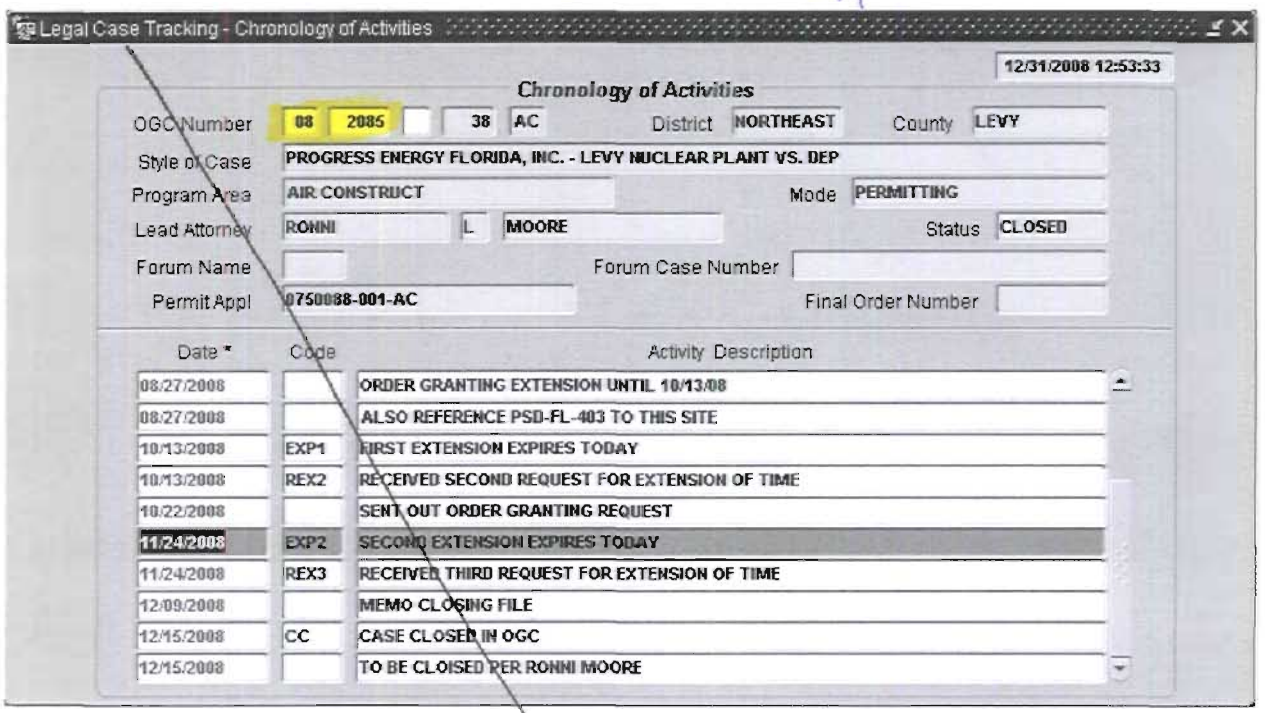
Robert Manning

Attorney


Legal Case Tracking - Chronology of Activities
12/31/2008 12:54:53
Chronology of Activities
OGC Number 08 2938 38 AC
District NORTHEAST
County LEVY
Style of Case PROGRESS ENERGY FLORIDA, INC. VS. DEP
Program Area AIR CONSTRUCT
Mode PERMITTING
Lead Attorney RONNI L MOORE
Status OPEN
Forum Name
Forum Case Number
Permit Appl 0750088-001-AC
Final Order Number
Date * Code Activity Description
12/19/2008 AA ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
12/19/2008 ACO ADMIN. CASE OPENED IN OGC
12/19/2008 REX1 RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
12/22/2008 AR RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE

NEW CASE #

old CASE #



Legal Case Tracking - Chronology of Activities

12/31/2008 12:53:33

## Chronology of Activities

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| OGC Number | 08 | 2085 | | 38 | AC | District | NORTHEAST | County | LEVY |
| Style of Case | PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT VS. DEP | | | | | | | | |
| Program Area | AIR CONSTRUCT | | | | | | Mode | PERMITTING | |
| Lead Attorney | RONNI | | L | MOORE | | | | Status | CLOSED |
| Forum Name | | | | | | Forum Case Number | | | |
| Permit Appl | 0750088-001-AC | | | | | | Final Order Number | | |

| Date * | Code | Activity Description |
|---|---|---|
| 08/27/2008 | | ORDER GRANTING EXTENSION UNTIL 10/13/08 |
| 08/27/2008 | | ALSO REFERENCE PSD-FL-403 TO THIS SITE |
| 10/13/2008 | EXP1 | FIRST EXTENSION EXPIRES TODAY |
| 10/13/2008 | REX2 | RECEIVED SECOND REQUEST FOR EXTENSION OF TIME |
| 10/22/2008 | | SENT OUT ORDER GRANTING REQUEST |
| 11/24/2008 | EXP2 | SECOND EXTENSION EXPIRES TODAY |
| 11/24/2008 | REX3 | RECEIVED THIRD REQUEST FOR EXTENSION OF TIME |
| 12/09/2008 | | MEMO CLOSING FILE |
| 12/15/2008 | CC | CASE CLOSED IN OGC |
| 12/15/2008 | | TO BE CLOISED PER RONNI MOORE |

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.,

Petitioner,

vs.

OGC No. 08-2085
DEP Permit No. PSD-FL-403

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent.
_____/

**ORDER GRANTING SECOND REQUEST FOR EXTENSION OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Progress Energy Florida, Inc., (Petitioner), to grant a second extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Levy County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **November 24, 2008**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 22nd day of October, 2008, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

JACK CHISCLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Second Request for Extension of Time to File Petition for Hearing, was furnished via facsimile ONLY on this 23rd day of October, 2008, to:

Robert A. Manning
Hopping Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, FL 32301

facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
phone 850/245-2193
facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - Trina.Vielhauer@dep.state.fl.us
Syed Arif – DEP – Syed.Arif@dep.state.fl.us
Jeff Koerner – DEP – Jeff.Koerner@dep.state.fl.us

## Gibson, Victoria

**From:** Swango, Katie
**Sent:** Thursday, October 23, 2008 1:45 PM
**To:** Vielhauer, Trina; Arif, Syed; Koerner, Jeff
**Cc:** Moore, Ronni
**Subject:** re: Order Granting Request for Extension of Time OGC # 08-2085 Progress Energy Florida
**Attachments:** 082085 10-23-2008.pdf

Please find attached the PDF version of the Order Granting Request for Extension of Time for Progress Energy Florida. Please let me know if you have a problem opening or viewing the above attachment and I will send you a hard copy as soon as possible.

Thanks

Katie Marie Swango
Administrative Assistant for
Rebecca Robinette, Ronni Moore, & Pat Comer

## Gibson, Victoria

**From:** Thomas, Bruce X.
**Sent:** Wednesday, October 15, 2008 11:08 AM
**To:** Gibson, Victoria
**Subject:** FW: 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy

Vickie,

I should have copied you as well.

Bruce Thomas, P.E.
Division of Air Resource Management
(850)-921-7744 or Bruce.X.Thomas@dep.state.fl.us

---

**From:** Thomas, Bruce X.
**Sent:** Wednesday, October 15, 2008 11:01 AM
**To:** Moore, Ronni
**Cc:** Swango, Katie; Arif, Syed; Koerner, Jeff
**Subject:** RE: 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy

Ronni,

I emailed them earlier today to try and find out what the issue is. We will be in touch as soon as we hear back. Please also note that I will be going on extended leave from work beginning the first of next week. Please copy Syed Arif and Jeff Koerner on all future correspondence. Thanks, Bruce

Bruce Thomas, P.E.
Division of Air Resource Management
(850)-921-7744 or Bruce.X.Thomas@dep.state.fl.us

---

**From:** Moore, Ronni
**Sent:** Wednesday, October 15, 2008 10:55 AM
**To:** Thomas, Bruce X.
**Cc:** Swango, Katie
**Subject:** FW: 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy

Hi Bruce,

Just checking in with you regarding this 2nd request for extension of time on Progress Energy's PSD permit for Levy. They are requesting an extension through Dec. 1. What would you like to do?

Thanks,
Ronni

Ronda L. Moore

Assistant General Counsel


Please consider the environment before printing this email.

---

**From:** Crandall, Lea
**Sent:** Monday, October 13, 2008 4:06 PM
**To:** Moore, Ronni; Gibson, Victoria; Thomas, Bruce X.
**Subject:** 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy

**FYI, 2nd Request for Extension of Time filed today re: 0750088-001-AC - Progress Energy.**

**Thanks,**
**Lea**

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC No.
FDEP Draft Permit No. PSD-FL-403
Project No. 0750088-001-AC

Progress Energy Florida, Inc.
Levy Nuclear Plant
Levy County, Florida

_____/

**SECOND REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress Energy) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including December 1, 2008, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress Energy states the following:

1. On or about July 31, 2008, Progress Energy received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit" (Draft Permit No. PSD-FL-403, Project No. 0750088-001-AC) and Technical Evaluation and Preliminary Determination, for the Levy Nuclear Plant, Unit 1 and 2 Cooling Towers, which is located approximately 4 miles northwest of the town of Ingilis, east of State Highway 19 in Ingilis, Levy County, Florida.

2. Based on Progress Energy's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

3. Progress Energy will soon file written comments and will be discussing with the Department possible resolutions to the issues needing clarification or correction.

4. On August 27, 2008, the Department granted Progress Energy's first request for extension of time until October 13, 2008 to file a petition is this matter.

5. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the Draft Permit, in the event resolution cannot be reached. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Progress Energy respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.PSD-FL-403 (Project No. 0750088-001-AC) be formally extended to and including December 1, 2008.

RESPECTFULLY SUBMITTED this 13th day of October, 2008.

By: _____ for

Robert A. Manning
Florida Bar ID No. 0035173
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
(850) 224-8551 Facsimile

Attorneys for Progress Energy Florida, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399, this 13th day of October, 2008.

Attorney

## Gibson, Victoria

**From:** Gibson, Victoria
**Sent:** Tuesday, October 14, 2008 9:24 AM
**To:** Arif, Syed; Koerner, Jeff
**Subject:** FW: 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy
**Attachments:** Di4700810131553.PDF

FYI,

Vickie

---

**From:** Crandall, Lea
**Sent:** Monday, October 13, 2008 4:06 PM
**To:** Moore, Ronni; Gibson, Victoria; Thomas, Bruce X.
**Subject:** 2nd Request for Extension of Time - 0750088-001-AC - Progress Energy

**FYI, 2nd Request for Extension of Time filed today re: 0750088-001-AC - Progress Energy.**

**Thanks,**
**Lea**

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.,

Petitioner,

vs.

OGC No. 08-2085
DEP Permit No. PSD-FL-403
0750088-001-AC

DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent.
_____/

**ORDER GRANTING REQUEST FOR EXTENSION OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Progress Energy Florida, Inc., (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Levy County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **October 13, 2008**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 27 day of August, 2008, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jack Chisolm

JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via ✓ facsimile ___ U.S. mail ___ hand delivery ✓ ONLY on this 27th day of August, 2008, to:

Robert A. Manning
Hopping Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, FL 32301

facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
phone 850/245-2193
facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - Trina.Vielhauer@dep.state.fl.us
Bruce Thomas, DEP Project Engineer - Bruce.X.Thomas@dep.state.fl.us

## Gibson, Victoria

**From:** Vielhauer, Trina
**Sent:** Wednesday, August 27, 2008 2:34 PM
**To:** Gibson, Victoria
**Subject:** FW: Progress Energy Florida OGC # 08-2085 re: ORDER Granting Extension of Time
**Attachments:** 082085 8-27-08.pdf

---

**From:** Swango, Katie
**Sent:** Wednesday, August 27, 2008 1:37 PM
**To:** Thomas, Bruce X.; Vielhauer, Trina
**Cc:** Moore, Ronni
**Subject:** Progress Energy Florida OGC # 08-2085 re: ORDER Granting Extension of Time

Please find attached the PDF version of the Order Granting Progress Energy's request for Extension of time. If you have a problem opening or viewing the above attachment please let me know and I will send you a hard copy as soon as possible. Thanks and have a blessed day.

Katie Marie Swango
Administrative Assistant for
Rebecca Robinette, Ronni Moore, & Pat Comer

## Gibson, Victoria

**From:** Arif, Syed
**Sent:** Thursday, August 14, 2008 2:30 PM
**To:** Moore, Ronni
**Cc:** Thomas, Bruce X.; Gibson, Victoria
**Subject:** FW: From Vickie -- Request for Extension of Time

Ronnie,

Based on my discussion with Bruce Thomas, we will be comfortable in providing them extension of time until October 12, 2008. The Air permit is very concise and only includes cooling towers. I don't believe there should be much controversy in the permit we have issued. Let me know if you have any questions.

Syed

---

**From:** Thomas, Bruce X.
**Sent:** Thursday, August 14, 2008 2:22 PM
**To:** Arif, Syed
**Subject:** RE: From Vickie -- Request for Extension of Time

That's fine. I can't imagine we will have difficulty resolving any issues they have.

Bruce Thomas, P.E.
Division of Air Resource Management
(850)-921-7744 or Bruce.X.Thomas@dep.state.fl.us

---

**From:** Arif, Syed
**Sent:** Thursday, August 14, 2008 2:21 PM
**To:** Thomas, Bruce X.
**Subject:** RE: From Vickie -- Request for Extension of Time

Bruce,

Are you comfortable to give them 60 days until October 12 instead of 90 days?

Syed

---

**From:** Thomas, Bruce X.
**Sent:** Thursday, August 14, 2008 2:18 PM
**To:** Arif, Syed
**Subject:** FW: From Vickie -- Request for Extension of Time

Syed,

They don't elaborate on why they need until November 12th. I would be in favor of reducing the length of the extension so we don't have another project backed up at the end of the year. Thanks, Bruce

Bruce Thomas, P.E.
Division of Air Resource Management

(850)-921-7744 or Bruce.X.Thomas@dep.state.fl.us

---

**From:** Gibson, Victoria
**Sent:** Wednesday, August 13, 2008 2:11 PM
**To:** Thomas, Bruce X.; Arif, Syed
**Cc:** Koerner, Jeff; Crandall, Lea; Moore, Ronni
**Subject:** From Vickie -- Request for Extension of Time

Hi,

Just received by hand delivery from Hopping Green a request for extension of time for:

Progress Energy - Levy Nuclear Plant

0750088-001-AC PSD-FL-403

Please be sure to cc me on your reply to Ronni on whether to grant or deny this request.

Attached is the scanned request.

<< File: Levy Nuclear Request for Extension of Tim.pdf >>

Thank you.

*Vickie*

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Division of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

## Gibson, Victoria

**From:** Gibson, Victoria
**Sent:** Wednesday, August 13, 2008 2:11 PM
**To:** Vielhauer, Trina
**Subject:** FW: From Vickie -- Request for Extension of Time

**Attachments:** Levy Nuclear Request for Extension of Tim.pdf

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**From:** Gibson, Victoria
**Sent:** Wednesday, August 13, 2008 2:11 PM
**To:** Thomas, Bruce X.; Arif, Syed
**Cc:** Koerner, Jeff; Crandall, Lea; Moore, Ronni
**Subject:** From Vickie -- Request for Extension of Time

Hi,

Just received by hand delivery from Hopping Green a request for extension of time for:

Progress Energy - Levy Nuclear Plant

0750088-001-AC PSD-FL-403

Please be sure to cc me on your reply to Ronni on whether to grant or deny this request.

Attached is the scanned request.

Levy Nuclear
Request for Exten...

Thank you.

*Vickie*

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Division of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

COPY

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC No.
FDEP Draft Permit No. PSD-FL-403
Project No. 0750088-001-AC

Progress Energy Florida, Inc.
Levy Nuclear Plant
Levy County, Florida

_____/

**REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress Energy) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 12, 2008, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress Energy states the following:

1. On or about July 31, 2008, Progress Energy Florida, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit" (Draft Permit No. PSD-FL-403; Project No. 0750088-001-AC) and Technical Evaluation and Preliminary Determination, for the Levy Nuclear Plant, Unit 1 and 2 Cooling Towers, which is located approximately 4 miles northwest of the town of Ingilis, east of State Highway 19 in Ingilis, Levy County, Florida.

2. Based on Progress Energy's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

3. Progress Energy will soon file written comments and will be discussing with the Department possible resolutions to the issues needing clarification or correction.

4. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the Draft Permit, in the event resolution cannot be reached. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Progress Energy Florida, Inc. respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.PSD-FL-403 (Project No. 0750088-001-AC) be formally extended to and including November 12, 2008.

RESPECTFULLY SUBMITTED this 13th day of August, 2008.

By: _____

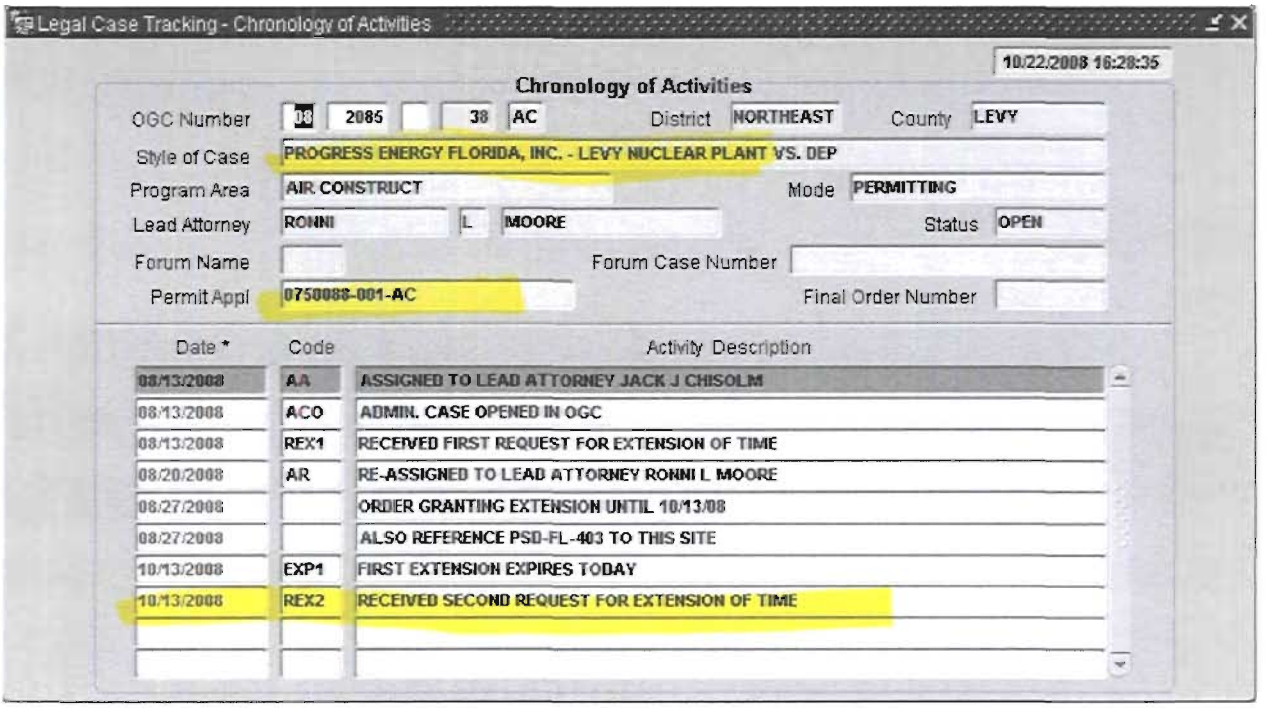
Robert A. Manning
Florida Bar ID No. 0035178
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
(850) 224-8551 Facsimile

Attorneys for PROGRESS ENERGY FLORIDA, INC.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399, this 13th day of August, 2008.

Robert A. Manning


Legal Case Tracking - Chronology of Activities
10/22/2008 16:28:35
Chronology of Activities
OGC Number 08 2085 38 AC
District NORTHEAST
County LEVY
Style of Case PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT VS. DEP
Program Area AIR CONSTRUCT
Mode PERMITTING
Lead Attorney RONNI L MOORE
Status OPEN
Forum Name
Forum Case Number
Permit Appl 0750088-001-AC
Final Order Number
Date * Code Activity Description
08/13/2008 AA ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
08/13/2008 ACO ADMIN. CASE OPENED IN OGC
08/13/2008 REX1 RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
08/20/2008 AR RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
08/27/2008 ORDER GRANTING EXTENSION UNTIL 10/13/08
08/27/2008 ALSO REFERENCE PSD-FL-403 TO THIS SITE
10/13/2008 EXP1 FIRST EXTENSION EXPIRES TODAY
10/13/2008 REX2 RECEIVED SECOND REQUEST FOR EXTENSION OF TIME

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.,

Petitioner,

vs.

OGC No. 08-2938
DEP Permit No. PSD-FL-403

DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent.
_____/

**ORDER GRANTING REQUEST FOR**
**EXTENSION OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Progress Energy Florida, Inc., (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Levy County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **January 30, 2009**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 27 day of January, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via ✓ facsimile ___ U.S. mail ___ hand delivery ___ ONLY on this 27th day of January, 2009, to:

Robert A. Manning
Hopping Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, FL 32301

facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Patricia L. Comer

for RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
phone 850/245-2193
facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - Trina.Vielhauer@dep.state.fl.us
Jeff Koerner, DEP – Jeff.Koerner@dep.state.fl.us

Progress Energy



January 23, 2009

Mr. Jeff Koerner, P.E.
New Source Review Administrator
Bureau of Air Regulation
Department of Environmental Protection
Division of Air Resource Management
2600 Blair Stone Road MS 5505
Tallahassee, Florida 32399-2400

Re: Affidavit of Publication of Intent to Issue
Draft Permit No: PSD-FL-403/Project No. 0750088-001-AC
Levy Nuclear Plant
Levy County

Mr. Koerner:

Pursuant to Rule 62-210.350 of the Florida Administrative Code (F.A.C.), Progress Energy Florida, Inc. (PEF) has published the public notice of draft permit in the Levy County Journal for the Levy Nuclear Project. This notice of intent was published on January 15, 2009. Enclosed is an original notarized Affidavit of Publication of the above referenced public notice.

If you have any questions, please contact me at (727) 820-5962. In addition, thank you for your assistance in this matter.

Best regards,

Chris Bradley

Chris Bradley
Senior Environmental Specialist

Enclosure

**Progress Energy Florida, Inc.**
P.O. Box 14042
St. Petersburg, FL 33733

# LEVY COUNTY JOURNAL

PUBLISHED WEEKLY
BRONSON, LEVY COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF LEVY:

Before the undersigned authority personally appeared Rick Burnham, who on oath says he is Editor of the LEVY COUNTY JOURNAL, a newspaper published at Bronson, Levy County, Florida; that the attached copy of advertisement,

being a Notice of Application for Draft Air Permit

in the matter of Florida Department of Environmental Protection, Division of Air Resource Management, Bureau of Air Regulation, for Draft Air Permit No. PSD-FL-403, Progress Energy Levy Nuclear Plant Cooling Towers

was published in the said newspaper in the issues of:

January 15, 2009

Affiant further says that the said LEVY COUNTY JOURNAL is a newspaper published at Bronson, in said Levy County, Florida, and that the said newspaper has heretofore been continuously published in said Levy County, Florida, each week and has been entered as second class mail matter at the post office in Bronson, in said Levy County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Editor

Sworn to and subscribed before me, and is personally known to me, appeared Rick Burnham, who did take an oath, this

15th day of January, A.D., 2009.

Robin Heath
Signature, Notary Public

My commission expires: (SEAL)

ROBIN HEATH
MY COMMISSION # DD402908
EXPIRES: March 06, 2009
Fl. Notary Discount Assoc. Co.
1-800-3-NOTARY

**Florida Department of Environmental Protection Division of Air Resource Management, Bureau of Air Regulation Draft Air Permit No. PSD-FL-403 / Project No. 0750088-001-AC Progress Energy Florida, Inc., Levy Nuclear Plant Cooling Tower Project Levy County, Florida**

**Applicant:** The applicant for this project is Progress Energy Florida, Inc. The applicant's authorized representative and mailing address is: Daniel Roderick, Vice President, Nuclear Projects, Construction, Progress Energy Florida, Inc., P.O. Box 14042, SA2C, St. Petersburg, Florida, 33733.

**Facility Location:** Progress Energy Florida, Inc. proposes to construct a new nuclear power plant to be located approximately 4 miles northeast of the town of Inglis and east of State Highway 19 in Levy County, Florida.

**Project:** To support new nuclear Units 1 and 2, the applicant proposes to construct and operate two mechanical draft cooling towers, four 4000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps. Based on the air permit application, the project will result in potential emissions of: 3.5 tons per year of carbon monoxide (CO); 16.4 tons per year of nitrogen oxides (NOX); 507 tons per year of particulate matter (PM); 6.8 tons per year of particulate matter with a mean diameter of 10 microns or less (PM10); 0.07 tons per year of sulfur dioxide (SO2); and 1.4 tons per year of volatile organic compounds (VOC). Since annual PM emissions are greater than 250 tons/year, the project is subject to the preconstruction review requirements of Rule 62-212.400, Florida Administrative Code (F.A.C.) for the Prevention of Significant Deterioration (PSD) of Air Quality. For each PSD-significant pollutant, the Department is required to determine the Best Available Control Technology (BACT). For the project, only PM emissions exceed the significant emissions rate. The Department's preliminary BACT determination for PM is: a design drift rate of 0.0005% for the new cooling towers; and the use of ultra low sulfur diesel (≤ 0.00015% by weight) in the generators and fire pump engines. No air quality modeling was required since the project is not subject to PSD preconstruction review for PM10 emissions.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the revised Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: http://www.dep.state.fl.us/air/eproducts/apds/default.asp.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above.

The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit and requests for a public meeting for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions:** A person whose substantial interests are affected by the proposed permitting 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) 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 Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. 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.

**Mediation:** Mediation is not available in this proceeding.

Pub.: Jan. 15, 2009.

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THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC No.: 08-2085
FDEP Draft Permit No. PSD-FL-403
Project No. 0750088-001-AC

Progress Energy Florida, Inc.
Levy Nuclear Plant
Levy County, Florida

/

**FIRST REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress Energy) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including January 30, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress Energy states the following:

1. On or about December 8, 2008, Progress Energy received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Revised Draft Permit" (Revised Draft Permit No. PSD-FL-403, Project No. 0750088-001-AC) and Technical Evaluation and Preliminary Determination, for the Levy Nuclear Plant, Unit 1 and 2 Cooling Towers, which is located approximately 4 miles northwest of the town of Ingilis, east of State Highway 19 in Ingilis, Levy County, Florida.

2. Based on Progress Energy's initial review, the Revised Draft Permit and associated documents contain provisions that may warrant clarification or corrections.

4. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the Revised Draft

Permit, in the event resolution cannot be reached. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Progress Energy respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.PSD-FL-403 (Project No. 0750088-001-AC) be formally extended to and including January 30, 2009.

RESPECTFULLY SUBMITTED this 19th day of December, 2008.

By: Robert Manning

Robert A. Manning
Florida Bar ID No. 0035173
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
(850) 224-8551 Facsimile

Attorneys for Progress Energy Florida, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399, this 19th day of December, 2008.

Robert Manning
Attorney

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.,

Petitioner,

vs.

OGC No. 08-2085
DEP Permit No. PSD-FL-403

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent.
_____/

**ORDER GRANTING SECOND REQUEST FOR EXTENSION OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Progress Energy Florida, Inc., (Petitioner), to grant a second extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Levy County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **November 24, 2008**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 22nd day of October, 2008, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Second Request for Extension of Time to File Petition for Hearing, was furnished via facsimile ONLY on this 23rd day of October, 2008, to:

Robert A. Manning
Hopping Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, FL 32301

facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
phone 850/245-2193
facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - Trina.Vielhauer@dep.state.fl.us
Syed Arif – DEP – Syed.Arif@dep.state.fl.us
Jeff Koerner – DEP – Jeff.Koerner@dep.state.fl.us

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399, this 13th day of August, 2008.

Robert A. Manning

File

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.,

Petitioner,

vs.

OGC No. 08-2085
DEP Permit No. PSD-FL-403

DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent.
_____/

**ORDER GRANTING REQUEST FOR**
**EXTENSION OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Progress Energy Florida, Inc., (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Levy County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **October 13, 2008**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 27 day of August, 2008, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jack Chisolm

JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via ✓ facsimile ___ U.S. mail ___ hand delivery ✓ ONLY on this 27th day of August, 2008, to:

Robert A. Manning
Hopping Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, FL 32301

facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
phone 850/245-2193
facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - Trina.Vielhauer@dep.state.fl.us
Bruce Thomas, DEP Project Engineer - Bruce.X.Thomas@dep.state.fl.us

Progress Energy



September 30, 2008

Ms. Mary Ann Poole
Director
Office of Policy and Stakeholder Coordination
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

Subject: Progress Energy Florida Levy Nuclear Plant Units 1 and 2

Dear Ms. Poole:

This letter provides additional clarifying information in response to comments raised in your letter to the DEP Siting Coordination Office, dated August 27, 2008. Please note that the attachments referenced in the response below are being provided to FWC and DEP Siting Coordination Office only.

## Comment 1

**Progress Energy has provided the details of the "COLA Aquatic Sampling Workplan" dated March 2008 (RAI Number: LNP SCA RAI-I07). In the review of the workplan, it does not appear that benthic monitoring of seagrasses is planned or is being conducted. We request additional information on procedures that Progress Energy will employ to monitor impacts to seagrass beds. If no plan has been developed, we recommend that seagrass monitoring studies be incorporated into the workplan. Further, we recommend that these surveys should include: 1) seagrass species identification and location, 2) delineation of seagrass patch distribution if seagrass distribution is not continuous within the current and projected thermal plume, and 3) areal percent cover by species. We request that Progress Energy provide a map showing seagrass distributions by species (with densities or areal coverage) within the current and projected thermal plume.**

Response to Comment 1:
The proposed LNP discharge will be a lower temperature than the existing CREC discharge and it will not cause or contribute to a greater thermal footprint in the zone of discharge at the end of the CREC discharge canal. As a result, the temperature of the combined LNP and CREC discharge is projected to be slightly lower than the temperature of the discharge from the existing CREC units. Discharge details are provided in the following table.

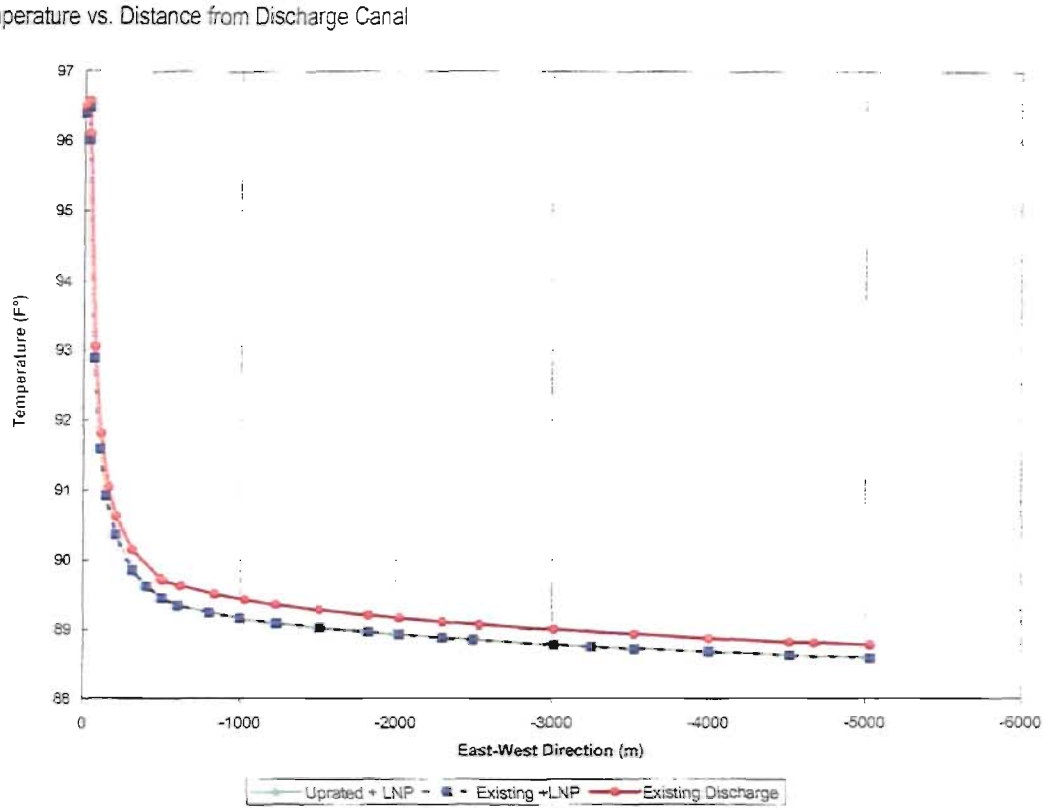
**Progress Energy Florida, Inc.**
P.O. Box 14042
St. Petersburg, FL 33733

Summary of Cooling Tower Blowdown Discharges

| Generating Units | Discharge Flow Rate (mgd) | Uprated Flow Rate (mgd) | Max. Temp. (°F) | COC |
|---|---|---|---|---|
| CREC 1, 2, and 3 | 1897.9 | 1878.15 | 96.5 | 1.0 |
| CREC 4 and 5 | 88 | N/A | 96.5 | 1.5 |
| LNP | 87.5 | N/A | 94.4 | 1.5 |

COC = cycles of concentration

By adding the lower temperature LNP discharge, the overall temperature of the combined discharge plume is not expected to increase with distance. The 4 percent additional flow rate from LNP, with a lower temperature, will contribute to more dilution in the Gulf of Mexico. The existing CREC plume stratifies into a shallower surface layer because the higher temperature plume is slightly less dense than ambient Gulf waters. The more stratified existing condition results in more buoyant lateral spreading (i.e., the plume would be "squeezed" into a thinner layer), resulting in a plume area with less vertical mixing, covering a larger area. Adding the LNP discharge to the CREC discharge stream will cause the combined plume to be slightly denser because of lower temperature and slightly higher salinity. There will be slightly more vertical mixing under the proposed conditions, which will result in a more rapid reduction in temperature over distance and a smaller area of dispersion. The comparison between the existing and proposed discharges, as estimated with plume dilution modeling, indicates that the addition of the LNP discharge to the existing CREC discharge will have no significant or discernible effect on the thermal footprint of the CREC discharge, as illustrated in the following figure.




Monitoring of seagrasses has been previously conducted at CREC. These studies demonstrated that seagrass distribution varies seasonally and may be influenced by a number of factors unrelated to CREC. These studies, which include maps of seagrass distributions, are attached in the response to Comment 5. Because no additional thermal increases are projected, no additional seagrass monitoring is warranted.

## Comment 2

**The Aquatic Sampling Workplan indicates the protocols that will be used for "Icthyoplankton and Meroplankton" sampling and the "Chain of Custody" information. Based upon this information the taxonomic level of identification for icthyoplankton and meroplankton collections (e.g., family, genus, or species) is not clear. We request that the applicant provide information on the lowest (i.e, most detailed) level of identification for icthyoplankton and meroplankton that will be included in the laboratory analysis.**

### Response to Comment 2

Identification of icthyoplankton and meroplankton (shellfish larvae), along with fish eggs and other invertebrates, will be made to the lowest practicable taxon, the target being genus and species. For ichthyoplankton, the number of individuals for each taxon by life stage (for example, egg, yolk-sac larvae, post-yolk-sac larvae, or juvenile) will be identified and counted. Identification of meroplankton will be conducted in accordance with the protocol

provided in Attachment 1. Generally, identifications are to the genus and species level for those taxa that are of commercial value in later lifestages and to more general categories for other meroplankton taxa. Specimens damaged beyond recognition will be recorded as unidentified. Scientific and common names will follow standard scientific convention, as set forth in the Federal Integrated Taxonomic Information System (ITIS). Internal taxonomic quality assurance will be performed on 10 percent of all samples identified by individual taxonomists.

Final laboratory reporting will include, but not be limited to, the following: number of specimens counted for each taxon, notes on the condition of organisms, archive vial numbers, the type of plankton identified (meroplankton, ichthyoplankton, etc.), and the developmental stage, if known.

## Comment 3

**The Aquatic Sampling Workplan schedule also indicates that sampling will end in September 2008 for work in the Cross Florida Barge Canal. Please indicate the reasons why this will not continue over multiple seasons and years and what the future sampling schedule will be upon initiation and completion of the Levy Power Plant. Please indicate what mitigative measures will be undertaken based upon the impingement and entrainment sampling results.**

### Response to Comment 3

Aquatic sampling began in late fall in 2007 and field sampling is scheduled to end following the collection of ichthyoplankton/meroplankton samples in September 2008.
Data analysis of the collected samples will continue through December 2008 and early into 2009. A project sampling schedule is provided as Attachment 2. This sampling and analysis protocol will provide 1 year of seasonal ichthyoplankton/
meroplankton data and multiple season sampling of fish, motile crustaceans, and macroinvertebrates in the Cross Florida Barge Canal (CFBC) and nearshore Gulf waters. In addition, one set of samples of fish, macroinvertebrates, and motile crustaceans has been collected in the old channel of the Withlachochee River below the Lake Rousseau Dam to characterize the nature and extent of the freshwater biota in that river reach. Preliminary draft biological sampling program data available at this time are provided in Attachment 3. These data are considered draft but are representative and are provided as requested by FWC.

This level of sampling is adequate to characterize the seasonal differences in the potentially affected waters at a level commensurate with an evaluation of potential impacts of the proposed project to aquatic biota. It is expected that a sampling program will be established for the cooling water intake structure (CWIS) to monitor the effects, if any, of LNP operations. The terms and conditions of any such program will be established through the NPDES permit and associated conditions.

The impacts of the operation of the proposed CWIS are anticipated to be small, since operations of LNP will comply with the 316(b) Phase I Rule that requires use of a closed-cycle recirculating cooling system that uses non-contact cooling towers. The design of the CWIS is being performed to ensure that through-screen velocities at the intake structure will not exceed 0.5 foot per second (fps). The use of a closed-cycle cooling tower system will reduce potential entrainment by over 90 percent and the design of the low through-screen velocity intake system will assure minimal impingement effects. In addition, the discharge of the cooling tower blowdown to the existing CREC discharge will add less than 5 percent to the existing discharge flow stream and the maximum temperature of the LNP blowdown stream will be slightly less than the existing CREC discharge temperature. Attachment 4 summarizes some of the aquatic biota assessment methodologies that will be employed to evaluate potential project impacts.

For these reasons, Progress Energy does not anticipate the need for further mitigation.

## Comment 4

**The Aquatic Sampling Workplan indicates (Section 2.4.3) the protocols that will be used for collection and identification of the fish community. We request that the applicant identify fish (and invertebrate) species to the genus and species instead of the stated "genus and species (if practical)."**

### Response to Comment 4

The target for identification of fish captured is to genus and species. The fish collection equipment described in Section 2.4.2 (for example, gill net, minnow trap, trawl) can result in the capture of a range of specimen sizes and life stages. Very small immature specimens and damaged organisms may be difficult to positively identify to species; thus, in rare cases where there is unavoidable uncertainty, a specimen would be identified to the lowest practicable level, such as genus or family.

## Comment 5

**Progress Energy in their response to RAI Number: LNP SCA RAI-118 which states that seagrass monitoring studies in association with the Crystal River Energy Complex indicate that the seagrass beds are dynamic in nature. We request copies of the seagrass monitoring study reports that corroborate these statements. We also request that the applicant provide the estimated amounts of seagrasses that may be potentially affected by the elevated thermal plume from the discharge.**

### Response to Comment 5

Copies of the seagrass monitoring study reports conducted in association with CREC are included with this response as Attachment 5. These reports include baseline information excerpted from 316 studies (Mote, 1985), 1993-1995 annual monitoring reports, a 2001 resurvey report (Coastal Seas Consortium, 2002), and a summary report by the Seagrass

Technical Advisory Committee (STAC; Florida Power Corporation). These reports document both between-year and seasonal variation in seagrass distribution. The STAC report also notes that a number of variables other than temperature may be influencing seagrass distribution.

As discussed in the response to Comment 1, the discharge of LNP blowdown to the CREC discharge canal is not expected to result in a combined discharge with a higher maximum temperature than the existing CREC discharge stream. Since the footprint of the combined discharge into the Gulf of Mexico is not expected to be larger than the footprint currently existing for CREC, seagrasses will not be significantly affected.

## Comment 6

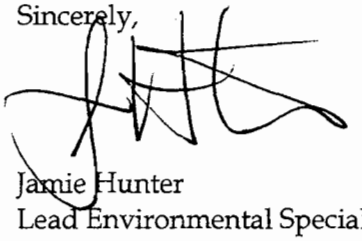
**Progress Energy's response to RAI Number: LNP SCA RAI-115 concerning access by manatees to the intake structure states that a proposed trash rack will prevent manatee access. Please provide a complete description of the proposed trash rack system, including the type (brand) of trash rack proposed, the rack installation angle, and if a rake/rake gripper (or other moving element for cleaning or straining) is proposed as part of the mechanism, a description of the rake gripper, the size (in inches) of the rake gripper opening, the proposed descent velocity of the rake or other straining mechanism, and the proposed type of operation of the rake (automated or manual). Please reference any relevant figures from the application materials including drawings of the rack and the proposed location of the trash rack relative to the cooling water intake structure forebay.**

### Response to Comment 6

The details of the CWIS design are in development and will be supplied to the agency as the design is finalized. However, it is known that the fixed intake bar (trash) racks extending from above the water surface to the bottom of the canal will have a bar spacing of no more than 4 inches between vertical bars. This spacing will provide adequate protection for manatees. The projected velocities at the bar racks will be no greater than approximately one-half of the Phase I requirement for "less than 0.5 fps through-screen velocity "and, depending on the finalized forebay size and configuration, the approach velocities at the bar racks could be less than the projected 0.25 fps. These low design velocities and bar rack widths will allow for any manatee encounters with the CWIS to result in an easy escape without injury.

We appreciate your review of these responses and would welcome the opportunity to resolve any additional questions. Please contact me if you have any questions or require additional information. Thank you.

Sincerely,



Jamie Hunter
Lead Environmental Specialist

Progress Energy Florida

Enclosure – Disk with Attachments

cc: see attached list

Progress Energy



September 30, 2008

Mr. David Connolly
Principal Planner
Withlacoochee Regional Planning Council
1241 SW 10th Street
Ocala, Florida 34471-0323

Subject: Progress Energy Florida Levy Nuclear Plant Units 1 and 2

Dear Mr. Connolly:

This letter provides additional information in response to comments raised in your letter to the DEP Siting Coordination Office, dated August 26, 2008.

Comment 1:
**Comment Number VIII.2 does not specify whether proposed radiological monitoring will include routes utilized for the transportation of low-level and high-level radioactive wastes. The question of whether monitoring will occur along radioactive waste transportation routes is independent of mode choice. Tables 3.8-1 to 3.8-12 detail radioactive exposure levels resulting from transportation of radioactive waste. Should monitoring of radioactive waste transportation routes not occur, what assumptions and information sources then become necessary to support the validity of data contained in Tables 3.8-1 to 3.8-12?**

Response to Comment 1:
The Levy Nuclear Plant (LNP) Environmental Report (ER) Section 3.8 (Site Certification Application [SCA] Volume 9) provides an analysis of the transportation of radioactive material.

The U.S. Nuclear Regulatory Commission (NRC) evaluated the environmental effects of transportation of fuel and waste for light water reactors and found the impacts to be small and not detectable. The NRC analyses provided the basis for Table S-4 in 10 Code of Federal Regulations (CFR) 51.52, which summarizes the environmental impacts of transportation of fuel and radioactive wastes to and from a reference reactor.

Transportation of radioactive materials must comply with the U.S. Department of Transportation (DOT) requirements as specified in 49 CFR 173, "Shippers-General Requirements for Shipments and Packagings," Parts 401 to 477. Monitoring is not required along the route if DOT requirements for the shipment are met and calculated doses are less than those allowed by 10 CFR 20, Part 1301, "Dose Limits for Individual Members of the Public."

**Progress Energy Florida, Inc.**
P.O. Box 14042
St. Petersburg, FL 33733

The objective of the regulations is to protect people and the environment from the effects of radiation during the transport of radioactive material. The fundamental principle applied to the transport of radioactive material is that the protection comes from the design of the package, regardless of how the material is transported.

To ensure compliance with the requirements of 49 CFR 173, shipments are required to be monitored for their radiological conditions at the shipping facility prior to being shipped. The shipment is once again surveyed at the receiving facility to ensure no changes occurred during the course of the shipment.

Comment 2:
**Based on explanation given by the *Revised Conceptual Wellfield Layout and Evaluation..*, describe and identify long-term and permanent aquifer system drawdown impacts resulting from normal and maximum water use on-site? That technical memorandum also summarized drawdown water level impacts on wetlands when water inputs are at their highest. What will impacts be when this is not the case or during sustained peak water use? Would this hinder intended on-site mitigation of wetland impacts? Please describe in greater detail. Furthermore, is it possible to provide a numerical value, as determined by model or otherwise, establishing and quantifying impact to discharge rates of regionally significant first and second magnitude natural springs?**

Response to Comment 2:
**Surficial and Floridan Aquifer Drawdown**
Groundwater impacts resulting from the LNP wellfield withdrawals were simulated using the Southwest Florida Water Management District (SWFWMD) DWRM2 Regional model. The model was run for long-term average day withdrawals and for short-term maximum week withdrawals. The simulated drawdown contours were presented in *Responses to Comments on Levy Nuclear Plant Units 1 and 2 Site Certification Application for Power Plant and Associated Facilities,* dated August 2008, Comment Number VII.A General Comment (LNP SCA RAI-122) in Exhibits 12, 13 and 17 of the Technical Memorandum. Since the anticipated maximum pumping rate may occur during facility maintenance for about 1 week per year, there are limited additional impacts to the surficial aquifer when compared with the long-term average pumping rate; therefore, no exhibit is provided for this scenario.

Using these pumping scenarios, the drawdown at the LNP property boundary in the Floridan aquifer will be less than 0.5 foot for average day pumping and less than 1.5 feet at the maximum week rate. The surficial aquifer will have less than 0.4 foot of drawdown at the property boundaries under both average day and maximum week pumping conditions.

**Drawdown Impacts to Springs**
The nearest springs to the LNP site are located about 2.5 miles northwest of the LNP site. Little King and Big King springs are fourth magnitude springs and are shown in Exhibit 1 of the Technical Memorandum referenced above.

The model cells representing Big King and Little King springs discharge at a rate of 5.77 million gallons per day (mgd) without LNP wellfield withdrawals. With the LNP wellfield pumping, the simulated discharge from the model cells representing Big King and Little King springs is reduced by 0.06 mgd or approximately 42 gallons per minute (1.0 percent of

total spring flow). This level of change is not expected to result in quantifiable impacts in the springs.

The nearest first or second magnitude springs and their distance from the site include Rainbow Springs (11 miles), the springs around Kings Bay (12 miles), and Homosassa Springs (19 miles). None of these springs are close enough to the site to be included in the Telescoped Refined Mesh (TRM) groundwater model that was extracted from the SWFWMD DWRM2 model. Since the simulated impacts modeled for Big King and Little King springs, which are located 2.5 miles from LNP, were minimal, any impacts on the more distant springs will not be measurable.

**Surficial Aquifer Drawdown and Wetland Impacts**
As described in the Technical Memorandum referenced above, the simulated drawdown in the surficial aquifer is greatest in the immediate vicinity of the Floridan aquifer supply wells and diminishes with distance from the wells. The supply wells will be positioned in areas away from wetlands to the extent possible based on property boundaries and facility layout. The wellfield will be located away from areas intended for wetland mitigation inside the property boundaries; therefore, no constraints are expected on the use of those areas for mitigation. The wetland mitigation areas and maps are under development and the simulated impacts to the surficial aquifer are being considered when designating these areas.

In accordance with the SWFWMD Basis of Review for Water Use Permits, withdrawal of water must not cause unacceptable adverse impacts to environmental features, such as surface water bodies, protected species habitat, and wetlands. Lacking permanent surface water bodies or significant protected species habitat, the predominant environmental features of concern on the LNP property are wetlands.

Progress Energy Florida, Inc. (PEF) is continuing to work with SWFWMD to develop strategies that minimize potential effects on wetlands from surficial aquifer drawdown, such as alternative wellfield layouts, locations, pumping rates, well spacing, and wetland monitoring. The resulting wellfield plan will be in compliance with the SWFWMD Basis of Review.

Comment 3:
**Staff's question regarding conservation of water resources (VIII.1) was referred to the applicant's response to question VII.G.2. Despite the fact that the electrical power generation is by definition a process which consumes water resources, the response is as follows, "Water conservation is inherent in the LNP system design." Does this mean the applicant has no plans to implement water conservation strategies in the design phase or over the life cycle of the plant? Or what measures might be taken to increase the efficiency of plant water use, and what criteria would guide a decision to make such a change once the plant is in operation?**

Response to Comment 3:
Efforts to minimize water consumption have been and will continue to be incorporated into the design elements of the project. In fact, approximately 99 percent of all plant water use will be non-potable salt water, thereby conserving freshwater resources. The basic design of

the Westinghouse AP1000 reactor allows for use of non-potable salt water as the source for cooling water, while freshwater is required for the lower volumes of service water. In addition, ancillary components of the project, outside of the AP1000-certified design, have been designed to minimize the quantities of freshwater required for operation of the facility. As the project continues through the final design, construction, and operational phases, best management practices to minimize or further reduce the need for fresh groundwater will be employed. It is expected that the SWFWMD will, as part of their authorization to use groundwater at the site, impose requirements to review periodically and implement, when feasible, additional water conservation strategies.

Comment 4:
**Comment Number VII.G-2 states that the applicant will use the lowest quality water to achieve operation of the proposed use. The applicant responds that no regional wastewater system exists to function as a source of reclaimed water supply. However, a regional wastewater system is planned and will be implemented at the inter-jurisdictional level as a joint public facility through individual local governments' comprehensive planning processes. What modifications, changes or other actions are necessary during the site planning phase of development so that the applicant can commit to accepting reclaimed water to be utilized to the maximum extent when available?**

Response to Comment 4:
The project's current design must be based on having a consistent and reliable source of water to support the operation of the facility. Currently, there is no regional wastewater system or reclaim water supply in place that can be appropriately considered in the design of the project. Should such a system/supply be developed in the future, it will be evaluated, based on its technological and economical feasibility, for incorporation into the facility design. As noted in the response to Comment 3, it is anticipated that a periodic review of alternative water supply sources will be required by SWFWMD as part of their water use authorization.

Comment 5:
**Section 5.2 of the Environmental Report discusses the total water-related impacts stemming from plant operation. Section 5.3 of the ER covers impacts related to the use of cooling water to support plant operations. Section 5.3.1.2.1 of the ER asserts that the upper portion of the Florida Barge Canal may experience an increase in salinity owing to cooling systems intake, while Section 5.3.2.2 states coastal waters in proximity to the point of blowdown discharge will be impacted by increased levels of chemical contaminants. Applicant response in Comment Number VIII.3 suggests that salinity content in cooling water discharge will be elevated.**

**Section 5.2.2.2 discusses the salinity impacts that could result from intake of water which are currently the subject of study. When will such findings be available as a supplement to ER? That same section does not provide equivalent detail on the possible effects of increased salinity owing to cooling water discharge. Text in that section reads as follows, "Studies on the impact on the Gulf of Mexico from existing CREC discharges have been performed since the 1980s." Given the quantity of information available, define**

**specifically the range of impacts that could result from increased salinity content in cooling system discharge waters. How will monitoring of cooling system discharge, as outlined in Section 6.3.4.4, be structured to reveal adverse impacts to aquatic ecosystems?**

Response to Comment 5:
The LNP intake is to be located in the Cross Florida Barge Canal (CFBC) and the discharge will occur at the Crystal River Energy Complex (CREC). The LNP discharge will be commingled completely with the existing CREC discharge before discharging to the Gulf of Mexico. The commingled discharge will be subject to the same monitoring and temperature permit limits as CREC.

The water quality in the CFBC is being sampled and analyzed approximately every quarter and the results from four quarters over the past year will be available by early 2009. The results of the sampling and analysis of the CFBC's water quality indicates that the water in the canal is generally saline over its entire length, including the water adjacent to the locks. Measurements taken to-date also indicate that the water in the canal is highly stratified with denser, more saline waters underlying less saline water near the surface. Currently, the water near the lock is relatively stagnant, typical of dead-end systems with little flushing. The placement of the LNP intake structure at the proposed location and the withdrawal of water will generate a small current in the CFBC (estimated at approximately 0.07 to 0.09 foot per second). The characteristics of water in the canal are not expected to change significantly; however, it is expected that the increased flow of water in the canal will improve the quality of the biotic environment.

Intake water for the LNP circulating water system will be recycled until evaporative losses require blowdown to be discharged to keep the total dissolved solids concentrations within the operating parameters. The number of cycles of concentration (COC) for the LNP cooling system will be approximately 1.5 during normal operations, which means that the salinity in the discharge will be 1.5 times higher than what it is in the intake water. Table 1 displays the known or expected discharge characteristics for each of the generating units at CREC and LNP. CREC Units 1, 2, and 3 use once-through cooling (COC=1.0), and those three units represent greater than 96 percent of the existing discharge flow rate at CREC. LNP 1 and 2 will have similar characteristics to CREC Units 4 and 5 in terms of flow rates and the use of evaporative cooling, with a COC of approximately 1.5. All CREC units combined have a maximum combined discharge temperature limit of 96.5°F at the end of the CREC discharge canal, while the LNP units are expected to have a maximum discharge temperature of 94.4°F, approximately 2.1°F lower.

Table 1. Summary of Cooling Tower Blowdown Discharges

| Generating Units | Discharge Flow Rate (mgd) | Max. Temp. (°F) | COC |
|---|---|---|---|
| CREC 1, 2, & 3 | 1897.9 | 96.5 | 1.0 |
| CREC 4+5 | 88 | 96.5 | 1.5 |
| LNP | 87.5 | 94.4 | 1.5 |

COC = Cycles of Concentration

The salinity of the LNP intake water was assumed to be 24 practical salinity units (psu, which is equivalent to parts per thousand [ppt]) based on the values previously used for the plume modeling conducted for the CREC Final Report 316 Study (Stone & Webster Engineering Corporation, 1985). The estimated salinity of the LNP discharge stream was calculated by multiplying the salinity of the intake water (24 psu) and the COC (1.5) for each scenario (see Table 2). The warmest observed monthly average water intake temperature of 87°F was considered to be the ambient temperature of the intake water. This value was based on available Discharge Monitoring Reports (DMRs) data (January 2003 through February 2007) for the CREC facility.

Table 2. Estimated Salinity of Cooling Tower Blowdown Discharges

| Generating Units | Discharge Flow Rate (mgd) | Discharge Temp (°F) | Discharge Salinity (psu) | Average COC |
|---|---|---|---|---|
| Existing Units 1-5 | 1985.9 | 96.5 | 24.54 | 1.022 |
| Existing Units 1-5+LNP | 2073.4 | 96.4 | 25.02 | 1.042 |

COC = Cycles of Concentration

Combining the LNP discharge stream with the CREC discharge stream will not increase the overall temperature with distance. In fact, the 4 percent additional flow rate from LNP, with its lower temperature, will contribute to more dilution in the Gulf of Mexico. The existing CREC plume stratifies into a shallower surface layer because the higher temperature plume is slightly less dense than ambient Gulf waters. The more stratified existing condition results in more buoyant lateral spreading (that is, the plume would be "squeezed" into a thinner layer), resulting in a plume area with less vertical mixing, covering a larger area. Adding the LNP discharge to the CREC discharge stream will cause the combined plume to be slightly denser because of lower temperature and slightly higher salinity. As a result, there will be slightly more vertical mixing under the proposed conditions, which will result in a more rapid reduction in temperature over distance and a smaller area. The comparison between the existing and proposed discharges, as estimated with plume dilution modeling, indicates

that the addition of the LNP discharge to the existing CREC discharge will have no significant or discernible effect on the thermal footprint of the CREC discharge.

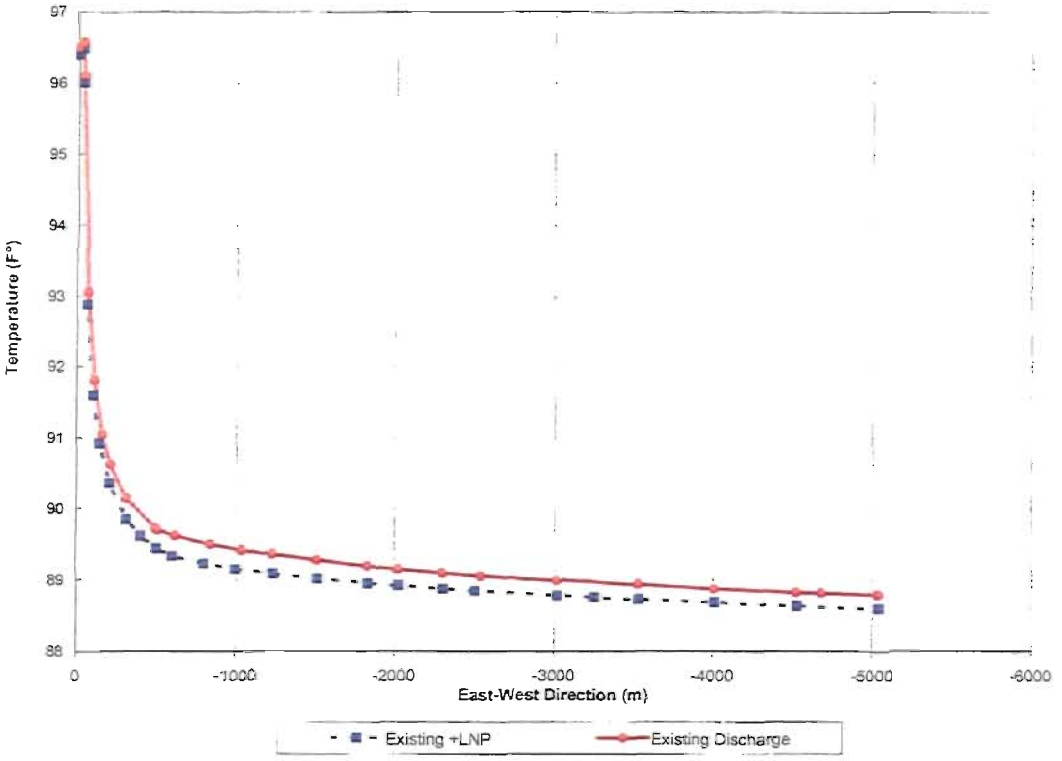
As shown in Table 2, the addition of LNP blowdown to the CREC discharge will increase salinity at the point of discharge by less than 0.5 psu. Beyond the point of discharge, mixing will rapidly make it infeasible to discern or monitor any increases attributable to LNP. Even at the point of discharge, the salinity increase is quite small in relation to natural salinity variation in this estuarine area. No salinity impacts attributable to LNP are expected.

Comment 6:
**Section 5.3.2.1 identifies that discharge for the Levy nuclear plant will equal an additional 81 million gallons per day of heated water. As such, the Levy Nuclear Plant discharge represents a significant increase in cumulative heat energy that will require additional mitigation. Average temperature may or may or may not measurably decrease, but how will more heated effluent affect other physical properties capable of producing impact? What additional control technologies could yield beneficial mitigation of impact to regionally significant waters, fisheries and aquatic ecosystems? What other options exist outside of control technology to reduce the impact of increased heat discharge flow?**

Response to Comment 6:
The change in the heat load at CREC due to the addition of the LNP discharge is not significant (that is, only a 2.3 percent increase) when compared with CREC's existing operations. No impacts to other physical properties resulting from LNP heat loading will occur. The cooling system to be used at the LNP facility is considered to be the best available technology and additional controls, such as the helper cooling towers, are in place at CREC to maintain the discharge within permitted limits. Since there is no discernable temperature increase or expansion of the thermal footprint, additional control technologies or the employment of other options is not necessary.

Please refer to the response to Comment 5 for background information on the LNP discharge and the expected combined flow characteristics at the CREC discharge canal. Combining the lower temperature LNP discharge with the CREC discharge is not expected to increase the overall temperature of the combined discharge plume with distance. In fact, the 4 percent increase in flow volume from LNP will result in more dilution of the thermal plume. The comparison between the existing and proposed combined discharge streams, as estimated with plume dilution modeling, indicates that the addition of the LNP discharge to the existing CREC discharge will have no significant or discernible effect on the thermal footprint of the CREC discharge, as illustrated in the following figure.

Figure1. Temperature vs. Distance from Discharge Canal




Comment 7:

**In Comment Number VIII.3, the applicant responds that ambient air quality standards for PM-10 do exist but that the quantity of annual emissions does not justify a monitoring program because significant or measurable impact is not expected. If no monitoring is to occur, then how can forecast pollutant levels be conclusively verified? Moreover, residual particles are frequently chemically reactive, therefore requiring observation to establish scope of primary and secondary impacts.**

Response to Comment 7:

The projected emission rate of PM-10 from the LNP facility is only 6.8 tons per year (tons/yr) (that is, 5.6 tons/yr from the cooling towers and 1.2 tons/yr from diesel-powered emergency equipment). These emission estimates are based on published and generally accepted emission factors that are applicable to the type of equipment being proposed for the LNP facility. A summary of the emission rate calculations is provided in the Prevention of Significant Deterioration (PSD) Permit Application that is included as Appendix 10.2.5 to the LNP SCA. LNP's proposed level of PM-10 emissions is considered to be insignificant and therefore exempt from any type of ambient or source monitoring requirements, based on the fact that they will be less than the regulatory definition of "significant emission rate" for PM-10, which is 15 tons/yr. Facilities that emit pollutants below this level are not subject to dispersion modeling or source monitoring requirements because they are not expected to

have a significant impact on ambient air quality at any location. It is noted that PEF has applied to the Florida Department of Environmental Protection (FDEP) for an Air Quality Permit to construct and initially operate the LNP facility and it will comply with all applicable regulatory requirements, as well as any conditions that are stipulated in the final permit.

With regard to the potential impact of residual particles that will be emitted from the facility, the majority of the particulate emissions will be emitted from the cooling towers as common salt particles contained in cooling tower "drift" droplets. Dispersion modeling studies performed by PEF and described in the LNP SCA demonstrated that impacts attributable to particulate matter emissions and salt deposition would be minimal and below any vegetative impact thresholds. It is also noted that a comprehensive salt drift deposition study was conducted at the nearby CREC to evaluate the physical impacts of salt deposition on vegetation surrounding the CREC from that facility's natural and mechanical draft cooling towers. This long-term study was conducted from 1981 through 1995 as a condition of the facility's NPDES and PSD permits. The results of the study demonstrated that there were no significant impacts to vegetation in the area surrounding the plant resulting from cooling tower operation. In March 1996, the FDEP concluded that there were no significant impacts to vegetation due to salt drift from the plant and authorized the facility to discontinue the study. Further discussion of this is provided in PEF's response to Comment Number V.2 (LNP SCA RAI-103) in the *Responses to Comments on Levy Nuclear Plant Units 1 and 2 Site Certification Application for Power Plant and Associated Facilities*, dated August 2008.

Comment 8:
**Without defining terms, Comment Number VIII.3 states that cooling tower design minimizes emissions levels and that control technology would not function to limit particulate matter emissions. Has the applicant exhausted all non-control technology approaches to minimization of adverse air quality impacts?**

Response to Comment 8:
PEF considered alternative cooling approaches that could have resulted in further reductions in air emissions for the LNP facility. However, PEF rejected these alternative approaches because of their potential to increase environmental impacts and costs to ratepayers. These alternatives included dry cooling towers (no PM-10 emissions since no water would be used for cooling) and once-through cooling towers (lower emissions due to fewer cycles of concentration in the cooling towers). Dry cooling, which does not work well in humid environments, would have imposed a parasitic power load and reduced plant efficiency and increased costs, while once-through towers would have required significantly more water. The PM-10 emissions from the proposed LNP facility are already very low, and no significant or measurable adverse impact on ambient air quality is expected at any location due to the operation of the proposed cooling towers. Given the minimal emissions and the insignificant impacts associated with the proposed system, the use of the proposed cooling tower design is the most appropriate design for LNP.

Comment 9:
**The US Environmental Protection Agency (EPA) identifies power plants, and specifically liquid droplets, as potential sources of *fine particle* emissions. Fine particle emissions may be defined as a subset of PM-10 emissions, which measure 2.5 microns or smaller in diameter (PM2.5). These particles have been identified as a source of human health risk. Do forecast, PM2.5 emissions measurably affect air quality attainment or other standards within the region? As proposed, what impacts could result from airborne residual PM2.5?**

Response to Comment 9:
Since PM-2.5 emissions are a subset of PM-10 emissions, the LNP PM-2.5 emission rate will be less than the proposed PM-10 emission rate of 6.8 tons per year (tons/yr). Regardless of whether the emissions are PM-10 or PM-2.5, the total combined emissions are estimated to be less than 6.8 tons/yr, which is well below the PM-10 significant emission rate of 15 tons/yr, as discussed in the response to Comment 7. FDEP and EPA consider the PM-10 significant emission rate threshold of 15 tons/yr to apply also to PM-2.5 emissions. Given the very low level of expected emissions of PM-10 and PM-2.5, no significant ambient air quality impacts are expected from either pollutant. The area is presently in attainment of all ambient air quality standards and those designations will not change as a result of the operation of the LNP facility.

We appreciate your review of these responses and would welcome the opportunity to resolve any additional questions. Please contact me if you have any questions or require additional information. Thank you.

Sincerely,

Jamie Hunter
Lead Environmental Specialist

cc: see attached list

**DISTRIBUTION LIST FOR**
**RESPONSES TO COMMENTS ON LEVY NUCLEAR PLANT UNITS 1 AND 2**
**SITE CERTIFICATION APPLICATION FOR**
**POWER PLANT AND ASSOCIATED FACILITIES**

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| Rainbow River Railroad Committee<br>9769 SW 206 Circle<br>Dunnellon, FL 34431 |
| Jennifer Codo-Salisbury, Planning Director<br>Central Florida Regional Planning Council<br>555 East Church Street<br>Bartow, FL 33830-3931 |

## P.E. CERTIFICATION STATEMENT

**PERMITTEE**

Progress Energy Florida, Inc.
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Draft Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Levy County, Florida

**PROJECT DESCRIPTION**

The Levy Nuclear Plant is a proposed PSD major stationary source located in Levy County, Florida. The applicant proposes to construct and operate two mechanical draft cooling towers to support nuclear Units 1 and 2. The project will also include construction of low sulfur fuel oil (less than 0.05% sulfur by weight) diesel powered emergency power generators and fire pumps.

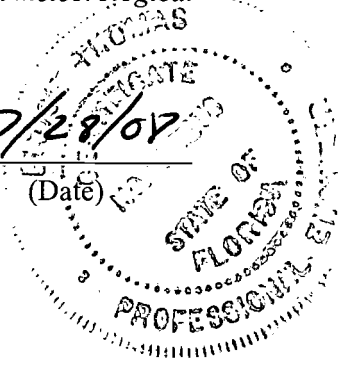
The emergency generators and fire pumps will operate for no more than 48 hours per year of non-emergency operation for each generator and fire pump, and are categorically exempt under Rules 62-210.300(3)(a)15 and 62-210.300(3)(a)35, F.A.C. The cooling towers will emit particulate matter ($PM/PM_{10}$) as a result of the carry over of solids in the water droplet drift. Based on the application, future $PM/PM_{10}$ emissions are estimated to be 514 tons/year based on 8760 hours per year of operation, which makes this a new PSD major stationary source and subject to preconstruction review. PM emissions exceed the significant emissions rate of 25 tons per year but the emissions for $PM_{10}$ were less than the significant emissions rate of 15 tons per year so a preconstruction review for $PM_{10}$ was not conducted. Based upon the review, the Department concludes that BACT for mechanical draft cooling towers is a design drift rate of 0.0005%.

The Department's full review of the project, BACT determinations and rationale for issuing the draft permit is provided in the Technical Evaluation and Preliminary Determination.

***I HEREBY CERTIFY*** *that the air pollution control engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify any other aspects of the proposal (including, but not limited to, the electrical, mechanical, structural, hydrological, geological, and meteorological features).*

Bruce Thomas, P.E.
Registration Number 60278

7/28/07
(Date)



# Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary


July 31, 2008

Daniel Roderick, Vice President, Nuclear Projects, Construction
Progress Energy Florida, Inc.
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Re: Draft Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers

Dear Mr. Roderick:

On June 2, 2008, Progress Energy Florida, Inc., submitted an application for an air construction permit subject to the preconstruction review requirements for the Prevention of Significant Deterioration of Air Quality. The primary purpose of the project is to construct two mechanical draft cooling towers. This work will be conducted at the Levy Nuclear Plant, which is located approximately 4 miles northeast of the town of Ingilis, east of State Highway 19 in Ingilis, Florida. Enclosed are the following documents:

- Written Notice of Intent to Issue Air Permit;
- Public Notice of Intent to Issue Air Permit;
- Technical Evaluation and Preliminary Determination; and
- Draft Permit and Appendices.

The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. If you have any questions, please contact the Project Engineer, Bruce Thomas, at 850/921-7744.

Sincerely,

Trina Vielhauer, Chief
Bureau of Air Regulation

Enclosures

TLV/jfk/bxt

## WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

*In the Matter of an*
*Application for Air Permit by:*

Progress Energy Florida, Inc.
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

*Authorized Representative:*
Daniel Roderick, Vice President, Nuclear Projects, Construction

Air Permit No. PSD-FL-403
Air Permit No. 0750088-001-AC
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Levy County, Florida

**Facility Location**: The applicant, Progress Energy Florida, Inc., proposes to construct a new Nuclear Power Plant to be located in Levy County at approximately 4 miles northeast of the town of Ingilis, east of State Highway 19 in Ingilis, Florida.

**Project**: The applicant proposes to construct and operate two mechanical draft cooling towers to support nuclear Units 1 and 2. The project includes construction of low sulfur fuel oil (less than 0.05% sulfur by weight) diesel powered emergency power generators and fire pumps.

Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

**Permitting Authority**: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

**Project File**: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above.

**Notice of Intent to Issue Air Permit**: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Public Notice**: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at the address or phone number listed above. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall

provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**Comments**: The Permitting Authority will accept written comments concerning the proposed Draft Permit and requests for a public meeting for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions**: A person whose substantial interests are affected by the proposed permitting 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within fourteen 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) 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 Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. 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.

**Mediation**: Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

Trina Vielhauer, Chief
Bureau of Air Regulation

## CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Intent to Issue Air Permit package (including the Written Notice of Intent to Issue Air Permit, the Public Notice of Intent to Issue Air Permit, the Technical Evaluation and Preliminary Determination, and the Draft Permit) was sent by electronic mail with received receipt requested before the close of business on 7/31/08 to the persons listed below.

Mr. Daniel Roderick, Progress Energy Florida, Inc. (daniel.roderick@pgnmail.com)
Mr. Jamie Hunter, Progress Energy Florida, Inc. (john.hunter@pgnmail.com)
Mr. Albert Ugelow, CH2M Hill (albert.ugelow@ch2m.com)
Mr. Chris Kirts, Northeast District Office (chris.kirts@dep.state.fl.us)
Mr. Mike Halpin, Siting Office (mike.halpin@dep.state.fl.us)
Ms. Cindy Mulkey, Siting Office (cindy.mulkey@dep.state.fl.us)
Ms. Ann Seiler, Siting Office (ann.seiler@dep.state.fl.us)
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)

Clerk Stamp

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

Victoria Gibson (Clerk) 7/31/08 (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT**

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation

Draft Air Permit No. PSD-FL-403 / Project No. 0750088-001-AC
Progress Energy Florida, Inc., Levy Nuclear Plant
Levy County, Florida

**Applicant**: The applicant for this project is Progress Energy Florida, Inc. The applicant's authorized representative and mailing address is: Daniel Roderick, Vice President, Nuclear Projects, Construction, Progress Energy Florida, Inc., P.O. Box 14042, SA2C, St. Petersburg, Florida, 33733.

**Facility Location**: Progress Energy Florida, Inc. proposes to construct a new Nuclear Power Plant to be located in Levy County approximately 4 miles northeast of the town of Ingilis, east of State Highway 19 in Ingilis, Florida.

**Project**: The applicant proposes to construct and operate two mechanical draft cooling towers to support nuclear Units 1 and 2. The project includes construction of four low sulfur fuel oil (less than 0.05% sulfur by weight) 4000 kW diesel powered emergency standby generators, four 35 kW ancillary diesel powered emergency generators, and two diesel powered firewater pumps.

Based on the air permit application, the project will result in potential emissions of: 3.5 tons per year of carbon monoxide (CO); 16.4 tons per year of nitrogen oxides ($NO_X$); 507 tons per year of particulate matter (PM); 6.8 tons per year of particulate matter with a mean diameter of 10 microns or less ($PM_{10}$); 0.07 tons per year of sulfur dioxide ($SO_2$); and 1.4 tons per year of volatile organic compounds (VOC). As defined in Rule 62-210.200 of the Florida Administrative Code (F.A.C.), the facility is a new PSD major stationary source because PM emissions exceed 250 tons per year and is subject to preconstruction review in accordance with Rule 62-212.400, F.A.C.

For each PSD-significant pollutant, the Department is required to determine the Best Available Control Technology (BACT). The Department's preliminary BACT determination for PM is based on a design drift rate of 0.0005% for the new cooling towers.

**Permitting Authority**: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

**Project File**: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: http://www.dep.state.fl.us/air/eproducts/apds/default.asp.

**Notice of Intent to Issue Air Permit**: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments**: The Permitting Authority will accept written comments concerning the proposed Draft Permit and requests for a public meeting for a period of 30 days from the date of publication of the Public Notice. Written

comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions**: A person whose substantial interests are affected by the proposed permitting 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) 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 Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. 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.

**Mediation**: Mediation is not available in this proceeding.


# TECHNICAL EVALUATION
# &
# PRELIMINARY DETERMINATION

## APPLICANT

Progress Energy Florida, Inc.
P.O. Box 14042, SA2C
St. Petersburg, Florida 33701

Levy Nuclear Plant
ARMS Facility ID No. 0750088

## PROJECT

Draft Permit No. PSD-FL-403
Project No. 0750088-001-AC

Unit 1 and 2 Cooling Towers

## COUNTY

Levy County, Florida

## PERMITTING AUTHORITY

Florida Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
New Source Review Section
2600 Blair Stone Road, MS#5505
Tallahassee, Florida 32399-2400

## 1. GENERAL PROJECT INFORMATION

### Air Pollution Regulations

Projects with the potential to emit air pollution are subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The statutes authorize the Department of Environmental Protection (Department) to establish regulations regarding air quality as part of the Florida Administrative Code (F.A.C.), which includes the following chapters: 62-4 (Permits); 62-204 (Air Pollution Control – General Provisions); 62-210 (Stationary Sources – General Requirements); 62-212 (Stationary Sources – Preconstruction Review); 62-213 (Operation Permits for Major Sources of Air Pollution); 62-296 (Stationary Sources - Emission Standards); and 62-297 (Stationary Sources – Emissions Monitoring). Specifically, air construction permits are required pursuant to Rules 62-4, 62-210 and 62-212, F.A.C.

In addition, the U. S. Environmental Protection Agency (EPA) establishes air quality regulations in Title 40 of the Code of Federal Regulations (CFR). Part 60 specifies New Source Performance Standards (NSPS) for numerous industrial activities. Part 61 specifies National Emission Standards for Hazardous Air Pollutants (NESHAP) based on specific pollutants. Part 63 specifies NESHAP based on the Maximum Achievable Control Technology (MACT) for numerous industrial categories. The Department adopts these federal regulations on a quarterly basis in Rule 62-204.800, F.A.C.

### Facility Description and Location

The proposed facility is a nominal 2000 megawatt (MW) electric generation facility, which is categorized under Standard Industrial Classification Code (SIC) No. 4911. The facility will be located in Levy County approximately 4 miles northeast of the town of Ingilis, east of State Highway 19 in Ingilis, Florida. The UTM coordinates of the new facility are Zone 17, 342.2 km East, and 3217.2 km North. This site is in an area that is in attainment (or designated as unclassifiable) for all air pollutants subject to state and federal Ambient Air Quality Standards (AAQS).

### Facility Regulatory Categories

- The facility is not a major source of hazardous air pollutants (HAP).
- The facility has no units subject to the acid rain provisions of the Clean Air Act.
- The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.
- The facility has units subject to the National Source Performance Standards (NSPS) in Title 40, Part 60 of the Code of Federal Regulations (CFR).

### Project Description

On June 2, 2008, the Department received a complete application from Progress Energy Florida, Inc. for the Levy Nuclear Plant to construct two 44-cell mechanical draft cooling towers, arranged in an array of 2 x 22 cells that would operate continuously. The towers will obtain make-up water from the nearby Cross Florida Barge Canal and to cool the Unit 1 and Unit 2 condensers. The cooling flow rate for all 44 cells is estimated at 531,100 gallons per minute and the design air flow rate per cell is estimated at 1,662,887 acfm. The cooling towers provide direct contact between the cooling water and air passing through the tower. Drift is created when small amounts of cooling water become entrained in the air stream and are carried out of the tower. Salt and solids in the water droplets are emitted as particulate matter (PM) that escapes as drift from the tower. Drift eliminators is the control technology used to control PM emissions caused by the cooling tower drift. The facility will also construct four 4000 kW diesel powered emergency standby generators, four 35 kW ancillary diesel powered emergency generators, and two diesel powered firewater pumps. During normal operation the facility will generate all of its own power needs, or obtain it from the local power grid. In the event the facility

is not operational and power is not available from the local power grid, the emergency generators will be used to keep the control room and certain essential plant equipment and utilities energized, and the emergency firewater pumps will be available to maintain water pressure to the firewater systems. Construction of the facility is scheduled to commence with site clearing and preparation in 2010, followed by facility construction in 2011, with commercial operation of Unit 1 expected to begin in 2016, followed by the second unit in 2017.

The following new emissions units will be added by this project.

| ID No. | Description |
|---|---|
| 001 | Unit 1 Cooling Tower |
| 002 | Unit 2 Cooling Tower |
| 003 | Four - 4000 kW diesel powered emergency standby generators and 35 kW ancillary diesel powered emergency generators |
| 004 | Two - 650 hp diesel powered firewater pumps |

The diesel powered emergency generators are subject to the New Source Performance Standards (NSPS) in Subpart A (General Provisions) of 40 CFR 60; and NSPS Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) in 40 CFR 60. The facility also operates other miscellaneous unregulated and insignificant emissions units and activities, however the engines are only subject to the recordkeeping and reporting requirements of Subpart IIII.

## 2. PSD APPLICABILITY REVIEW

### General PSD Applicability

The Department regulates major stationary sources of air pollution in accordance with Florida's PSD preconstruction review program pursuant to Rule 62-212.400, F.A.C. A PSD applicability review is required in areas currently in attainment with the state and federal AAQS or areas otherwise designated as "unclassifiable". A facility is considered a major stationary source with respect to PSD if it emits or has the potential to emit: 250 tons per year or more of any regulated air pollutant; 100 tons per year or more of any regulated air pollutant and the facility belongs to one of the 28 PSD major facility categories defined in Rule 62-210.200, F.A.C. for major stationary sources; or 5 tons per year of lead. Projects at existing or new major stationary sources are subject to PSD preconstruction review. In addition, proposed projects at existing minor sources are subject to PSD preconstruction review if potential emissions *from the proposed project* will exceed the PSD major stationary source thresholds.

Once a project becomes subject to PSD preconstruction review, each of the following PSD pollutants is reviewed for PSD applicability based on emissions thresholds known as the "significant emission rates" defined in Rule 62-210.200, F.A.C.: carbon monoxide (CO); nitrogen oxides ($NO_X$); sulfur dioxide ($SO_2$); particulate matter (PM); particulate matter with a mean particle diameter of 10 microns or less ($PM_{10}$); particulate matter with a mean particle diameter of 2.5 microns or less ($PM_{2.5}$); volatile organic compounds (VOC); lead (Pb); fluorides (Fl); sulfuric acid mist (SAM); hydrogen sulfide ($H_2S$); total reduced sulfur (TRS), including $H_2S$; reduced sulfur compounds, including $H_2S$; municipal waste combustor organics measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans; municipal waste combustor metals measured as particulate matter; municipal waste combustor acid gases measured as $SO_2$ and hydrogen chloride (HCl); municipal solid waste landfills emissions measured as nonmethane organic compounds (NMOC); and mercury (Hg). Emissions from the project exceeding the significant emission rate are considered "significant" and the applicant must employ the Best Available Control Technology (BACT) to minimize emissions of each such pollutant and evaluate the air quality impacts. Although a facility or project may be *major* with respect to PSD for only one regulated pollutant, it may be required to install BACT controls for several "significant" regulated pollutants.

Rule 62-210.200, F.A.C. defines "BACT" as:

*An emission limitation, including a visible emissions standard, based on the maximum degree of reduction of each pollutant emitted which the Department, on a case by case basis, taking into account:*

1. *Energy, environmental and economic impacts, and other costs;*
2. *All scientific, engineering, and technical material and other information available to the Department; and*
3. *The emission limiting standards or BACT determinations of Florida and any other state;*

*determines is achievable through application of production processes and available methods, systems and techniques (including fuel cleaning or treatment or innovative fuel combustion techniques) for control of each such pollutant.*

*If the Department determines that technological or economic limitations on the application of measurement methodology to a particular part of an emissions unit or facility would make the imposition of an emission standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reductions achievable by implementation of such design, equipment, work practice or operation.*

*Each BACT determination shall include applicable test methods or shall provide for determining compliance with the standard(s) by means which achieve equivalent results.*

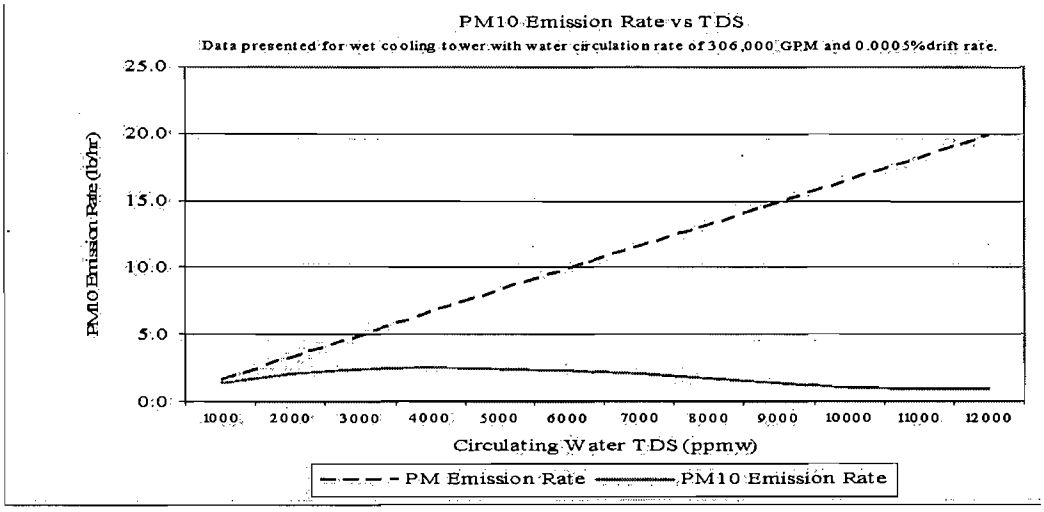
*In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63.*
In addition to a review and proposal of BACT, applicants must provide an Air Quality Analysis that evaluates the predicted air quality impacts resulting from the project for each PSD pollutant subject to modeling criteria.

**PSD Applicability for the Project**

The Levy Nuclear Plant is a proposed PSD major stationary source located in Levy County, which is in an area that is currently in attainment with the state and federal AAQS or otherwise designated as unclassifiable. The applicant proposes to construct and operate two mechanical draft cooling towers to support nuclear Units 1 and 2. The project will also include construction of low sulfur fuel oil (less than 0.05% sulfur by weight) diesel powered emergency generators, ancillary emergency generators and fire pumps. The emergency generators and fire pumps will operate for no more than 48 hours per year of non-emergency operation for each generator and fire pump, and are categorically exempt under Rules 62-210.300(3)(a)15 and 62-210.300(3)(a)35, F.A.C. Based on the application, annual emissions of $NO_x$, $SO_2$, CO, VOC, $PM/PM_{10}$ are estimated at 16.4, 0.07, 3.5, 1.4, and 1.2 tons per year, respectively. Emissions from these rarely used emergency units do not cause the project to exceed the PSD significant emission rates.

The cooling towers will emit PM as a result of the carry over of solids in the water droplet drift. The PM emissions include particles with a mean diameter of 10 microns or less ($PM_{10}$) as well as 2.5 microns or less ($PM_{2.5}$). Particulate matter will be controlled by drift rate design specifications, which serve as a surrogate to control $PM_{10}$ and $PM_{2.5}$. Based on the application, future PM emissions are estimated to be 514 tons/year based on 8760 hours per year of operation, which makes this a new PSD major stationary source and subject to preconstruction review. PM emissions will exceed the significant emission rate of 25 tons per year but the $PM_{10}$ emissions of 5.6 tons per year were less than the significant emissions rate. The calculation is based upon the study, "Calculating Realistic $PM_{10}$ Emissions from Cooling Towers" by Joel Reisman and Gordon Frisbie. Based on the study, the authors of the paper contend that $PM_{10}$ emissions increase with PM as the concentration of total dissolved solids (TDS) increases to about 4000 ppm. At TDS levels greater than 4000 ppm, the amount of $PM_{10}$ sized particles will decrease while PM continues to increase. The paper states that at higher TDS, the drift droplets contain more solids and therefore, upon evaporation, result in larger particles for any given initial

droplet size. Table 1 provides a graph of the correlation of PM and $PM_{10}$ as a function of TDS in the circulating water.




With the estimated TDS of 25,000 ppm for the new cooling towers and a circulating flow rate of 531,100 gallons per minute, the report suggests large PM emissions with minimal $PM_{10}$ emissions as indicated in the application. The estimated $PM_{10}$ emissions do not exceed the significant emission rate for $PM_{10}$ of 15 tons/year. Therefore, a BACT determination is required for PM, but no air quality analysis is required because the increase in $PM_{10}$ emissions is less than the PSD significant emissions rate for this modeled pollutant.

**BACT Determination**

To minimize PM emissions from the cooling towers, the applicant proposed a design drift rate for the equipment of 0.0005%. The Department conducted a review of EPA's BACT Clearinghouse for mechanical draft cooling towers between 2003 and 2008. Based upon the review, the Department concludes that BACT for mechanical draft cooling towers is based upon drift eliminators. BACT has been established as low as 0.0005% drift rate. The Department agrees with the applicant and the preliminary BACT is a design drift rate of 0.0005% for the new cooling towers. The applicant must submit a new BACT analysis within two years prior to beginning construction of the cooling towers due to the extended construction schedule for the nuclear units. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an air construction permit revision application.

## 3. PERMIT CONDITIONS

The draft permit will include the following primary conditions:

**BACT DETERMINATION**

BACT Determination Subject to Revision: The applicant must submit a new BACT analysis and determination within two years prior to beginning construction of the cooling towers due to the extended construction schedule of the nuclear units. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an air construction permit revision application.

**EQUIPMENT**

**Cooling Towers**

Cooling Towers: The permittee is authorized to construct and operate two new mechanical draft cooling towers with the following nominal design characteristics: a circulating flow rate of approximately 531,000 gallons per minute, a design air flow of approximately 1,662,887 acfm per cell; and drift eliminators designed for a drift rate

of no more than 0.0005% of the circulating water flow for each tower. [Application No. 0750088-001-AC and Design]

Hours of Operation: The new cooling towers may operate continuously (8760 hours per calendar year). [Application No. 0750088-001-AC]

Cooling Tower Design Rate: The cooling towers shall be designed and maintained to achieve a drift rate of no more than 0.0005% of the circulating water flow. Within 60 days of commencing operation, the permittee shall notify the compliance authority that the cooling towers were constructed to achieve the specific drift rate of no more than 0.0005% of the circulating flow rate. [Application 0750088-001-AC and Design]

Circulating Water Flow Rate: Upon request, the applicant shall provide a means for determining the circulating water flow rate through the new cooling tower. [Rule 62-4.070, F.A.C.]

Emissions Report: PM and $PM_{10}$ emissions shall be reported as part of the annual operating report.

**Emergency Generators**

Emergency Generators and Diesel Powered Firewater Pumps: The permittee is authorized to construct and operate four 4000 kW diesel powered emergency standby generators, four 35 kW ancillary emergency diesel powered generators, and two 650 hp diesel powered firewater pumps. [Application No. 0750088-001-AC]

Hours of Operation: Each emergency generator and fire pump will operate for no more than 48 hours per year of non-emergency operation. [Application No. 0750088-001-AC]

Fuel: Total fuel consumption of all four emergency generators and four ancillary generators shall be no more than 32,000 gallons of distillate oil per year containing no more than 0.05% sulfur by weight. [Application No. 0750088-001-AC]

Recordkeeping and Reporting: The diesel powered emergency generators are subject to the New Source Performance Standards (NSPS) in Subpart A (General Provisions) and NSPS Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) of 40 CFR 60 attached as Appendices E and F.

## 4. PRELIMINARY DETERMINATION

The Department makes a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations as conditioned by the Draft Permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, and the conditions specified in the Draft Permit. Bruce Thomas is the project engineer responsible for reviewing the application and drafting the permit changes. Additional details of this analysis may be obtained by contacting the project engineer at the Department's Bureau of Air Regulation at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

# DRAFT PSD PERMIT

**PERMITTEE**

Progress Energy Florida
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Authorized Representative:
Daniel Roderick, Vice President, Nuclear Projects, Construction

Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
ARMS ID No. 0750088
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Permit Expires: 1/1/2018

**PROJECT AND LOCATION**

This permit authorizes construction of two mechanical draft cooling towers, diesel powered emergency power generators and fire pumps. The proposed work will be conducted at the Levy Nuclear Plant, which is a proposed electrical generating power plant (SIC No. 4911). The facility will be located in Levy County approximately 4 miles northeast of the town of Ingilis, east of State Highway 19 in Ingilis, Florida. The UTM coordinates are Zone 17, 342.2 km East, and 3217.2 km North.

**STATEMENT OF BASIS**

This air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. as well as the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

**CONTENTS**



Executed in Tallahassee, Florida

(DRAFT)

Joseph Kahn, Director
Division of Air Resource Management

(Date)

## FACILITY AND PROJECT DESCRIPTION

Progress Energy Florida, Inc. proposes to construct and operate a 2000 megawatt (MW) nuclear power plant. The facility will utilize two Westinghouse AP1000 Pressurized Water Reactors each with a nominal generating capacity of 1000 MW. The project includes construction of two 44-cell mechanical draft cooling towers, arranged in an array of 2 x 22 cells that would operate continuously. The towers will obtain make-up water from the nearby Cross Florida Barge Canal to cool the Unit 1 and 2 condensers. The cooling flow rate for all 44 cells is estimated at 531,100 gallons per minute and the design air flow rate per cell is estimated at 1,662,887 acfm. The cooling towers provide direct contact between the cooling water and air passing through the tower. Drift is created when small amounts of cooling water become entrained in the air stream and are carried out of the tower. Particulate matter (PM) is emitted as salt and solids in the water droplets that escape as drift from the tower. Drift eliminators are the control technology used to control PM emissions caused by the cooling tower drift.

The project also includes four 4000 kW diesel powered emergency standby generators, four 35 kW ancillary diesel powered emergency generators, and two diesel powered firewater pumps. During normal operation the facility will generate all of its own power needs, or obtain it from the local power grid. In the event the facility is not operational and power is not available from the local power grid, the emergency generators will be used to keep the control room and certain essential plant equipment and utilities energized, and the emergency firewater pumps will be available to maintain water pressure to the firewater systems.

The project is subject to PSD preconstruction review for particulate matter (PM).

This project adds the following new emissions units.

| ID No. | Emission Unit Description |
|---|---|
| 001 | Unit 1 Cooling Tower |
| 002 | Unit 2 Cooling Tower |
| 003 | Four - 4000 kW diesel powered emergency standby generators and 35 kW ancillary diesel powered emergency generators |
| 004 | Two - 650 kW diesel powered firewater pumps |

The facility also operates other miscellaneous unregulated and insignificant emissions units and activities.

## FACILITY REGULATORY CLASSIFICATION

- The facility is not a major source of hazardous air pollutants (HAP).
- The facility has no units subject to the acid rain provisions of the Clean Air Act.
- The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400, (PSD), F.A.C.
- The facility has units subject to the New Source Performance Standards (NSPS) in Title 40, Part 60 of the Code of Federal Regulations.

1. Permitting Authority: The permitting authority for this project is the Bureau of Air Regulation, Division of Air Resource Management, Florida Department of Environmental Protection (Department). The Bureau of Air Regulation's mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. All documents related to applications for permits to operate an emissions unit shall be submitted to the Northeast District Office.

2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Northeast District Office. The mailing address and phone number of the Northeast District Office is: 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256, 904-807-3300.

3. Appendices: The following Appendices are attached as part of this permit:

   a. Appendix A. Citation Formats;

   b. Appendix B. General Conditions;

   c. Appendix C. Common Conditions;

   d. Appendix D. Summary of Best Available Control Technology Determinations;

   e. Appendix E. NSPS Subpart A, General Provisions; and

   f. Appendix F. NSPS Subpart IIII, Stationary Compression Ignition Internal Combustion Engines.

4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.

5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]

6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]

7. BACT Determination Subject to Revision: The applicant must submit a new BACT analysis within two years prior to beginning construction of the cooling towers due to the extended construction schedule of the nuclear units. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an air construction permit revision application. [Rule 62-212.400(BACT), F.A.C.]

8. Application for Title V Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. A Title V air operation permit is required for regular operation of the permitted emissions unit. The permittee shall apply for a Title V air operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050, 62-4.220 and Chapter 62-213, F.A.C.]

## SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT PERMIT)

### A. UNIT 1 AND 2 COOLING TOWERS (EU-001 and EU-002)

This section of the permit addresses the following emissions units.

| ID No. | Emission Unit Description |
|---|---|
| 001 | Unit 1 Cooling Tower: mechanical draft helper cooling tower |
| 002 | Unit 2 Cooling Tower: mechanical draft helper cooling tower |

*{Permitting Note: In accordance with Rule 62-212.400(PSD), F.A.C., the above emission units are subject to Best Available Control Technology (BACT) determinations for: particulate matter (PM).*

**EQUIPMENT**

1. Cooling Towers: The permittee is authorized to construct and operate two new mechanical draft cooling towers with a total of 44 cells and the following nominal design characteristics: a normal circulating flow rate of 531,000 gallons per minute; a design air flow of 1,662,887 acfm; and drift eliminators designed for a drift rate of no more than 0.0005% of the circulating water flow for each tower. [Application No. 0750088-001-AC and Design]

2. Hours of Operation: The new cooling towers may operate continuously (8760 hours per calendar year). [Application No. 0750088-001-AC]

3. Cooling Tower Design Drift Rate: The cooling towers shall be designed and maintained to achieve a drift rate of no more than 0.0005% of the circulating water flow. Within 60 days of commencing operation, the permittee shall notify the compliance authority that the cooling towers were constructed to achieve the specific drift rate of no more than 0.0005% of the circulating flow rate. [Application No. 0750088-001-AC; Rule 62-212.400(BACT); and Design]

4. Circulating Water Flow Rate: Upon request, the applicant shall provide a means for determining the circulating water flow rate through the new cooling tower. [Rule 62-4.070, F.A.C.]

5. Emissions Report: PM and $PM_{10}$ emissions from the cooling towers shall be reported as part of the annual operating report. [Rule 62-210.370(3), F.A.C.]

## B. EMERGENCY GENERATORS AND FIREPUMPS (EU-003 and EU-004)

This section of the permit addresses the following emissions units.

| ID No. | Emission Unit Description |
|---|---|
| 003 | Four - 4000 kW diesel powered emergency standby generators and 35 kW ancillary diesel powered emergency generators |
| 004 | Two - 650 hp diesel powered firewater pumps |

### EQUIPMENT

1. Emergency Generators and Diesel Powered Firewater Pumps: The permittee is authorized to construct and operate four 4000 kW diesel powered emergency standby generators, four 35 kW ancillary emergency diesel powered generators, and two 650 hp diesel powered firewater pumps. [Application No. 0750088-001-AC]

2. Hours of Operation: Each emergency generator and fire pump will operate for no more than 48 hours per year of non-emergency operation. [Application No. 0750088-001-AC]

3. Fuel: Total fuel consumption of all four emergency generators and four ancillary generators shall be no more than 32,000 gallons of distillate oil per year containing no more than 0.05% sulfur by weight. [Application No. 0750088-001-AC]

4. Recordkeeping and Reporting: The diesel powered emergency generators are subject to the New Source Performance Standards (NSPS) in Subpart A (General Provisions) and NSPS Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) of 40 CFR 60 attached as Appendices E and F.

## SECTION 4. APPENDICES
## CONTENTS

## CITATION FORMATS

The following illustrate the formats used in the permit to identify applicable requirements from permits and regulations.

**Old Permit Numbers**

Example: Permit No. AC50-123456 or Permit No. AO50-123456

Where: "AC" identifies the permit as an Air Construction Permit
"AO" identifies the permit as an Air Operation Permit
"123456" identifies the specific permit project number

**New Permit Numbers**

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: "099" represents the specific county ID number in which the project is located
"2222" represents the specific facility ID number for that county
"001"identifies the specific permit project number
"AC" identifies the permit as an air construction permit
"AF" identifies the permit as a minor source federally enforceable state operation permit
"AO" identifies the permit as a minor source air operation permit
"AV" identifies the permit as a major Title V air operation permit

**PSD Permit Numbers**

Example: Permit No. PSD-FL-317

Where: "PSD" means issued pursuant to the preconstruction review requirements of the Prevention of Significant Deterioration of Air Quality
"FL" means that the permit was issued by the State of Florida
"317" identifies the specific permit project number

**Florida Administrative Code (F.A.C.)**

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

**Code of Federal Regulations (CFR)**

Example: [40 CRF 60.7]

Means: Title 40, Part 60, Section 7

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:

   a. Have access to and copy and records that must be kept under the conditions of the permit;
   b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
   c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

   Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

   a. A description of and cause of non-compliance; and

   b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

   The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, F.S.. Such evidence

shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

    a. Determination of Best Available Control Technology (applicable);
    b. Determination of Prevention of Significant Deterioration (applicable); and
    c. Compliance with New Source Performance Standards (applicable).

14. The permittee shall comply with the following:

    a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

    b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

    c. Records of monitoring information shall include:

        1) The date, exact place, and time of sampling or measurements;
        2) The person responsible for performing the sampling or measurements;
        3) The dates analyses were performed;
        4) The person responsible for performing the analyses;
        5) The analytical techniques or methods used; and
        6) The results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

## EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]
8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

*{Permitting Note: Rule 62-210.700 (Excess Emissions), F.A.C., cannot vary any NSPS or NESHAP provision.}*

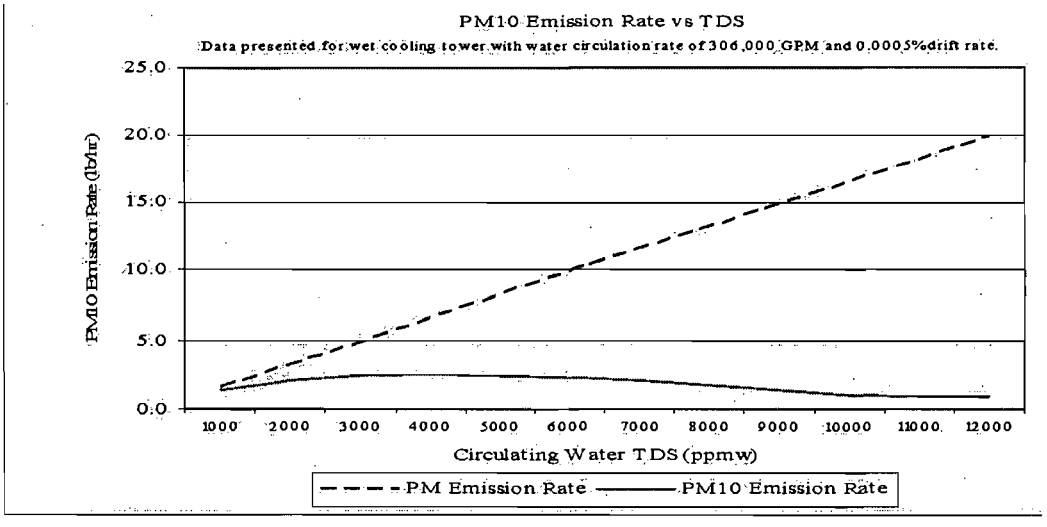
## RECORDS AND REPORTS

10. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1)(b)2, F.A.C.]
11. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(3), F.A.C.]

## PSD Applicability for the Project

The Levy Nuclear Plant is a proposed PSD major stationary source located in Levy County, which is in an area that is currently in attainment with the state and federal AAQS or otherwise designated as unclassifiable. The applicant proposes to construct and operate two mechanical draft cooling towers to support nuclear Units 1 and 2. The project will also include construction of low sulfur fuel oil (less than 0.05% sulfur by weight) diesel powered emergency generators, ancillary emergency generators and fire pumps. The emergency generators and fire pumps will operate for no more than 48 hours per year of non-emergency operation for each generator and fire pump, and are categorically exempt under Rules 62-210.300(3)(a)15 and 62-210.300(3)(a)35, F.A.C. Based on the application, annual emissions of $NO_x$, $SO_2$, CO, VOC, PM/$PM_{10}$ are estimated at 16.4, 0.07, 3.5, 1.4, and 1.2 tons per year, respectively. Emissions from these rarely used emergency units do not cause the project to exceed the PSD significant emission rates.

The cooling towers will emit PM as a result of the carry over of solids in the water droplet drift. The PM emissions include particles with a mean diameter of 10 microns or less ($PM_{10}$) as well as 2.5 microns or less ($PM_{2.5}$). Particulate matter will be controlled by drift rate design specifications, which serve as a surrogate to control $PM_{10}$ and $PM_{2.5}$. Based on the application, future PM emissions are estimated to be 514 tons/year based on 8760 hours per year of operation, which makes this a new PSD major stationary source and subject to preconstruction review. PM emissions will exceed the significant emission rate of 25 tons per year but the $PM_{10}$ emissions of 5.6 tons per year were less than the significant emissions rate. The calculation is based upon the study, "Calculating Realistic $PM_{10}$ Emissions from Cooling Towers" by Joel Reisman and Gordon Frisbie. Based on the study, the authors of the paper contend that $PM_{10}$ emissions increase with PM as the concentration of total dissolved solids (TDS) increases to about 4000 ppm. At TDS levels greater than 4000 ppm, the amount of $PM_{10}$ sized particles will decrease while PM continues to increase. The paper states that at higher TDS, the drift droplets contain more solids and therefore, upon evaporation, result in larger particles for any given initial droplet size. Table 1 provides a graph of the correlation of PM and $PM_{10}$ as a function of TDS in the circulating water.




With the estimated TDS of 25,000 ppm for the new cooling towers and a circulating flow rate of 531,100 gallons per minute, the report suggests large PM emissions with minimal $PM_{10}$ emissions as indicated in the application. The estimated $PM_{10}$ emissions do not exceed the significant emission rate for $PM_{10}$ of 15 tons/year. Therefore, a BACT determination is required for PM, but no air quality analysis is required because the increase in $PM_{10}$ emissions is less than the PSD significant emissions rate for this modeled pollutant.

## BACT Determination

The Department conducted a review of EPA's RACT/BACT/LAER Clearinghouse for mechanical draft cooling towers between 2003 and 2008. Based upon the review, the Department concludes that BACT for mechanical draft cooling towers is based upon drift eliminators. BACT has been established as low as 0.0005% drift rate. The Department agrees with the applicant and the preliminary BACT is a design drift rate of 0.0005% for the new cooling towers. The applicant must submit a new BACT analysis and determination within two years prior to beginning construction of the cooling towers due to the extended construction schedule of the nuclear units. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an air construction permit revision that shall be publicly noticed by the permittee.

Emissions units subject to a New Source Performance Standard of 40 CFR 60 are also subject to the applicable requirements of Subpart A, the General Provisions, including:

§ 60.1 Applicability.

§ 60.2 Definitions.

§ 60.3 Units and abbreviations.

§ 60.4 Address.

§ 60.5 Determination of construction or modification.

§ 60.6 Review of plans.

§ 60.7 Notification and Record Keeping.

§ 60.8 Performance Tests.

§ 60.9 Availability of information.

§ 60.10 State Authority.

§ 60.11 Compliance with Standards and Maintenance Requirements.

§ 60.12 Circumvention.

§ 60.13 Monitoring Requirements.

§ 60.14 Modification.

§ 60.15 Reconstruction.

§ 60.16 Priority List.

§ 60.17 Incorporations by Reference.

§ 60.18 General Control Device Requirements.

§ 60.19 General Notification and Reporting Requirements.

Individual subparts may exempt specific equipment or processes from some or all of these requirements. The general provisions may be provided in full upon request.

**Updated 7/19/06- EFFECTIVE 9/11/06**

**Source Federal Register Dated 7/11/06**

**Subpart IIII--Standards of Performance for Stationary Compression Ignition Internal Combustion Engines**

**What This Subpart Covers**
**60.4200** Am I subject to this subpart?

**Emission Standards for Manufacturers**
**60.4201** What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?
**60.4202** What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?
**60.4203** How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?

**Emission Standards for Owners and Operators**
**60.4204** What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?
**60.4205** What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?
**60.4206** How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

**Fuel Requirements for Owners and Operators**
**60.4207** What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?

**Other Requirements for Owners and Operators**
**60.4208** What is the deadline for importing and installing stationary CI ICE produced in the previous model year?
**60.4209** What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

**Compliance Requirements**
**60.4210** What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?
**60.4211** What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

**Testing Requirements for Owners and Operators**
**60.4212** What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?
**60.4213** What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?

**Notification, Reports, and Records for Owners and Operators**

**60.4214** What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

**Special Requirements**
**60.4215** What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?
**60.4216** What requirements must I meet for engines used in Alaska?
**60.4217** What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

**General Provisions**
**60.4218** What parts of the General Provisions apply to me?

**Definitions**
**60.4219** What definitions apply to this subpart?

**Tables to Subpart IIII of Part 60**
**Table 1** to Subpart IIII of Part 60--Emission Standards for Stationary Pre-2007 Model Year Engines with a displacement of < 10 liters per cylinder and 2007-2010 Model Year Engines >2,237 KW (3,000 HP) and with a displacement of < 10 liters per cylinder
**Table 2** to Subpart IIII of Part 60--Emission Standards for 2008 Model Year and Later Emergency Stationary CI ICE < 37 KW (50 HP) and with a Displacement of < 10 liters per cylinder
**Table 3** to Subpart IIII of Part 60--Certification Requirements for Stationary Fire Pump Engines
**Table 4** to Subpart IIII of Part 60--Emission Standards for Stationary Fire Pump Engines
**Table 5** to Subpart IIII of Part 60--Labeling and Recordkeeping Requirements for New Stationary Emergency Engines
**Table 6** to Subpart IIII of Part 60--Optional 3-Mode Test Cycle for Stationary Fire Pump Engines
**Table 7** to Subpart IIII of Part 60--Requirements for Performance Tests for Stationary CI ICE with a displacement of >=30 liters per cylinder
**Table 8** to Subpart IIII of Part 60--Applicability of General Provisions to Subpart IIII

**Sec. 60.4200 Am I subject to this subpart?**

(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

(1) Manufacturers of stationary CI ICE with a displacement of less than 30 liters per cylinder where the model year is:

(i) 2007 or later, for engines that are not fire pump engines,

(ii) The model year listed in table 3 to this subpart or later model year, for fire pump engines.

(2) Owners and operators of stationary CI ICE that commence construction after July 11, 2005 where the stationary CI ICE are:

(i) Manufactured after April 1, 2006 and are not fire pump engines, or

(ii) Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.

(3) Owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005.

(b) The provisions of this subpart are not applicable to stationary CI ICE being tested at a stationary CI ICE test cell/stand.

(c) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

(d) Stationary CI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C (or the exemptions described in 40 CFR part 89, subpart J and 40 CFR part 94, subpart J, for engines that would need to be certified to standards in those parts), except that owners and operators, as well as manufacturers, may be eligible to request an exemption for national security.

**Sec. 60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 kilowatt (KW) (3,000 horsepower (HP)) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same model year and maximum engine power.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 through 2010 model year non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(c) Stationary CI internal combustion engine manufacturers must certify their 2011 model year and later non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same maximum engine power.

(d) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

**Sec. 60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section.

(1) For engines with a maximum engine power less than 37 KW (50 HP):

(i) The certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants for model year 2007 engines, and

(ii) The certification emission standards for new nonroad CI engines in 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, 40 CFR 1039.115, and table 2 to this subpart, for 2008 model year and later engines.

(2) For engines with a maximum engine power greater than or equal to 37 KW (50 HP), the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (b)(1) through (2) of this section.

(1) For 2007 through 2010 model years, the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(2) For 2011 model year and later, the certification emission standards for new nonroad CI engines for engines of the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants.

(c) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

(d) Beginning with the model years in table 3 to this subpart, stationary CI internal combustion engine manufacturers must certify their fire pump stationary CI ICE to the emission standards in table 4 to this subpart, for all pollutants, for the same model year and NFPA nameplate power.

**Sec. 60.4203 How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?**

Engines manufactured by stationary CI internal combustion engine manufacturers must meet the emission standards as required in Sec. Sec. 60.4201 and 60.4202 during the useful life of the engines.

**Sec. 60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of less than 10 liters per cylinder must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder must comply with the emission standards for new CI engines in Sec. 60.4201 for their 2007 model year and later stationary CI ICE, as applicable.

(c) Owners and operators of non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (c)(1) and (2) of this section.

(1) Reduce nitrogen oxides (NOX) emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (g/KW-hr) (1.2 grams per HP-hour (g/HP-hr)).

(2) Reduce particulate matter (PM) emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

**Sec. 60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of pre-2007 model year emergency stationary CI ICE with a displacement of less than 10 liters per cylinder that are not fire pump engines must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in Sec. 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

(c) Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants.

(d) Owners and operators of emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (d)(1) and (2) of this section.

(1) Reduce NOX emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (1.2 grams per HP-hour).

(2) Reduce PM emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

**Sec. 60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?**

Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in Sec. Sec. 60.4204 and 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.

**Sec. 60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?**

(a) Beginning October 1, 2007, owners and operators of stationary CI ICE subject to this subpart that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).

(b) Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.

(c) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of paragraphs (a) and (b) of this section beyond the dates required for the purpose of using up existing fuel inventories. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

(d) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart that are located in areas of Alaska not accessible by the Federal Aid Highway System may petition the Administrator for approval to use any fuels mixed with used lubricating oil that do not meet the fuel requirements of paragraphs (a) and (b) of this section. Owners and operators must demonstrate in their petition to the Administrator that there is no other place to use the lubricating oil. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

(e) Stationary CI ICE that have a national security exemption under Sec. 60.4200(d) are also exempt from the fuel requirements in this section.

**Sec. 60.4208 What is the deadline for importing or installing stationary CI ICE produced in the previous model year?**

(a) After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.

(b) After December 31, 2009, owners and operators may not install stationary CI ICE with a maximum engine power of less than 19 KW (25 HP) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines.

(c) After December 31, 2014, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 19 KW (25 HP) and less than 56 KW (75 HP) that do not meet the applicable requirements for 2013 model year non-emergency engines.

(d) After December 31, 2013, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 56 KW (75 HP) and less than 130 KW (175 HP) that do not meet the applicable requirements for 2012 model year non-emergency engines.

(e) After December 31, 2012, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 130 KW (175 HP), including those above 560 KW (750 HP), that do not meet the applicable requirements for 2011 model year non-emergency engines.

(f) After December 31, 2016, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 560 KW (750 HP) that do not meet the applicable requirements for 2015 model year non-emergency engines.

(g) In addition to the requirements specified in Sec. Sec. 60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (f) of this section after the dates specified in paragraphs (a) through (f) of this section.

(h) The requirements of this section do not apply to owners or operators of stationary CI ICE that have been modified, reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location.

**Sec. 60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?**

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in Sec. 60.4211.

(a) If you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine.

(b) If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in Sec. 60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

**Sec. 60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of less than 10 liters per cylinder to the emission standards specified in Sec. 60.4201(a) through (c) and Sec. 60.4202(a), (b) and (d) using the certification procedures required in 40 CFR part 89, subpart B, or 40 CFR part 1039, subpart C, as applicable, and must test their engines as specified in those parts. For the purposes of this subpart, engines certified to the standards in table 1 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89. For the purposes of this subpart, engines certified to the standards in table 4 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89, except that engines with NFPA nameplate power of less than 37 KW (50 HP) certified to model year 2011 or later standards shall be subject to the same requirements as engines certified to the standards in 40 CFR part 1039.

(b) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the emission standards specified in Sec. 60.4201(d) and Sec. 60.4202(c) using the certification procedures required in 40 CFR part 94 subpart C, and must test their engines as specified in 40 CFR part 94.

(c) Stationary CI internal combustion engine manufacturers must meet the requirements of 40 CFR 1039.120, 40 CFR 1039.125, 40 CFR 1039.130, 40 CFR 1039.135, and 40 CFR part 1068 for engines that are certified to the emission standards in 40 CFR part 1039. Stationary CI internal combustion engine manufacturers must meet the corresponding provisions of 40 CFR part 89 or 40 CFR part 94 for engines that would be covered by that part if they were nonroad (including marine) engines. Labels on such engines must refer to stationary engines, rather than or in addition to nonroad or marine engines, as appropriate. Stationary CI internal combustion engine manufacturers must label their engines according to paragraphs (c)(1) through (3) of this section.

(1) Stationary CI internal combustion engines manufactured from January 1, 2006 to March 31, 2006 (January 1, 2006 to June 30, 2006 for fire pump engines), other than those that are part of certified engine families under the nonroad CI engine regulations, must be labeled according to 40 CFR 1039.20.

(2) Stationary CI internal combustion engines manufactured from April 1, 2006 to December 31, 2006 (or, for fire pump engines, July 1, 2006 to December 31 of the year preceding the year listed in table 3 to this subpart) must be labeled according to paragraphs (c)(2)(i) through (iii) of this section:

(i) Stationary CI internal combustion engines that are part of certified engine families under the nonroad regulations must meet the labeling requirements for nonroad CI engines, but do not have to meet the labeling requirements in 40 CFR 1039.20.

(ii) Stationary CI internal combustion engines that meet Tier 1 requirements (or requirements for fire pumps) under this subpart, but do not meet the requirements applicable to nonroad CI engines must be labeled according to 40 CFR 1039.20. The engine manufacturer may add language to the label clarifying that the engine meets Tier 1 requirements (or requirements for fire pumps) of this subpart.

(iii) Stationary CI internal combustion engines manufactured after April 1, 2006 that do not meet Tier 1 requirements of this subpart, or fire pumps engines manufactured after July 1, 2006 that do not meet the requirements for fire pumps under this subpart, may not be used in the U.S. If any such engines are manufactured in the U.S. after April 1, 2006 (July 1, 2006 for fire pump engines), they must be exported or must be brought into compliance with the appropriate standards prior to initial operation. The export provisions of 40 CFR 1068.230 would apply to engines for export and the manufacturers must label such engines according to 40 CFR 1068.230.

(3) Stationary CI internal combustion engines manufactured after January 1, 2007 (for fire pump engines, after January 1 of the year listed in table 3 to this subpart, as applicable) must be labeled according to paragraphs (c)(3)(i) through (iii) of this section.

(i) Stationary CI internal combustion engines that meet the requirements of this subpart and the corresponding requirements for nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate.

(ii) Stationary CI internal combustion engines that meet the requirements of this subpart, but are not certified to the standards applicable to nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate, but the words ``stationary'' must be included instead of ``nonroad'' or ``marine'' on the label. In addition, such engines must be labeled according to 40 CFR 1039.20.

(iii) Stationary CI internal combustion engines that do not meet the requirements of this subpart must be labeled according to 40 CFR 1068.230 and must be exported under the provisions of 40 CFR 1068.230.

(d) An engine manufacturer certifying an engine family or families to standards under this subpart that are identical to standards applicable under parts 89, 94, or 1039 for that model year may certify any such family that contains both nonroad (including marine) and stationary engines as a single engine family and/or may include any such family containing stationary engines in the averaging, banking and trading provisions applicable for such engines under those parts.

(e) Manufacturers of engine families discussed in paragraph (d) of this section may meet the labeling requirements referred to in paragraph (c) of this section for stationary CI ICE by either adding a separate label containing the information required in paragraph (c) of this section or by adding the words ``and stationary'' after the word ``nonroad'' or ``marine,'' as appropriate, to the label.

(f) Starting with the model years shown in table 5 to this subpart, stationary CI internal combustion engine manufacturers must add a permanent label stating that the engine is for stationary emergency use only to each new emergency stationary CI internal combustion engine greater than or equal to 19 KW (25 HP) that meets all the emission standards for emergency engines in Sec. 60.4202 but does not meet all the emission standards for non-emergency engines in Sec. 60.4201. The label must be added according to the labeling requirements specified in 40 CFR 1039.135(b). Engine manufacturers must specify in the owner's manual that operation of emergency engines is limited to emergency operations and required maintenance and testing.

(g) Manufacturers of fire pump engines may use the test cycle in table 6 to this subpart for testing fire pump engines and may test at the NFPA certified nameplate HP, provided that the engine is labeled as ``Fire Pump Applications Only''.

(h) Engine manufacturers, including importers, may introduce into commerce uncertified engines or engines certified to earlier standards that were manufactured before the new or changed standards took effect until inventories are depleted, as long as such engines are part of normal inventory. For example, if the engine manufacturers' normal industry practice is to keep on hand a one-month supply of engines based on its projected sales, and a new tier of standards starts to apply for the 2009 model year, the engine manufacturer

may manufacture engines based on the normal inventory requirements late in the 2008 model year, and sell those engines for installation. The engine manufacturer may not circumvent the provisions of Sec. Sec. 60.4201 or 60.4202 by stockpiling engines that are built before new or changed standards take effect. Stockpiling of such engines beyond normal industry practice is a violation of this subpart.

(i) The replacement engine provisions of 40 CFR 89.1003(b)(7), 40 CFR 94.1103(b)(3), 40 CFR 94.1103(b)(4) and 40 CFR 1068.240 are applicable to stationary CI engines replacing existing equipment that is less than 15 years old.

**Sec. 60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?**

(a) If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.

(b) If you are an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in Sec. Sec. 60.4204(a) or 60.4205(a), or if you are an owner or operator of a CI fire pump engine that is manufactured prior to the model years in table 3 to this subpart and must comply with the emission standards specified in Sec. 60.4205(c), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) through (5) of this section.

(1) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

(2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.

(3) Keeping records of engine manufacturer data indicating compliance with the standards.

(4) Keeping records of control device vendor data indicating compliance with the standards.

(5) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in Sec. 60.4212, as applicable.

(c) If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in Sec. 60.4204(b) or Sec. 60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in Sec. 60.4205(c), you must comply by purchasing an engine certified to the emission standards in Sec. 60.4204(b), or Sec. 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's specifications.

(d) If you are an owner or operator and must comply with the emission standards specified in Sec. 60.4204(c) or Sec. 60.4205(d), you must demonstrate compliance according to the requirements specified in paragraphs (d)(1) through (3) of this section.

(1) Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in Sec. 60.4213.

(2) Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition

the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(i) through (v) of this section.

(i) Identification of the specific parameters you propose to monitor continuously;

(ii) A discussion of the relationship between these parameters and NOX and PM emissions, identifying how the emissions of these pollutants change with changes in these parameters, and how limitations on these parameters will serve to limit NOX and PM emissions;

(iii) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(iv) A discussion identifying the methods and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(3) For non-emergency engines with a displacement of greater than or equal to 30 liters per cylinder, conducting annual performance tests to demonstrate continuous compliance with the emission standards as specified in Sec. 60.4213.

(e) Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under Sec. 60.4205 but not Sec. 60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited.

**Sec. 60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?**

Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to this subpart must do so according to paragraphs (a) through (d) of this section.

(a) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F.

(b) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.

(c) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \qquad \text{(Eq. 1)}$$

Where:

STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.

Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in Sec. 60.4213 of this subpart, as appropriate.

(d) Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c), determined from the equation in paragraph (c) of this section.
Where:
STD = The standard specified for that pollutant in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c) may follow the testing procedures specified in Sec. 60.4213, as appropriate.

**Sec. 60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?**

Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must conduct performance tests according to paragraphs (a) through (d) of this section.

(a) Each performance test must be conducted according to the requirements in Sec. 60.8 and under the specific conditions that this subpart specifies in table 7. The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in Sec. 60.8(c).

(c) You must conduct three separate test runs for each performance test required in this section, as specified in Sec. 60.8(f). Each test run must last at least 1 hour.

(d) To determine compliance with the percent reduction requirement, you must follow the requirements as specified in paragraphs (d)(1) through (3) of this section.

(1) You must use Equation 2 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \qquad \text{(Eq. 2)}$$

Where:
Ci = concentration of NOX or PM at the control device inlet,
Co = concentration of NOX or PM at the control device outlet, and
R = percent reduction of NOX or PM emissions.

(2) You must normalize the NOX or PM concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen (O2) using Equation 3 of this section, or an equivalent percent carbon dioxide (CO2) using the procedures described in paragraph (d)(3) of this section.

$$C_{adj} = C_d \frac{5.9}{20.9 - \%\ O_2} \qquad \text{(Eq. 3)}$$

Where:
Cadj = Calculated NOX or PM concentration adjusted to 15 percent O2.
Cd = Measured concentration of NOX or PM, uncorrected.
5.9 = 20.9 percent O2-15 percent O2, the defined O2 correction value, percent.
%O2 = Measured O2 concentration, dry basis, percent.

(3) If pollutant concentrations are to be corrected to 15 percent O2 and CO2 concentration is measured in lieu of O2 concentration measurement, a CO2 correction factor is needed. Calculate the CO2 correction factor as described in paragraphs (d)(3)(i) through (iii) of this section.

(i) Calculate the fuel-specific Fo value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

$$F_o = \frac{0.209_{F_d}}{F_c} \qquad \text{(Eq. 4)}$$

Where:
Fo = Fuel factor based on the ratio of O2 volume to the ultimate CO2 volume produced by the fuel at zero percent excess air.
0.209 = Fraction of air that is O2, percent/100.
Fd = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, $dsm^3/J$ ($dscf/10^6$ Btu).
Fc = Ratio of the volume of CO2 produced to the gross calorific value of the fuel from Method 19, $dsm^3/J$ ($dscf/10^6$ Btu).

(ii) Calculate the CO2 correction factor for correcting measurement data to 15 percent O2, as follows:

$$X_{CO_2} = \frac{5.9}{F_o} \qquad \text{(Eq. 5)}$$

Where:

XCO2 = CO2 correction factor, percent.
5.9 = 20.9 percent O2-15 percent O2, the defined O2 correction value, percent.

(iii) Calculate the NOX and PM gas concentrations adjusted to 15 percent O2 using CO2 as follows:

$$C_{adj} = C_d \frac{X_{CO_2}}{\%CO_2} \qquad \text{(Eq. 6)}$$

Where:
Cadj = Calculated NOX or PM concentration adjusted to 15 percent O2.

Cd = Measured concentration of NOX or PM, uncorrected.
%CO2 = Measured CO2 concentration, dry basis, percent.

(e) To determine compliance with the NOX mass per unit output emission limitation, convert the concentration of NOX in the engine exhaust using Equation 7 of this section:

$$ER = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{\text{KW-hour}} \qquad \text{(Eq. 7)}$$

Where:

ER = Emission rate in grams per KW-hour.
Cd = Measured NOX concentration in ppm.
$1.912 \times 10^{-3}$ = Conversion constant for ppm NOX to grams per standard cubic meter at 25 degrees Celsius.
Q = Stack gas volumetric flow rate, in standard cubic meter per hour.
T = Time of test run, in hours.
KW-hour = Brake work of the engine, in KW-hour.

(f) To determine compliance with the PM mass per unit output emission limitation, convert the concentration of PM in the engine exhaust using Equation 8 of this section:

$$ER = \frac{C_{adj} \times Q \times T}{\text{KW-hour}} \qquad \text{(Eq. 8)}$$

Where:
ER = Emission rate in grams per KW-hour.
Cadj = Calculated PM concentration in grams per standard cubic meter.
Q = Stack gas volumetric flow rate, in standard cubic meter per hour.
T = Time of test run, in hours.
KW-hour = Energy output of the engine, in KW.

**Sec. 60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of non-emergency stationary CI ICE that are greater than 2,237 KW (3,000 HP), or have a displacement of greater than or equal to 10 liters per cylinder, or are pre-2007 model year engines that are greater than 130 KW (175 HP) and not certified, must meet the requirements of paragraphs (a)(1) and (2) of this section.

(1) Submit an initial notification as required in Sec. 60.7(a)(1). The notification must include the information in paragraphs (a)(1)(i) through (v) of this section.

(i) Name and address of the owner or operator;

(ii) The address of the affected source;

(iii) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;

(iv) Emission control equipment; and

(v) Fuel used.

(2) Keep records of the information in paragraphs (a)(2)(i) through (iv) of this section.

(i) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(ii) Maintenance conducted on the engine.

(iii) If the stationary CI internal combustion is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards.

(iv) If the stationary CI internal combustion is not a certified engine, documentation that the engine meets the emission standards.

(b) If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(c) If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

**Sec. 60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?**

(a) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are required to meet the applicable emission standards in Sec. 60.4205. Non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder, must meet the applicable emission standards in Sec. 60.4204(c).

(b) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are not required to meet the fuel requirements in Sec. 60.4207.

**Sec. 60.4216 What requirements must I meet for engines used in Alaska?**

(a) Prior to December 1, 2010, owners and operators of stationary CI engines located in areas of Alaska not accessible by the Federal Aid Highway System should refer to 40 CFR part 69 to determine the diesel fuel requirements applicable to such engines.

(b) The Governor of Alaska may submit for EPA approval, by no later than January 11, 2008, an alternative plan for implementing the requirements of 40 CFR part 60, subpart IIII, for public-sector electrical utilities located in rural areas of Alaska not accessible by the Federal Aid Highway System. This alternative plan must be based on the requirements of section 111 of the Clean Air Act including any increased risks to human health and the environment and must also be based on the unique circumstances related to remote power generation, climatic conditions, and serious economic impacts resulting from implementation of 40 CFR part 60, subpart IIII. If EPA approves by rulemaking process an alternative plan, the provisions as approved by EPA under that plan shall apply to the diesel engines used in new stationary internal combustion engines subject to this paragraph.

**Sec. 60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?**

(a) Owners and operators of stationary CI ICE that do not use diesel fuel, or who have been given authority by the Administrator under Sec. 60.4207(d) of this subpart to use fuels that do not meet the fuel requirements of paragraphs (a) and (b) of Sec. 60.4207, may petition the Administrator for approval of alternative emission standards, if they can demonstrate that they use a fuel that is not the fuel on which the

manufacturer of the engine certified the engine and that the engine cannot meet the applicable standards required in Sec. 60.4202 or Sec. 60.4203 using such fuels.

(b) [Reserved]

**Sec. 60.4218 What parts of the General Provisions apply to me?**

Table 8 to this subpart shows which parts of the General Provisions in Sec. Sec. 60.1 through 60.19 apply to you.

**Sec. 60.4219 What definitions apply to this subpart?**

As used in this subpart, all terms not defined herein shall have the meaning given them in the CAA and in subpart A of this part.

*Combustion turbine* means all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components and sub-components comprising any simple cycle combustion turbine, any regenerative/recuperative cycle combustion turbine, the combustion turbine portion of any cogeneration cycle combustion system, or the combustion turbine portion of any combined cycle steam/electric generating system.

*Compression ignition* means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

*Diesel fuel* means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.

*Diesel particulate filter* means an emission control technology that reduces PM emissions by trapping the particles in a flow filter substrate and periodically removes the collected particles by either physical action or by oxidizing (burning off) the particles in a process called regeneration.

*Emergency stationary internal combustion engine* means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc. Stationary CI ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.

*Engine manufacturer* means the manufacturer of the engine. See the definition of ``manufacturer" in this section.

*Fire pump engine* means an emergency stationary internal combustion engine certified to NFPA requirements that is used to provide power to pump water for fire suppression or protection.

*Manufacturer* has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures a stationary engine for sale in the United States or otherwise introduces a new stationary engine into commerce in the United States. This includes importers who import stationary engines for sale or resale.

*Maximum engine power* means maximum engine power as defined in 40 CFR 1039.801.

*Model year* means either:

(1) The calendar year in which the engine was originally produced, or

(2) The annual new model production period of the engine manufacturer if it is different than the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31

of the named calendar year. For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was originally produced.

*Other internal combustion engine* means any internal combustion engine, except combustion turbines, which is not a reciprocating internal combustion engine or rotary internal combustion engine.

*Reciprocating internal combustion engine* means any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work.

*Rotary internal combustion engine* means any internal combustion engine which uses rotary motion to convert heat energy into mechanical work.

*Spark ignition* means relating to a gasoline, natural gas, or liquefied petroleum gas fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

*Stationary internal combustion engine* means any internal combustion engine, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary internal combustion engine is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition), and is not used to propel a motor vehicle or a vehicle used solely for competition. Stationary ICE include reciprocating ICE, rotary ICE, and other ICE, except combustion turbines.

*Subpart* means 40 CFR part 60, subpart IIII.

*Useful life* means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. The values for useful life for stationary CI ICE with a displacement of less than 10 liters per cylinder are given in 40 CFR 1039.101(g). The values for useful life for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder are given in 40 CFR 94.9(a).

**Tables to Subpart IIII of Part 60**

TABLE 1 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY PRE-2007 MODEL YEAR ENGINES WITHA DISPLACEMENT OF <10 LITERS PER CYLINDER AND 2007–2010 MODEL YEAR ENGINES >2,237 KW (3,000 HP)AND WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER

[As stated in §§ 60.4201(b), 60.4202(b), 60.4204(a), and 60.4205(a), you must comply with the following emission standards]

| **Maximum engine power** | **Emission standards for stationary pre-2007 model year engines with a displacement of <10 liters per cylinder and 2007–2010 model year engines >2,237 KW (3,000 HP) and with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)** | | | | |
|---|---|---|---|---|---|
| | **NMHC + NOX** | **HC** | **NOX** | **CO** | **PM** |
| KW<8 (HP<11) | 10.5 (7.8) | N/A | N/A | 8.0 (6.0) | 1.0 (0.75) |
| 8≤KW<19 (11≤HP<25) | 9.5 (7.1) | N/A | N/A | 6.6 (4.9) | 0.80(.060) |
| 19≤KW<37 (25≤HP<50) | 9.5 (7.1) | N/A | N/A | 5.5 (4.1) | 0.80(.060) |
| 37≤KW<56 (50≤HP<75) | N/A | N/A | 9.2 (6.9) | N/A | N/A |

| | | | | | |
|---|---|---|---|---|---|
| 56 ≤KW<75 (75 ≤HP<100) | N/A | N/A | 9.2 (6.9) | N/A | N/A |
| 75 ≤KW<130 (100 ≤HP<175) | N/A | N/A | 9.2 (6.9) | N/A | N/A |
| 130 ≤KW<225 (175 ≤HP<300) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| 225 ≤KW<450 (300 ≤HP<600) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| 450 ≤KW ≤560 (600 ≤HP ≤750) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| KW>560 (HP>750) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |

TABLE 2 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR 2008 MODEL YEAR AND LATER EMERGENCYSTATIONARY CI ICE <37 KW (50 HP) WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER

[As stated in § 60.4202(a)(1), you must comply with the following emission standards]

| **Engine power** | **Emission standards for 2008 model year and later emergency stationary CI ICE <37 KW (50 HP) with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)** | | | |
|---|---|---|---|---|
| | **Model year(s)** | **NOX + NMHC** | **CO** | **PM** |
| KW<8 (HP<11) | 2008+ | 7.5 (5.6) | 8.0 (6.0) | 0.40 (0.30) |
| 8 ≤KW<19 (11 ≤HP<25) | 2008+ | 7.5 (5.6) | 6.6 (4.9) | 0.40 (0.30) |
| 19 ≤KW<37 (25 ≤HP<50) | 2008+ | 7.5 (5.6) | 5.5 (4.1) | 0.30 (0.22) |

TABLE 3 TO SUBPART IIII OF PART 60.—CERTIFICATION REQUIREMENTS FOR STATIONARY FIRE PUMP ENGINES

[As stated in § 60.4202(d), you must certify new stationary fire pump engines beginning with the following model years:]

| **Engine power** | **Starting model year engine manufacturers must certify new stationary fire pump engines according to § 60.4202(d)** |
|---|---|
| KW<75 (HP<100) | 2011 |
| 75 ≤KW<130 (100 ≤HP<175) | 2010 |
| 130 ≤KW ≤60 (175 ≤HP ≤750) | 2009 |
| KW>560 (HP>750) | 2008 |

TABLE 4 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY FIRE PUMP ENGINES

[As stated in §§ 60.4202(d) and 60.4205(c), you must comply with the following emission standards for stationary fire pump engines]

| Maximum Engine Power | Model Years | NMHC + NOx | CO | PM |
|---|---|---|---|---|
| KW<8 (HP<11) | 2010 and earlier | 10.5 (7.8) | 8.0 (6.0) | 1.0 (.75) |
| | 2011+ | 7.5 (5.6) | n/a | 0.40 (0.30) |

| | | | | |
|---|---|---|---|---|
| 8 ≤KW<19 (11 ≤HP<25) | 2010 and earlier | 9.5 (7.1) | 6.6 (4.9) | 0.80 (0.60) |
| | 2011+ | 7.5 (5.6) | n/a | 0.40 (0.30) |
| 19 ≤KW<37 (25 ≤HP<50) | 2010 and earlier | 9.5 (7.1) | 5.5 (4.1) | 0.80 (0.60) |
| | 2011+ | 7.5 (5.6) | n/a | 0.30 (0.22) |
| 37 ≤KW<56 (50 ≤HP<75) | 2010 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| | 2011+1 | 4.7 (3.5) | n/a | 0.40 (0.30) |
| 56 ≤KW<75 (75 ≤HP<100) | 2010 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| | 2011+1 | 4.7 (3.5) | n/a | 0.40 (0.30) |
| 75 ≤KW<130 (100 ≤HP<175) | 2009 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| | 2010+2 | 6.4 (4.8) | n/a | 0.30 (0.22) |
| 130 ≤KW<225 (175 ≤HP<300) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2009+3 | 6.4 (4.8) | n/a | 0.20 (0.15) |
| 225 ≤KW<450 (300 ≤HP<600) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2009+3 | 6.4 (4.8) | n/a | 0.20 (0.15) |
| 450 ≤KW ≤560 (600 ≤HP ≤750) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2009+ | 6.4 (4.8) | n/a | 0.20 (0.15) |
| KW>560 (HP>750) | 2007 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2008+ | 6.4 (4.8) | n/a | 0.20 (0.15) |

1 For model years 2011–2013, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 revolutions per minute (rpm) may comply with the emission limitations for 2010 model year engines.
2 For model years 2010–2012, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2009 model year engines.
3 In model years 2009–2011, manufacturers of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2008 model year engines.

TABLE 5 TO SUBPART IIII OF PART 60.—LABELING AND RECORDKEEPING REQUIREMENTS FOR NEW STATIONARYEMERGENCY ENGINES
[You must comply with the labeling requirements in § 60.4210(f) and the recordkeeping requirements in § 60.4214(b) for new emergency stationary CI ICE beginning in the following model years:]

| Engine Power | Starting Model Year |
|---|---|
| 19 ≤KW<56 (25 ≤HP<75) | 2013 |
| 56 ≤KW<130 (75 ≤HP<175) | 2012 |
| KW ≥130 (HP ≥175) | 2011 |

TABLE 6 TO SUBPART IIII OF PART 60.—OPTIONAL 3-MODE TEST CYCLE FOR STATIONARY FIRE PUMP ENGINES
[As stated in § 60.4210(g), manufacturers of fire pump engines may use the following test cycle for testing fire pump engines:]

| Mode No. | Engine Speed1 | Torque (percent)2 | Weighting Factors |
|---|---|---|---|
| 1 | Rated | 100 | .030 |
| 2 | Rated | 75 | 0.50 |
| 3 | Rated | 50 | 0.20 |

1 Engine speed: ±2 percent of point.

2 Torque: NFPA certified nameplate HP for 100 percent point. All points should be ±2 percent of engine percent load value.

TABLE 7 TO SUBPART IIII OF PART 60.—REQUIREMENTS FOR PERFORMANCE TESTS FOR STATIONARY CI ICE WITH ADISPLACEMENT OF ≥30 LITERS PER CYLINDER
[As stated in § 60.4213, you must comply with the following requirements for performance tests for stationary CI ICE with a displacement of ≥30 liters per cylinder:]

| For Each | Complying with the requirement to | You must | Using | According to the following requirements |
|---|---|---|---|---|
| 1. Stationary CI internal combustion engine with a displacement of ≥30 liters per cylinder. | a. Reduce NOX emissions by 90 percent or more. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, appendix A. | (a) Sampling sites must be located at the inlet and outlet of the control device. |
| | | ii. Measure O2 at the inlet and outlet of the control device; | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A. | (b) Measurements to determine O2 concentration must be made at the same time as the measurements for NOX concentration. |
| | | iii. If necessary, measure moisture content at the inlet and outlet of the control device; and, | (3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (c) Measurements to determine moisture content must be made at the same time as the measurements for NOX concentration. |
| | | iv. Measure NOX at the inlet and outlet of the control device. | (4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (d) NOX concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1- hour or longer runs. |
| | b. Limit the concentration of NOX in the stationary CI internal | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, Appendix A. | (a) If using a control device, the sampling site must be located at the outlet of the |

| | | | | |
|---|---|---|---|---|
| | combustion engine exhaust. | | | control device. |
| | | ii. Determine the O2 concentration of the stationary internal combustion engine exhaust at the sampling port location; and, | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A. | (b) Measurements to determine O2 concentration must be made at the same time as the measurement for NOX concentration. |
| | | iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and, | (3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (c) Measurements to determine moisture content must be made at the same time as the measurement for NOX concentration. |
| | | iv. Measure NOX at the exhaust of the stationary internal combustion engine. | (4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (d) NOX concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |
| | c. Reduce PM emissions by 60 percent or more. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, appendix A. | (a) Sampling sites must be located at the inlet and outlet of the control device. |
| | | ii. Measure O2 at the inlet and outlet of the control device; | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A. | (b) Measurements to determine O2 concentration must be made at the same time as the measurements for PM concentration. |
| | | iii. If necessary, measure moisture content at the inlet and outlet of the control device; and | (3) Method 4 of 40 CFR part 60, appendix A. | (c) Measurements to determine and moisture content must be made at the same time as the |

| | | | | |
|---|---|---|---|---|
| | | | | measurements for PM concentration. |
| | | iv. Measure PM at the inlet and outlet of the control device. | (4) Method 5 of 40 CFR part 60, appendix A. | (d) PM concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |
| | d. Limit the concentration of PM in the stationary CI internal combustion engine exhaust. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, Appendix A. | (a) If using a control device, the sampling site must be located at the outlet of the control device. |
| | | ii. Determine the O2 concentration of the stationary internal combustion engine exhaust at the sampling port location; and | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A. | (b) Measurements to determine O2 concentration must be made at the same time as the measurements for PM concentration. |
| | | iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and | (3) Method 4 of 40 CFR part 60, appendix A. | (c) Measurements to determine moisture content must be made at the same time as the measurements for PM concentration. |
| | | iv. Measure PM at the exhaust of the stationary internal combustion engine. | (4) Method 5 of 40 CFR part 60, appendix A. | (d) PM concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |

TABLE 8 TO SUBPART IIII OF PART 60.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART IIII

[As stated in § 60.4218, you must comply with the following applicable General Provisions:]

| General Provisions citation | Subject of citation | Applies to subpart | Explanation |
|---|---|---|---|
| § 60.1 | General applicability of the General Provisions | yes | |
| § 60.2 | Definitions | yes | Additional terms defined in § 60.4219. |
| § 60.3 | Units and abbreviations | yes | |
| § 60.4 | Address | yes | |
| § 60.5 | Determination of construction or modification | yes | |
| § 60.6 | Review of plans | yes | |
| § 60.7 | Notification and Recordkeeping | yes | Except that § 60.7 only applies as specified in § 60.4214(a). |
| § 60.8 | Performance tests | yes | Except that § 60.8 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder and engines that are not certified. |
| § 60.9 | Availability of information | yes | |
| § 60.10 | State Authority | yes | |
| § 60.11 | Compliance with standards and maintenance requirements. | no | Requirements are specified in subpart IIII. |
| § 60.12 | Circumvention | yes | |
| § 60.13 | Monitoring requirements | yes | Except that § 60.13 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder. |
| § 60.14 | Modification | yes | |
| § 60.15 | Reconstruction | yes | |
| § 60.16 | Priority list | yes | |
| § 60.17 | Incorporations by reference | yes | |
| § 60.18 | General control device requirements | no | |
| § 60.19 | General notification and reporting requirements | yes | |

## Walker, Elizabeth (AIR)

**From:** Walker, Elizabeth (AIR)
**Sent:** Thursday, July 31, 2008 11:27 AM
**To:** 'daniel.roderick@pgnmail.com'; 'john.hunter@pgnmail.com'; 'albert.ugelow@ch2m.com'
**Cc:** Thomas, Bruce X.; Gibson, Victoria; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Seiler, Ann; 'Forney.Kathleen@epamail.epa.gov'
**Subject:** LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)

Dear Sir/Madam:

**Please send a "reply" message verifying receipt of the document(s) provided in this email; this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).**

This is the official notification of the **Written Notice of Intent to Issue Air Permit** and its associated documents for the following project:

**Owner/Company Name:** PROGRESS ENERGY FLORIDA, INC.
**Facility Name:** LEVY NUCLEAR PLANT
**Project Number:** 0750088-001-AC
**Permit Status:** DRAFT
**Permit Activity:** CONSTRUCTION/PSD-Unit 1 and 2 Cooling Towers
**Facility County:** LEVY

**Processor:** Bruce Thomas

**Click on the following link to access the permit project documents:**
http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0750088.001.AC.D_pdf.zip

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "*Air Permit Documents Search*" website at http://www.dep.state.fl.us/air/eproducts/apds/default.asp .

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Thank you,

Elizabeth Walker
Bureau of Air Regulation
(850)921-9505

## Walker, Elizabeth (AIR)

**From:** Halpin, Mike
**Sent:** Thursday, July 31, 2008 11:33 AM
**To:** Walker, Elizabeth (AIR)
**Subject:** Delivered: LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)
**Attachments:** ATT130556.txt

Your message was delivered to the recipient.

## Walker, Elizabeth (AIR)

**From:** Seiler, Ann
**Sent:** Thursday, July 31, 2008 11:32 AM
**To:** Walker, Elizabeth (AIR)
**Subject:** RE: LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)

Received – thank you

Ann Seiler
Siting Coordination Office
2600 Blair Stone Rd.
Tallahassee, FL 32399
(850) 245-8008
ann.seiler@dep.state.fl.us

---

**From:** Walker, Elizabeth (AIR)
**Sent:** Thursday, July 31, 2008 11:27 AM
**To:** 'daniel.roderick@pgnmail.com'; 'john.hunter@pgnmail.com'; 'albert.ugelow@ch2m.com'
**Cc:** Thomas, Bruce X.; Gibson, Victoria; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Seiler, Ann; 'Forney.Kathleen@epamail.epa.gov'
**Subject:** LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)

Dear Sir/Madam:

**Please send a "reply" message verifying receipt of the document(s) provided in this email; this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).**

This is the official notification of the **Written Notice of Intent to Issue Air Permit** and its associated documents for the following project:

**Owner/Company Name:** PROGRESS ENERGY FLORIDA, INC.
**Facility Name:** LEVY NUCLEAR PLANT
**Project Number:** 0750088-001-AC
**Permit Status:** DRAFT
**Permit Activity:** CONSTRUCTION/PSD-Unit 1 and 2 Cooling Towers
**Facility County:** LEVY

**Processor:** Bruce Thomas

**Click on the following link to access the permit project documents:**
http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0750088.001.AC.D_pdf.zip

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering

community. Access these documents by clicking on the link provided above, or search for other project documents using the "*Air Permit Documents Search*" website at http://www.dep.state.fl.us/air/eproducts/apds/default.asp .

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Thank you,

Elizabeth Walker
Bureau of Air Regulation
(850)921-9505

## Walker, Elizabeth (AIR)

**From:** Halpin, Mike
**To:** Walker, Elizabeth (AIR)
**Sent:** Thursday, July 31, 2008 11:32 AM
**Subject:** Read: LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)

Your message

To: 'daniel.roderick@pgnmail.com'; 'john.hunter@pgnmail.com'; 'albert.ugelow@ch2m.com'
Cc: Thomas, Bruce X.; Gibson, Victoria; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Seiler, Ann; 'Forney.Kathleen@epamail.epa.gov'
Subject: LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)
Sent: 7/31/2008 11:27 AM

was read on 7/31/2008 11:32 AM.

## Walker, Elizabeth (AIR)

**From:** Seiler, Ann
**To:** Walker, Elizabeth (AIR)
**Sent:** Thursday, July 31, 2008 11:32 AM
**Subject:** Read: LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)

Your message

To: 'daniel.roderick@pgnmail.com'; 'john.hunter@pgnmail.com'; 'albert.ugelow@ch2m.com'
Cc: Thomas, Bruce X.; Gibson, Victoria; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Seiler, Ann; 'Forney.Kathleen@epamail.epa.gov'
Subject: LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)
Sent: 7/31/2008 11:27 AM

was read on 7/31/2008 11:32 AM.

## Walker, Elizabeth (AIR)

**From:** System Administrator
**To:** Thomas, Bruce X.; Gibson, Victoria; Kirts, Christopher
**Sent:** Thursday, July 31, 2008 11:27 AM
**Subject:** Delivered:LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)

Your message

> To: 'daniel.roderick@pgnmail.com'; 'john.hunter@pgnmail.com'; 'albert.ugelow@ch2m.com'
> Cc: Thomas, Bruce X.; Gibson, Victoria; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Seiler, Ann; 'Forney.Kathleen@epamail.epa.gov'
> Subject: LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)
> Sent: 7/31/2008 11:27 AM

was delivered to the following recipient(s):

Thomas, Bruce X. on 7/31/2008 11:27 AM
Gibson, Victoria on 7/31/2008 11:27 AM
Kirts, Christopher on 7/31/2008 11:27 AM

## Walker, Elizabeth (AIR)

**From:** System Administrator
**To:** Halpin, Mike; Mulkey, Cindy
**Sent:** Thursday, July 31, 2008 11:27 AM
**Subject:** Delivered:LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)

Your message

> To: 'daniel.roderick@pgnmail.com'; 'john.hunter@pgnmail.com'; 'albert.ugelow@ch2m.com'
> Cc: Thomas, Bruce X.; Gibson, Victoria; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Seiler, Ann; 'Forney.Kathleen@epamail.epa.gov'
> Subject: LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)
> Sent: 7/31/2008 11:27 AM

was delivered to the following recipient(s):

Halpin, Mike on 7/31/2008 11:27 AM
Mulkey, Cindy on 7/31/2008 11:27 AM

## Walker, Elizabeth (AIR)

**From:** Mail Delivery System [MAILER-DAEMON@mseive02.rtp.epa.gov]
**Sent:** Thursday, July 31, 2008 11:27 AM
**To:** Walker, Elizabeth (AIR)
**Subject:** Successful Mail Delivery Report
**Attachments:** Delivery report; Message Headers

This is the mail system at host mseive02.rtp.epa.gov.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<Forney.Kathleen@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent 4891D9AD_28524_11025_5 9AE1E2D400A

## Walker, Elizabeth (AIR)

**From:** Roderick, Daniel L. [Daniel.Roderick@pgnmail.com]
**To:** Walker, Elizabeth (AIR)
**Sent:** Thursday, July 31, 2008 11:28 AM
**Subject:** Read: LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)

Your message

To: Daniel.Roderick@pgnmail.com
Subject:

was read on 7/31/2008 11:28 AM.

## Walker, Elizabeth (AIR)

**From:** Ugelow, Albert/GNV [Albert.Ugelow@CH2M.com]
**To:** Walker, Elizabeth (AIR)
**Sent:** Thursday, July 31, 2008 11:27 AM
**Subject:** Read: LEVY NUCLEAR PLANT; 0750088-001-AC (PSD-FL-403)

Your message

To: Albert.Ugelow@CH2M.com
Subject:

was read on 7/31/2008 11:27 AM.

Progress Energy

RECEIVED
NOV 20 2008
BUREAU OF AIR REGULATION

November 18, 2008

**Via Certified Mail No:** 7007 3020 0000 7100 3440

Mr. Jeff Koerner, P.E. New Source Review Administrator
Bureau of Air Regulation
Division of Air Resource Management
2600 Blair Stone Road, MS 5500
Tallahassee, Florida 32399-2400

Re: Draft Permit Comments - Levy Nuclear Plant (LNP)
PSD Permit No: PSD-FL-403
Project ID No: 0750088-001-AC
Levy County

Dear Mr. Koerner:

As requested in recent telephone conversations and exchange of electronic correspondence, Progress Energy Florida, Inc. (PEF) is submitting preliminary written comments regarding the draft permit issued to PEF for the Levy Nuclear Plant (LNP) facility. Specifically, the comments included below address the annual usage of No. 2 diesel fuel for the eight emergency generators and two fire pumps. Condition 3.B.3. of the draft permit issued by the Division of Air Resource Management (DARM) on July 31, 2008 limited the annual usage of fuel oil for these engines to less than 32,000 gallon/year, in an effort to "categorically exempt" these units from permitting requirements. However, based on the PSD permit application, the anticipated operation of these generators and fire pumps at the facility will result in an estimated annual usage of diesel fuel of 66,160 gallons/year during non-emergency operation (e.g. testing and maintenance) operation, which would exceed the 32,000 gallon/year limit/threshold. Therefore, Progress Energy requests that these units be subject to a higher annual fuel usage limit, as explained below, and also be subject to BACT for PM; we are not requesting that they be treated as exempt.

PEF has reviewed the NOx emission rate included in the application for the four (4) 2MW generators, four (4) ancillary generators and two (2) fire pumps; these units are the only sources of NOx emission at the proposed LNP facility. The initial PSD application indicates that NOx emissions would be 16.4 tons per year as the result of the combustion of 66,160 gallons of No. 2 diesel fuel per year. However the PSD emission threshold for NOx is 40 tons per year, and

**Progress Energy Florida, Inc.**
P. O. Box 14042
St. Petersburg, FL 33733

simply scaling the fuel use up to reach this threshold, the calculated fuel usage would be 161,365 gallons per year; i.e.,

66,160 gal/year x (40/16.4) = 161,365 gal/yr

Accordingly, Progress Energy would like to propose a higher fuel usage limit of 145,000 gallons/year, which equates to 90 percent of the PSD threshold of 40 TPY. In addition, in its application, Progress Energy proposed that BACT for these units would be the manufacturer certification pursuant to NSPS IIII, and the use of 0.05% sulfur fuel oil. Progress Energy is now proposing the use of ultra low sulfur (ULS) fuel (0.00015% sulfur (S)) as Best Available Control Technology (BACT) for PM emissions.

If you have any questions, please contact me at 727.820.5962.

Sincerely,

Chris Bradley

Christopher Bradley
Sr. Environmental Specialist
Progress Energy Florida, Inc.

CERTIFIED MAIL™

7007 3020 0000 7100 3440

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0000

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00065166-15

**Progress Energy**

Mr. Jeff Koerner
FDEP North Permitting Section
Division of Air Resource Mgmt.
2600 Blair Stone Rd., MS 5505
Tallahassee, FL 32399-2400

32399$2400 C001

**Progress Energy Florida, Inc.**
P.O. Box 14042
St. Petersburg, FL 33733

**CERTIFIED MAIL™**

7007 3020 0000 7100 3440


**Progress Energy**

Mr. Jeff Koerner
FDEP North Permitting Section
Division of Air Resource Mgmt.
2600 Blair Stone Rd., MS 5505
Tallahassee, FL 32399-2400

32399$2400 C001

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC No.: 08-2085
FDEP Draft Permit No. PSD-FL-403
Project No. 0750088-001-AC

Progress Energy Florida, Inc.
Levy Nuclear Plant
Levy County, Florida

_____/

**THIRD REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress Energy) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including January 16, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress Energy states the following:

1. On or about July 31, 2008, Progress Energy received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit" (Draft Permit No. PSD-FL-403, Project No. 0750088-001-AC) and Technical Evaluation and Preliminary Determination, for the Levy Nuclear Plant, Unit 1 and 2 Cooling Towers, which is located approximately 4 miles northwest of the town of Ingilis, east of State Highway 19 in Ingilis, Levy County, Florida.

2. Based on Progress Energy's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

3. On November 18, 2008, Progress Energy submitted written comments and will be discussing with the Department possible resolutions to the issues needing clarification or correction.

4. On October 22, 2008 the Department granted Progress Energy's second request for extension of time until November 24, 2008 to file a petition is this matter.

5. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the Draft Permit, in the event resolution cannot be reached. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Progress Energy respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.PSD-FL-403 (Project No. 0750088-001-AC) be formally extended to and including January 16, 2009.

RESPECTFULLY SUBMITTED this 24th day of November, 2008.

By: 

Robert A. Manning
Florida Bar ID No. 0035173
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
(850) 224-8551 Facsimile

Attorneys for Progress Energy Florida, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399, this 24th day of November, 2008.

Attorney

Hopping Green & Sams
Attorneys and Counselors

Post Office Box 6526
Tallahassee, Florida 32314

Trina Vielhauer
Florida Department of Environmental Protection
Division of Air Resource Management
111 S. Magnolia Drive, Suite 23
Tallahassee, Florida 32399

Hopping Green & Sams
Attorneys and Counselors

Post Office Box 6526
Tallahassee, Florida 32314

Trina Vielhauer
Florida Department of Environmental Protection
Division of Air Resource Management
111 S. Magnolia Drive, Suite 23
Tallahassee, Florida 32399

Elizabeth



THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC No.: 08-2085
FDEP Draft Permit No. PSD-FL-403
Project No. 0750088-001-AC

Progress Energy Florida, Inc.
Levy Nuclear Plant
Levy County, Florida

_____/

**FIRST REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress Energy) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including January 30, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress Energy states the following:

1. On or about December 8, 2008, Progress Energy received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Revised Draft Permit" (Revised Draft Permit No. PSD-FL-403, Project No. 0750088-001-AC) and Technical Evaluation and Preliminary Determination, for the Levy Nuclear Plant, Unit 1 and 2 Cooling Towers, which is located approximately 4 miles northwest of the town of Ingilis, east of State Highway 19 in Ingilis, Levy County, Florida.

2. Based on Progress Energy's initial review, the Revised Draft Permit and associated documents contain provisions that may warrant clarification or corrections.

4. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the Revised Draft

Permit, in the event resolution cannot be reached. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Progress Energy respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.PSD-FL-403 (Project No. 0750088-001-AC) be formally extended to and including January 30, 2009.

RESPECTFULLY SUBMITTED this 19th day of December, 2008.

By: Robert Manning

Robert A. Manning
Florida Bar ID No. 0035173
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
(850) 224-8551 Facsimile

Attorneys for Progress Energy Florida, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399, this 19th day of December, 2008.

Robert Manning

Attorney

## Walker, Elizabeth (AIR)

**From:** Walker, Elizabeth (AIR)
**Sent:** Wednesday, June 04, 2008 2:59 PM
**To:** 'Forney.Kathleen@epamail.epa.gov'
**Cc:** Mulkey, Cindy; 'catherine_collins@fws.gov'; 'meredith_bond@fws.gov'; Felton-Smith, Rita; Thomas, Bruce X.; Koerner, Jeff; Holladay, Cleve
**Subject:** New PSD Application in Florida (PSD-FL-403)

A new PSD permit application was received in the Florida Department of Environmental Protection's Tallahassee Air Permitting Office.

| | |
|---|---|
| **ARMS PA Project ID:** | 0750088-001-AC |
| **PSD** | YES NO (**PSD-FL-403)** |

| | |
|---|---|
| **Facility Name:** | Progress Energy, Levy County Nuclear Plant |
| **Project Description:** | PSD Permit to Construct a Nuclear Power Plant in Levy County |
| **County:** | Levy |
| **Permit Application Processor:** | Bruce Thomas |
| **Processor Phone:** | 850/488-0114 |
| **Processor Email Address:** | Bruce.X.Thomas@dep.state.fl.us |
| **Received in-house:** | 6/2/08 |
| **Possible Impact Areas:** | Chassahowitska<br>St. Marks |

The link to a scanned copy of the application: http://arm-permit2k.dep.state.fl.us/psd/0750088/00002EC5.pdf or use the Air Permit Document Search on the Florida Air Resource Management website at http://www.dep.state.fl.us/air/eproducts/apds/default.asp .

If you have any questions, please don't hesitate to contact me or the permit application processor.

*Elizabeth Walker*
Bureau of Air Regulation
Division of Air Resource Management (DARM)
(850)921-9505

# Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary


December 5, 2008

Daniel Roderick, Vice President
Nuclear Projects, Construction
Progress Energy Florida, Inc.
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Re: Draft Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
Levy Nuclear Plant
Unit 1 and 2 Cooling Tower Project, Revised Draft Permit

Dear Mr. Roderick:

On June 2, 2008, Progress Energy Florida, Inc. (Progress Energy) submitted an application for an air construction permit subject to the preconstruction review requirements for the Prevention of Significant Deterioration of Air Quality. The project is for the construction of two mechanical draft cooling towers and miscellaneous emergency generator and fire pump engines to support the proposed Levy Nuclear Power Plant, which is to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida. On July 31, 2008, the Department issued a draft air construction permit. Subsequently, Progress Energy filed for extensions of time to request an administrative hearing.

On November 20, 2008, we received your technical comments stating that the fuel consumption rate for the emergency engines would actually exceed the exemption threshold of 32,000 gallons/year based on 48 hours/year/unit of non-emergency operation. As a result of your comments the Department is rescinding the original draft permit package and issuing a revised draft permit package, which includes the following revised documents: Written Notice of Intent to Issue Air Permit; Public Notice of Intent to Issue Air Permit; Technical Evaluation and Preliminary Determination; and Draft Permit and Appendices.

The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. If you have any questions, please contact the project engineer, Jeff Koerner, at 850/921-9536.

Sincerely,

Trina L Vielhauer

Trina Vielhauer, Chief
Bureau of Air Regulation

Enclosures

TLV/jfk

## WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

*In the Matter of an*
*Application for Air Permit by:*

Progress Energy Florida, Inc.
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

*Authorized Representative:*
Daniel Roderick, Vice President, Nuclear Projects, Construction

Air Permit No. PSD-FL-403
Air Permit No. 0750088-001-AC
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Revised Draft Permit
Levy County, Florida

**Facility Location**: Progress Energy Florida, Inc. proposes to construct a new nuclear power plant to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida.

**Project**: To support new nuclear Units 1 and 2, the applicant proposes to construct and operate two mechanical draft cooling towers, four 4000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps. The project is subject to the preconstruction review requirements of Rule 62-212.400, Florida Administrative Code (F.A.C.) for the Prevention of Significant Deterioration (PSD) of Air Quality for particulate matter emissions. Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

**Permitting Authority**: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

**Project File**: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the revised Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above.

**Notice of Intent to Issue Air Permit**: On July 31, 2008, the Permitting Authority issued a draft air construction permit for the project. Subsequently, the applicant filed for extensions of time to request an administrative hearing. On November 20, 2008, the Permitting Authority received technical comments from the applicant indicating that the engines for the emergency generators and fire pumps are not eligible for a categorical exemption from air permitting. As a result of these comments, the Permitting Authority rescinds the original draft permit package and gives notice of its intent to issue a revised air permit to the applicant for the project. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Public Notice**: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal

advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at the address or phone number listed above. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**Comments**: The Permitting Authority will accept written comments concerning the proposed Draft Permit and requests for a public meeting for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions**: A person whose substantial interests are affected by the proposed permitting 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within fourteen 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) 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 Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. 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.

**Mediation**: Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

Trina Vielhauer, Chief
Bureau of Air Regulation

## CERTIFICATE OF SERVICE

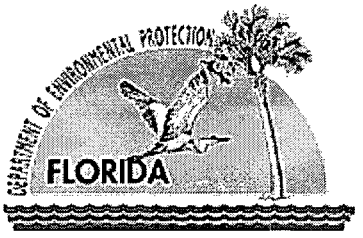
The undersigned duly designated deputy agency clerk hereby certifies that either this Written Notice of Intent to Issue Air Permit (including the Draft Permit, Appendices, Public Notice and Technical Evaluation and Preliminary Determination), or a link to these documents available electronically on a publicly accessible server, was sent before the close of business on 12/8/08 by electronic mail with received receipt requested to the persons listed below.

Mr. Daniel Roderick, Progress Energy Florida, Inc. (daniel.roderick@pgnmail.com)
Mr. Jamie Hunter, Progress Energy Florida, Inc. (john.hunter@pgnmail.com)
Mr. Albert Ugelow, CH2M Hill (albert.ugelow@ch2m.com)
Mr. Chris Kirts, Northeast District Office (chris.kirts@dep.state.fl.us)
Mr. Mike Halpin, Siting Office (mike.halpin@dep.state.fl.us)
Ms. Cindy Mulkey, Siting Office (cindy.mulkey@dep.state.fl.us)
Ms. Ann Seiler, Siting Office (ann.seiler@dep.state.fl.us)
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
Ms. Heather Abrams, EPA Region 4 (abrams.heather@epamail.epa.gov)
Ms. Vitoria Gibson, BAR Reading File (Victoria.gibson@dep.state.fl.us)

Clerk Stamp

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

Barbara J. Friday (Clerk) 12/8/08 (Date)




# TECHNICAL EVALUATION

# &

# PRELIMINARY DETERMINATION

## APPLICANT

Progress Energy Florida, Inc.
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Proposed Levy Nuclear Plant
ARMS Facility ID No. 0750088

## PROJECT

Draft Permit No. PSD-FL-403
Project No. 0750088-001-AC

Unit 1 and 2 Cooling Tower Project
Revised Draft Permit

## COUNTY

Levy County, Florida

## PERMITTING AUTHORITY

Florida Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
New Source Review Section
2600 Blair Stone Road, MS#5505
Tallahassee, Florida 32399-2400

December 5, 2008

## 1. GENERAL PROJECT INFORMATION

### Air Pollution Regulations

Projects with the potential to emit air pollution are subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The statutes authorize the Department of Environmental Protection (Department) to establish regulations regarding air quality as part of the Florida Administrative Code (F.A.C.), which includes the following chapters: 62-4 (Permits); 62-204 (Air Pollution Control – General Provisions); 62-210 (Stationary Sources – General Requirements); 62-212 (Stationary Sources – Preconstruction Review); 62-213 (Operation Permits for Major Sources of Air Pollution); 62-296 (Stationary Sources - Emission Standards); and 62-297 (Stationary Sources – Emissions Monitoring). Specifically, the project is subject to major source preconstruction review in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant (PSD) Deterioration of Air Quality.

In addition, the U. S. Environmental Protection Agency (EPA) establishes air quality regulations in Title 40 of the Code of Federal Regulations (CFR). Part 60 specifies New Source Performance Standards (NSPS) for numerous industrial activities. Part 61 specifies National Emission Standards for Hazardous Air Pollutants (NESHAP) based on specific pollutants. Part 63 specifies NESHAP based on the Maximum Achievable Control Technology (MACT) for numerous industrial categories. The Department adopts these federal regulations on a quarterly basis in Rule 62-204.800, F.A.C.

### Facility Description and Location

Progress Energy Florida, Inc. submitted a site certification package to the Department's Power Plant Siting Office for a proposed 2000 megawatt (MW) nuclear power plant, which is categorized under Standard Industrial Classification Code (SIC) No. 4911. The facility is proposed to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida. The UTM coordinates are Zone 17, 342.2 km East, and 3217.2 km North. This site is in an area that is in attainment (or designated as unclassifiable) for all air pollutants subject to state and federal Ambient Air Quality Standards (AAQS).

### Facility Regulatory Categories

- The facility will not be a major source of hazardous air pollutants (HAP).
- The facility will have no units subject to the acid rain provisions of the Clean Air Act.
- The facility will be a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility will be a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C. The project is subject to PSD preconstruction review for total particulate matter emissions only.
- The facility will have units subject to applicable New Source Performance Standards (NSPS) in Part 60 of Title 40 in the Code of Federal Regulations.

### Project Description

On June 2, 2008, the Department received a complete application from Progress Energy Florida, Inc. to construct two 44-cell mechanical draft cooling towers to support the proposed nuclear Units 1 and 2. Each cooling tower will be arranged in an array of 2 x 22 cells that will operate continuously. The towers will obtain make-up water from the nearby Cross Florida Barge Canal to cool the Unit 1 and Unit 2 condensers. The cooling water flow rate for all 44 cells is estimated at 531,100 gallons per minute (gpm) and the design air flow rate is estimated at 1,662,887 actual cubic feet per minute (acfm) per cell.

The cooling towers provide direct contact between the cooling water and air passing through the tower. Drift is created when small amounts of cooling water become entrained in the air stream and are carried out of the tower. Salt and solids in the water droplets are emitted as particulate matter (PM) that escapes as drift from the tower. Drift eliminators are proposed to minimize PM emissions caused by the cooling tower drift.

The project also includes the construction of four 4000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two 650 horsepower (hp) fire pumps. During normal operation the facility will generate all of its own power needs or obtain it from the local power grid. In the event the facility is not operational or power is not available from the local grid, the emergency generators will be used to keep the control room and certain essential plant equipment energized and the fire pumps will be available to maintain water pressure to the fire suppression systems. Each engine powering an emergency generator or fire pump will fire diesel. The preliminary construction schedule is: commence site clearing and preparation in 2010; begin facility construction in 2011; commercial operation of Unit 1 in 2016; and commercial operation of Unit 2 in 2017.

The project will add the following new emissions units.

| ID No. | Description |
|---|---|
| 001 | Unit 1 Cooling Tower |
| 002 | Unit 2 Cooling Tower |
| 003 | Four 4000 kW emergency standby generators and four 35 kW ancillary emergency generators |
| 004 | Two 650 hp diesel powered firewater pumps |

The engines for the emergency generators and fire pumps are subject to the applicable provisions in the following New Source Performance Standards (NSPS) of 40 CFR 60: Subpart A (General Provisions) and Subpart IIII (Standards of Performance for Stationary Compression Ignition Intemal Combustion Engines), which consist of record keeping and reporting requirements. The facility also operates other miscellaneous unregulated and insignificant emissions units and activities.

## 2. PSD APPLICABILITY REVIEW

### General PSD Applicability

The Department regulates major stationary sources of air pollution in accordance with Florida's PSD preconstruction review program pursuant to Rule 62-212.400, F.A.C. A PSD applicability review is required in areas currently in attainment with the state and federal AAQS or areas otherwise designated as "unclassifiable". A facility is considered a major stationary source with respect to PSD if it emits or has the potential to emit: 250 tons per year or more of any regulated air pollutant; 100 tons per year or more of any regulated air pollutant and the facility belongs to one of the 28 PSD major facility categories defined in Rule 62-210.200, F.A.C. for major stationary sources; or 5 tons per year of lead. Projects at existing or new major stationary sources are subject to PSD preconstruction review. In addition, proposed projects at existing minor sources are subject to PSD preconstruction review if potential emissions *from the proposed project* will exceed the PSD major stationary source thresholds.

Once a project becomes subject to PSD preconstruction review, each of the following PSD pollutants is reviewed for PSD applicability based on emissions thresholds known as the "significant emission rates" defined in Rule 62-210.200, F.A.C.: carbon monoxide (CO); nitrogen oxides ($NO_X$); sulfur dioxide ($SO_2$); particulate matter (PM); particulate matter with a mean particle diameter of 10 microns or less ($PM_{10}$); particulate matter with a mean particle diameter of 2.5 microns or less ($PM_{2.5}$); volatile organic compounds (VOC); lead (Pb); fluorides (Fl); sulfuric acid mist (SAM); hydrogen sulfide ($H_2S$); total reduced sulfur (TRS), including $H_2S$; reduced sulfur compounds, including $H_2S$; municipal waste combustor organics measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans;.municipal waste combustor metals measured as particulate matter; municipal waste combustor acid gases measured as $SO_2$ and hydrogen chloride (HCl); municipal solid waste landfills emissions measured as nonmethane organic compounds (NMOC); and mercury (Hg). Emissions from the project exceeding the significant emission rate are considered "significant" and the applicant must employ the Best Available Control Technology (BACT) to minimize emissions of each such

pollutant and evaluate the air quality impacts. Although a facility or project may be *major* with respect to PSD for only one regulated pollutant, it may be required to install BACT controls for several "significant" regulated pollutants.

Rule 62-210.200, F.A.C. defines "BACT" as:

*An emission limitation, including a visible emissions standard, based on the maximum degree of reduction of each pollutant emitted which the Department, on a case by case basis, taking into account:*

*1. Energy, environmental and economic impacts, and other costs;*

*2. All scientific, engineering, and technical material and other information available to the Department; and*

*3. The emission limiting standards or BACT determinations of Florida and any other state;*

*determines is achievable through application of production processes and available methods, systems and techniques (including fuel cleaning or treatment or innovative fuel combustion techniques) for control of each such pollutant.*

*If the Department determines that technological or economic limitations on the application of measurement methodology to a particular part of an emissions unit or facility would make the imposition of an emission standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reductions achievable by implementation of such design, equipment, work practice or operation.*

*Each BACT determination shall include applicable test methods or shall provide for determining compliance with the standard(s) by means which achieve equivalent results.*

*In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63.*

In addition to a review and proposal of BACT, applicants must provide an Air Quality Analysis that evaluates the predicted air quality impacts resulting from the project for each PSD pollutant subject to modeling criteria.

**PSD Applicability for the Project**

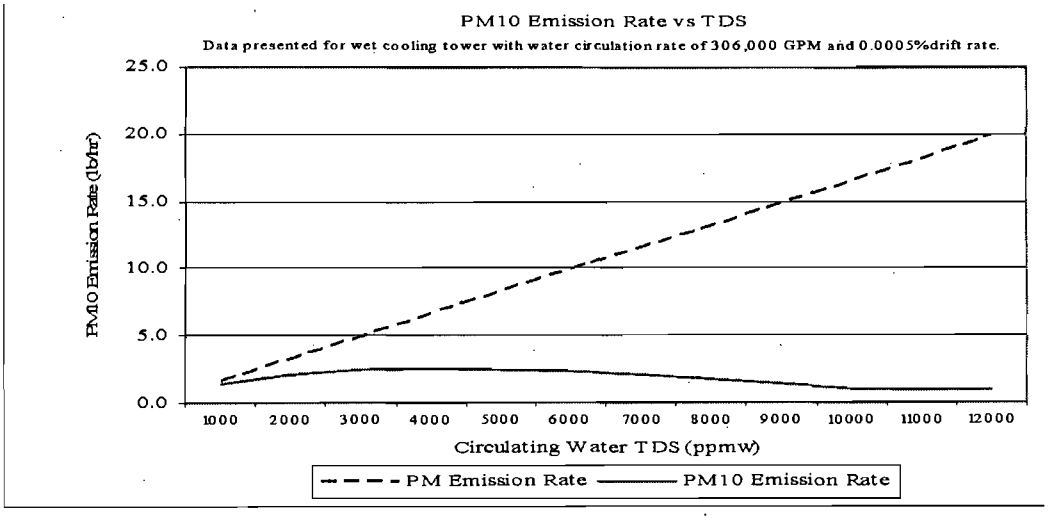
The proposed project will be a major stationary source located in Levy County, which is in an area that is currently in attainment with the state and federal AAQS or otherwise designated as unclassifiable. Based on the air permit application, the project will result in potential emissions of: 3.5 tons per year of carbon monoxide (CO); 16.4 tons per year of nitrogen oxides ($NO_X$); 507 tons per year of particulate matter (PM); 6.8 tons per year of particulate matter with a mean diameter of 10 microns or less ($PM_{10}$); 0.07 tons per year of sulfur dioxide ($SO_2$); and 1.4 tons per year of volatile organic compounds (VOC). Since annual PM emissions are greater than 250 tons/year, the project is subject to the preconstruction review requirements of Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality. Based on the applicant's estimates, only PM emissions are greater than the corresponding significant emissions rates. Therefore, a BACT determination is required for PM emissions only. No air quality modeling analysis is required because the modeled pollutant ($PM_{10}$) is not subject to PSD preconstruction review.

## 3. PROJECT REVIEW

**Applicant's Proposal**

The cooling towers will emit PM as a result of the carry over of solids in the water droplet drift. Total PM emissions include $PM_{10}$ and $PM_{2.5}$ particles as well. Particulate matter will be controlled by properly designed drift eliminators. Based on the application, future potential PM emissions from the cooling towers alone are estimated to be 507 tons/year, which exceeds the PSD significant emission rate of 25 tons per year. However, the applicant estimates $PM_{10}$ emissions to be 5.6 tons per year, which is less than the corresponding PSD

significant emissions rate of 15 tons/year. The estimate is based upon the study, "Calculating Realistic $PM_{10}$ Emissions from Cooling Towers" by Joel Reisman and Gordon Frisbie. According to the study, PM and $PM_{10}$ emissions increase with an increase in the concentration of total dissolved solids (TDS) to about 4000 parts per million (ppm). However, at TDS levels greater than 4000 ppm, the $PM_{10}$ emissions rate will decrease while the PM emissions rate will continue to increase. The paper states that at higher TDS, the drift droplets contain more solids and therefore, upon evaporation, result in larger particles for any given initial droplet size. The graph below shows the correlation of PM and $PM_{10}$ emissions rates as a function of TDS in the circulating water.




With an estimated TDS of 25,000 ppm for the new cooling towers and a circulating flow rate of 531,100 gallons per minute, the report suggests large PM emissions with minimal $PM_{10}$ emissions as indicated in the application. The estimated $PM_{10}$ emissions do not exceed the significant emission rate for $PM_{10}$ of 15 tons/year. Therefore, a BACT determination is required for PM emissions only. No air quality modeling analysis is required because the modeled pollutant ($PM_{10}$) is not subject to PSD preconstruction review.

To minimize PM emissions from the cooling towers, the applicant proposes a design drift rate for the drift eliminators of 0.0005% of the circulating water flow rate. This is consistent with recent BACT determinations for mechanical draft cooling towers.

The combustion of diesel in the engines for the emergency generators and fire pumps will result in PM emissions. To minimize PM emissions, the engines for the emergency generators and fire pumps will fire ultra low sulfur diesel.

**BACT Determinations**

The Department conducted a review of EPA's RACT/BACT/LAER Clearinghouse for mechanical draft cooling towers permitted between 2003 and 2008. For recent projects, the lowest BACT determination for mechanical draft cooling towers is a design drift rate 0.0005% of the circulating water flow rate based upon drift eliminators. The Department determines this design specification to be BACT for PM emissions from the cooling towers. For the emergency generator and fire pump engines, the Department determines the firing of ultra low sulfur diesel with a maximum sulfur content of $\leq$ 0.00015% by weight to be BACT for PM emissions.

Due to the extended construction schedule for the nuclear units, the applicant must submit a new BACT analysis within two years prior to beginning construction of the cooling towers. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an air construction permit revision application.

**NSPS Provisions**

The engines for the emergency generators and fire pumps are subject to the applicable provisions in the following New Source Performance Standards (NSPS) of 40 CFR 60: Subpart A (General Provisions) and Subpart IIII (Standards of Performance for Stationary Compression Ignition Intemal Combustion Engines),

which consist of record keeping and reporting requirements. The NSPS provisions will be attached as Appendices to the draft permit.

## 4. PRELIMINARY DETERMINATION

The Department makes a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations as conditioned by the revised Draft Permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, and the conditions specified in the Draft Permit. Jeff Koerner is the project engineer responsible for reviewing the application and drafting the permit changes. Additional details of this analysis may be obtained by contacting the project engineer at the Department's Bureau of Air Regulation at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

# REVISED DRAFT PSD PERMIT

**PERMITTEE**

Progress Energy Florida
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Authorized Representative:
Daniel Roderick, Vice President, Nuclear Projects, Construction

Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
ARMS ID No. 0750088
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Permit Expires: 1/1/2018

**PROJECT AND LOCATION**

This permit authorizes construction of two mechanical draft cooling towers and diesel-powered emergency generators and fire pumps. The work will be conducted at the proposed Levy Nuclear Plant, which will be a new nuclear power plant (SIC No. 4911). The facility is proposed to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida. The UTM coordinates are Zone 17, 342.2 km East, and 3217.2 km North.

**STATEMENT OF BASIS**

This air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. as well as the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

**CONTENTS**



Executed in Tallahassee, Florida

(DRAFT)

Joseph Kahn, Director
Division of Air Resource Management

(Date)

## FACILITY AND PROJECT DESCRIPTION

Progress Energy Florida, Inc. has submitted a site certification package to the Department's Power Plant Siting Office for a proposed 2000 megawatt (MW) nuclear power plant. A part of this package includes an application for an air permit to construct two 44-cell mechanical draft cooling towers, arranged in an array of 2 x 22 cells that will operate continuously. The towers will obtain make-up water from the nearby Cross Florida Barge Canal to cool the Unit 1 and 2 condensers. The cooling water flow rate for all 44 cells is estimated at 531,100 gallons per minute (gpm) and the design air flow rate per cell is estimated at 1,662,887 actual cubic feet per minute (acfm). The cooling towers provide direct contact between the cooling water and air passing through the tower. Drift is created when small amounts of cooling water become entrained in the air stream and are carried out of the tower. Particulate matter (PM) is emitted as salt and solids in the water droplets escape as drift from the tower. Drift eliminators will be used to minimize PM emissions caused by the cooling tower drift.

The project also includes four 4000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps. During normal operation, the facility will generate all of its own power needs or obtain power from the local grid. In the event the facility is not operational and power is not available from the local power grid, the emergency generators will be used to keep the control room and certain essential plant equipment and utilities energized and the emergency fire pumps will be available to maintain water pressure to the fire suppression systems. The facility will also operate other miscellaneous unregulated and insignificant emissions units and activities.

This project adds the following new emissions units.

| ID No. | Emission Unit Description |
|---|---|
| 001 | Unit 1 Cooling Tower |
| 002 | Unit 2 Cooling Tower |
| 003 | Four 4000 kW emergency standby generators and 35 kW ancillary emergency generators |
| 004 | Two 650 hp fire pumps |

## FACILITY REGULATORY CLASSIFICATION

- The facility will not be a major source of hazardous air pollutants (HAP).
- The facility will have no units subject to the acid rain provisions of the Clean Air Act.
- The facility will be a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility will be a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C. The project is subject to PSD preconstruction review for PM emissions only.
- The facility will have units subject to the New Source Performance Standards (NSPS) in Part 60, Title 40 of the Code of Federal Regulations (CFR).

1. Permitting Authority: The permitting authority for this project is the Bureau of Air Regulation, Division of Air Resource Management, Florida Department of Environmental Protection (Department). The Bureau of Air Regulation's mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. All documents related to applications for permits to operate an emissions unit shall be submitted to the Northeast District Office.

2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Northeast District Office. The mailing address and phone number of the Northeast District Office is: 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256, 904/807-3300.

3. Appendices: The following Appendices are attached as part of this permit:

   a. Appendix A. Citation Formats;

   b. Appendix B. General Conditions;

   c. Appendix C. Common Conditions;

   d. Appendix D. Summary of Best Available Control Technology Determinations;

   e. Appendix E. NSPS Subpart A, General Provisions; and

   f. Appendix F. NSPS Subpart IIII, Stationary Compression Ignition Internal Combustion Engines.

4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.

5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]

6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]

7. BACT Determination Subject to Revision: The applicant must submit a new BACT analysis within two years prior to beginning construction of the cooling towers due to the extended construction schedule of the nuclear units. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an air construction permit revision application. [Rule 62-212.400(BACT), F.A.C.]

8. Application for Title V Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. A Title V air operation permit is required for regular operation of the permitted emissions unit. The permittee shall apply for a Title V air operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050, 62-4.220 and Chapter 62-213, F.A.C.]

## SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (REVISED DRAFT)

## A. UNIT 1 AND 2 COOLING TOWERS (EU-001 and EU-002)

This section of the permit addresses the following emissions units.

| ID No. | Emission Unit Description |
|---|---|
| 001 | Unit 1 Mechanical Draft Cooling Tower |
| 002 | Unit 2 Mechanical Draft Cooling Tower |

*{Permitting Note: In accordance with Rule 62-212.400(PSD), F.A.C., the above emission units are subject to Best Available Control Technology (BACT) determinations for total particulate matter (PM).*

**EQUIPMENT**

1. Cooling Towers: The permittee is authorized to construct and operate two new mechanical draft cooling towers with the following nominal design characteristics: 44 cells; a circulating water flow rate of 531,100 gpm; a design air flow of 1,662,887 acfm; and drift eliminators designed for a drift rate of no more than 0.0005% of the circulating water flow for each tower. [Application No. 0750088-001-AC and Design]

2. Hours of Operation: The new cooling towers may operate continuously (8760 hours per calendar year). [Application No. 0750088-001-AC]

3. Cooling Tower Design Drift Rate: The cooling towers shall be designed and maintained to achieve a drift rate of no more than 0.0005% of the circulating water flow. Within 60 days of commencing operation, the permittee shall notify the compliance authority that the cooling towers were constructed to achieve the specific drift rate of no more than 0.0005% of the circulating flow rate. [Application No. 0750088-001-AC; Rule 62-212.400(BACT); and Design]

4. Circulating Water Flow Rate: Upon request, the applicant shall provide a means for determining the circulating water flow rate through the new cooling tower. [Rule 62-4.070, F.A.C.]

5. Emissions Report: PM and $PM_{10}$ emissions from the cooling towers shall be reported as part of the annual operating report. [Rule 62-210.370(3), F.A.C.]

## B. EMERGENCY GENERATORS AND FIRE PUMPS (EU-003 and EU-004)

This section of the permit addresses the following emissions units.

| ID No. | Emission Unit Description |
|---|---|
| 003 | Four 4000 kW emergency standby generators and 35 kW ancillary emergency generators |
| 004 | Two 650 hp fire pumps |

### EQUIPMENT

1. New Equipment: The permittee is authorized to construct and operate four 4000 kW emergency standby generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps. [Application No. 0750088-001-AC]

2. Hours of Operation: Each unit may operate as necessary to support emergency operations including a loss of power at the facility. Each emergency generator and fire pump may operate for up to 48 hours per year of non-emergency operation to ensure that the units remain in working order. [Application No. 0750088-001-AC]

3. Authorized Fuel: Each emergency generator and fire pump shall fire only ultra low sulfur diesel with a maximum sulfur content of 0.00015% by weight. [Application No. 0750088-001-AC]

4. Applicable NSPS Provisions: The engines for the emergency generators and fire pumps are subject to the applicable provisions in the following New Source Performance Standards (NSPS) of 40 CFR 60: Subpart A (General Provisions) and Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines), which consist of record keeping and reporting requirements. The NSPS provisions are attached as Appendix E and Appendix F of this permit. [Subparts A and IIII in 40 CFR 60 and Rule 62-204.800, F.A.C.]

## SECTION 4. APPENDICES (REVISED DRAFT)

### CONTENTS

## CITATION FORMATS

The following illustrate the formats used in the permit to identify applicable requirements from permits and regulations.

**Old Permit Numbers**

Example: Permit No. AC50-123456 or Permit No. AO50-123456

Where: "AC" identifies the permit as an Air Construction Permit
"AO" identifies the permit as an Air Operation Permit
"123456" identifies the specific permit project number

**New Permit Numbers**

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: "099" represents the specific county ID number in which the project is located
"2222" represents the specific facility ID number for that county
"001"identifies the specific permit project number
"AC" identifies the permit as an air construction permit
"AF" identifies the permit as a minor source federally enforceable state operation permit
"AO" identifies the permit as a minor source air operation permit
"AV" identifies the permit as a major Title V air operation permit

**PSD Permit Numbers**

Example: Permit No. PSD-FL-317

Where: "PSD" means issued pursuant to the preconstruction review requirements of the Prevention of Significant Deterioration of Air Quality
"FL" means that the permit was issued by the State of Florida
"317" identifies the specific permit project number

**Florida Administrative Code (F.A.C.)**

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

**Code of Federal Regulations (CFR)**

Example: [40 CRF 60.7]

Means: Title 40, Part 60, Section 7

## GENERAL CONDITIONS

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:

   a. Have access to and copy and records that must be kept under the conditions of the permit;
   b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
   c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

   Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

   a. A description of and cause of non-compliance; and

   b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

   The permittee shall be responsible for any and all damages which may result and maybe subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, F.S.. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules andF.S. after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted byF.S. or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

    a. Determination of Best Available Control Technology (applicable);
    b. Determination of Prevention of Significant Deterioration (applicable); and
    c. Compliance with New Source Performance Standards (applicable).

14. The permittee shall comply with the following:

    a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

    b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

    c. Records of monitoring information shall include:

        1) The date, exact place, and time of sampling or measurements;
        2) The person responsible for performing the sampling or measurements;
        3) The dates analyses were performed;
        4) The person responsible for performing the analyses;
        5) The analytical techniques or methods used; and
        6) The results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

**EMISSIONS AND CONTROLS**

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 624.130, F.A.C.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]
8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

*{Permitting Note: Rule 62-210.700 (Excess Emissions), F.A.C., cannot vary any NSPS or NESHAP provision.}*

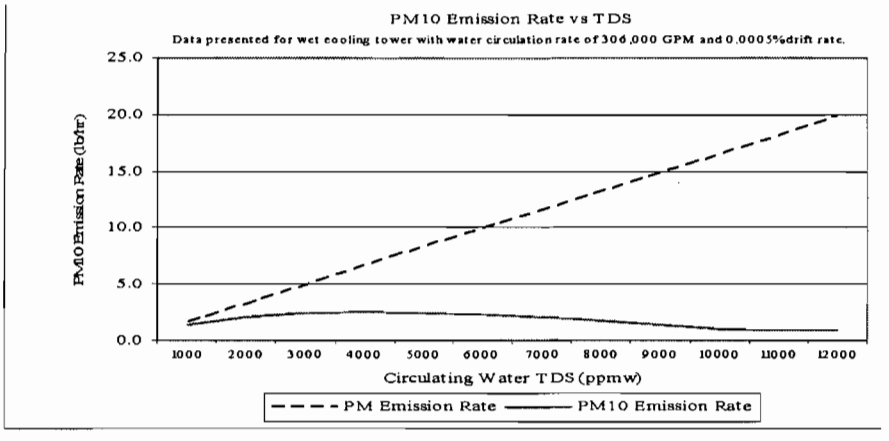
**RECORDS AND REPORTS**

10. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1)(b)2, F.A.C.]
11. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(3), F.A.C.]

**PSD Applicability for the Project**

The Levy Nuclear Plant is a proposed PSD major stationary source located in Levy County, which is in an area that is currently in attainment with the state and federal AAQS or otherwise designated as unclassifiable. The applicant proposes to construct and operate two mechanical draft cooling towers to support nuclear Units 1 and 2. The cooling towers will emit particulate matter (PM) as a result of the carry over of solids (primarily salt) in the water droplet drift. The PM emissions include particles with a mean diameter of 10 microns or less ($PM_{10}$). Particulate matter will be controlled by the drift rate design specifications, which serve as a surrogate to control $PM/PM_{10}$.

Based on the application, future PM emissions are estimated to be 514 tons/year based on 8760 hours per year of operation, which makes the project new major stationary source subject to the preconstruction review requirements of Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality. PM emissions will exceed the significant emission rate of 25 tons per year, but $PM_{10}$ emissions are estimated at 5.6 tons/year, which is less than the significant emissions rate of 15 tons/year. The $PM/PM_{10}$ estimates are based upon the study, "Calculating Realistic PM10 Emissions from Cooling Towers" by Joel Reisman and Gordon Frisbie. According to the study, $PM_{10}$ emissions increase with PM as the concentration of total dissolved solids (TDS) increases to about 4000 ppm. At TDS levels greater than 4000 ppm, the amount of $PM_{10}$ sized particles will decrease while PM continues to increase. The paper states that at higher TDS, the drift droplets contain more solids and therefore, upon evaporation, result in larger particles for any given initial droplet size. Table 1 provides a graph of the correlation of PM and $PM_{10}$ as a function of TDS in the circulating water.




With the estimated TDS of 25,000 ppm for the new cooling towers and a circulating flow rate of 531,100 gallons per minute, the report suggests large PM emissions with minimal $PM_{10}$ emissions as indicated in the application. Since $PM_{10}$ emissions will not exceed the significant emissions rate, a BACT determination is required for PM, but not $PM_{10}$. In addition, no air quality analysis is required because the modeled pollutant is $PM_{10}$, which is not subject to PSD preconstruction review for this project.

The project will also include construction of diesel-powered emergency generators, ancillary emergency generators and fire pumps. The emergency generators and fire pumps will operate for no more than 48 hours/year of non-emergency operation to ensure that each unit is functioning properly and available for emergency operation. Based on the applicant's original estimates, annual emissions from all of these units combined will be: of 16.4 tons/year of $NO_X$, 0.07 tons/year of $SO_2$, 3.5 tons/year of CO, 1.4 tons/year of VOC and 1.2 tons/year of $PM/PM_{10}$.

**BACT Determination**

The Department conducted a review of EPA's RACT/BACT/LAER Clearinghouse for mechanical draft cooling towers between 2003 and 2008. Based upon the review, the Department concludes that BACT for mechanical draft cooling towers is based upon drift eliminators. BACT has been established as low as 0.0005% drift rate. The Department agrees and BACT is determined to be a design drift rate of 0.0005% for the new cooling towers. For the diesel-powered emergency generators, ancillary emergency generators and fire pumps, the applicant proposes the use of ultra low sulfur diesel to minimize PM emissions. The Department agrees and BACT for these units is determined to be the firing of diesel with a maximum sulfur content of 0.00015% by weight.

Due to the extended construction schedule of the nuclear units, the applicant is required to submit a new BACT analysis and determination within two years prior to beginning construction of the cooling towers. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an application for a revised air construction permit, which will require a new Public Notice.

Emissions units subject to a New Source Performance Standard of 40 CFR 60 are also subject to the applicable requirements of Subpart A, the General Provisions, including:

§ 60.1 Applicability.

§ 60.2 Definitions.

§ 60.3 Units and abbreviations.

§ 60.4 Address.

§ 60.5 Determination of construction or modification.

§ 60.6 Review of plans.

§ 60.7 Notification and Record Keeping.

§ 60.8 Performance Tests.

§ 60.9 Availability of information.

§ 60.10 State Authority.

§ 60.11 Compliance with Standards and Maintenance Requirements.

§ 60.12 Circumvention.

§ 60.13 Monitoring Requirements.

§ 60.14 Modification.

§ 60.15 Reconstruction.

§ 60.16 Priority List.

§ 60.17 Incorporations by Reference.

§ 60.18 General Control Device Requirements.

§ 60.19 General Notification and Reporting Requirements.

Individual subparts may exempt specific equipment or processes from some or all of these requirements. The general provisions may be provided in full upon request.

# NSPS SUBPART IIII, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

**Updated 7/19/06- EFFECTIVE 9/11/06**

**Source Federal Register Dated 7/11/06**

## Subpart IIII--Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

**What This Subpart Covers**
**60.4200** Am I subject to this subpart?

**Emission Standards for Manufacturers**
**60.4201** What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?
**60.4202** What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?
**60.4203** How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?

**Emission Standards for Owners and Operators**
**60.4204** What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?
**60.4205** What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?
**60.4206** How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

**Fuel Requirements for Owners and Operators**
**60.4207** What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?

**Other Requirements for Owners and Operators**
**60.4208** What is the deadline for importing and installing stationary CI ICE produced in the previous model year?
**60.4209** What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

**Compliance Requirements**
**60.4210** What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?
**60.4211** What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

**Testing Requirements for Owners and Operators**
**60.4212** What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?
**60.4213** What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters percylinder?

**Notification, Reports, and Records for Owners and Operators**
**60.4214** What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

**Special Requirements**
**60.4215** What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?
**60.4216** What requirements must I meet for engines used in Alaska?
**60.4217** What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

**General Provisions**
**60.4218** What parts of the General Provisions apply to me?

**Definitions**
**60.4219** What definitions apply to this subpart?

**Tables to Subpart IIII of Part 60**
**Table 1** to Subpart IIII of Part 60--Emission Standards for Stationary Pre-2007 Model Year Engines with a displacement of < 10 liters per cylinder and 2007-2010 Model Year Engines >2,237 KW (3,000 HP) and with a displacement of < 10 liters per cylinder
**Table 2** to Subpart IIII of Part 60--Emission Standards for 2008 Model Year and Later Emergency Stationary CI ICE < 37 KW (50 HP) and with a Displacement of < 10 liters per cylinder
**Table 3** to Subpart IIII of Part 60--Certification Requirements for Stationary Fire Pump Engines
**Table 4** to Subpart IIII of Part 60--Emission Standards for Stationary Fire Pump Engines
**Table 5** to Subpart IIII of Part 60--Labeling and Recordkeeping Requirements for New Stationary Emergency Engines
**Table 6** to Subpart IIII of Part 60--Optional 3-Mode Test Cycle for Stationary Fire Pump Engines
**Table 7** to Subpart IIII of Part 60--Requirements for Performance Tests for Stationary CI ICE with a displacement of >=30 liters per cylinder
**Table 8** to Subpart IIII of Part 60--Applicability of General Provisions to Subpart IIII

**Sec. 60.4200 Am I subject to this subpart?**

(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

(1) Manufacturers of stationary CI ICE with a displacement of less than 30 liters per cylinder where the model year is:

(i) 2007 or later, for engines that are not fire pump engines,

(ii) The model year listed in table 3 to this subpart or later model year, for fire pump engines.

(2) Owners and operators of stationary CI ICE that commence construction after July 11, 2005 where the stationary CI ICE are:

(i) Manufactured after April 1, 2006 and are not fire pump engines, or

(ii) Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.

(3) Owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005.

(b) The provisions of this subpart are not applicable to stationary CI ICE being tested at a stationary CI ICE test cell/stand.

(c) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

(d) Stationary CI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C (or the exemptions described in 40 CFR part 89, subpart J and 40 CFR part 94, subpart J, for engines that would need to be certified to standards in those parts), except that owners and operators, as well as manufacturers, may be eligible to request an exemption for national security.

**Sec. 60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later nonemergency stationary CI ICE with a maximum engine power less than or equal to 2,237 kilowatt (KW) (3,000 horsepower (HP)) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same model year and maximum engine power.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 through 2010 model year nonemergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(c) Stationary CI internal combustion engine manufacturers must certify their 2011 model year and later nonemergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same maximum engine power.

(d) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later nonemergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

**Sec. 60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section.

(1) For engines with a maximum engine power less than 37 KW (50 HP):

(i) The certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants for model year 2007 engines, and

(ii) The certification emission standards for new nonroad CI engines in 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, 40 CFR 1039.115, and table 2 to this subpart, for 2008 model year and later engines.

(2) For engines with a maximum engine power greater than or equal to 37 KW (50 HP), the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (b)(1) through (2) of this section.

(1) For 2007 through 2010 model years, the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(2) For 2011 model year and later, the certification emission standards for new nonroad CI engines for enginesof the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants.

(c) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

(d) Beginning with the model years in table 3 to this subpart, stationary CI internal combustion engine manufacturers must certify their fire pump stationary CI ICE to the emission standards in table 4 to this subpart, for all pollutants, for the same model year and NFPA nameplate power.

**Sec. 60.4203 How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?**

Engines manufactured by stationary CI internalcombustion engine manufacturers must meet the emission standards as required in Sec. Sec. 60.4201 and 60.4202 during the useful life of the engines.

**Sec. 60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of less than 10 liters per cylinder must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder must comply with the emission standards for new CI engines in Sec. 60.4201 for their 2007 model year and later stationary CI ICE, as applicable.

(c) Owners and operators of non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (c)(1) and (2) of this section.

(1) Reduce nitrogen oxides (NOX) emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (g/KW-hr) (1.2 grams per HP-hour (g/HP-hr)).

(2) Reduce particulate matter (PM) emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

**Sec. 60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of pre-2007 model year emergency stationary CI ICE with a displacement of less than 10 liters per cylinder that are not fire pump engines must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in Sec. 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

(c) Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants.

(d) Owners and operators of emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (d)(1) and (2) of this section.

(1) Reduce NOX emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (1.2 grams per HP-hour).

(2) Reduce PM emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

**Sec. 60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?**

Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in Sec. Sec. 60.4204 and 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.

**Sec. 60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?**

(a) Beginning October 1, 2007, owners and operators of stationary CI ICE subject to this subpart that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).

(b) Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.

(c) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of paragraphs (a) and (b) of this section beyond the dates required for the purpose of using up existing fuel inventories. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

(d) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart that are located in areas of Alaska not accessible by the Federal Aid Highway System may petition the Administrator for approval to use any fuels mixed with used lubricating oil that do not meet the fuel requirements of paragraphs (a) and (b) of this section. Owners and operators must demonstrate in their petition to the Administrator that there is no other place to use the lubricating oil. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

(e) Stationary CI ICE that have a national security exemption under Sec. 60.4200(d) are also exempt from the fuel requirements in this section.

**Sec. 60.4208 What is the deadline for importing or installing stationary CI ICE produced in the previous model year?**

(a) After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.

(b) After December 31, 2009, owners and operators may not install stationary CI ICE with a maximum engine power of less than 19 KW (25 HP) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines.

(c) After December 31, 2014, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 19 KW (25 HP) and less than 56 KW (75 HP) that do not meet the applicable requirements for 2013 model year non-emergency engines.

(d) After December 31, 2013, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 56 KW (75 HP) and less than 130 KW (175 HP) that do not meet the applicable requirements for 2012 model year non-emergency engines.

(e) After December 31, 2012, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 130 KW (175 HP), including those above 560 KW (750 HP), that do not meet the applicable requirements for 2011 model year
non-emergency engines.

(f) After December 31, 2016, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 560 KW (750 HP) that do not meet the applicable requirements for 2015 model year non-emergency engines.

(g) In addition to the requirements specified in Sec. Sec. 60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (f) of this section after the dates specified in paragraphs (a) through (f) of this section.

(h) The requirements of this section do not apply to owners or operators of stationary CI ICE that have been modified, reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location.

**Sec. 60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?**

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in Sec. 60.4211.

(a) If you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine.

(b) If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in Sec. 60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

**Sec. 60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of less than 10 liters per cylinder to the emission standards specified in Sec. 60.4201(a) through (c) and Sec. 60.4202(a), (b) and (d) using the certification procedures required in 40 CFR part 89, subpart B, or 40 CFR part 1039, subpart C, as applicable, and must test their engines as specified in those parts. For the purposes of this subpart, engines certified to the standards intable 1 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89. For the purposes of this subpart, engines certified to the standards in table 4 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89, except that engines with NFPA nameplate power of less than 37 KW (50 HP) certified to model year 2011 or later standards shall be subject to the same requirements as engines certified to the standards in 40 CFR part 1039.

(b) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the emission standards specified in Sec. 60.4201(d) and Sec. 60.4202(c) using the certification procedures required in 40 CFR part 94 subpart C, and must test their engines as specified in 40 CFR part 94.

(c) Stationary CI internal combustion engine manufacturers must meet the requirements of 40 CFR 1039.120, 40 CFR 1039.125, 40 CFR 1039.130, 40 CFR 1039.135, and 40 CFR part 1068 for engines that are certified to the emission standards in 40 CFR part 1039. Stationary CI internal combustion engine manufacturers mustmeet the corresponding provisions of 40 CFR part 89 or 40 CFR part 94 for engines that would be covered by that part if they were nonroad (including marine) engines. Labels on such engines must refer to stationary engines, rather than or in addition to nonroad or marine engines, as appropriate. Stationary CI internal combustion engine manufacturers must label their engines according to paragraphs (c)(1) through (3) of this section.

(1) Stationary CI internal combustion engines manufactured from January1, 2006 to March 31, 2006 (January 1, 2006 to June 30, 2006 for fire pump engines), other than those that are part of certified engine families under the nonroad CI engine regulations, must be labeled according to 40 CFR 1039.20.

(2) Stationary CI internal combustion engines manufactured from April 1, 2006 to December 31, 2006 (or, for fire pump engines, July 1, 2006 to December 31 of the year preceding the year listed in table 3 to this subpart) must be labeled according to paragraphs (c)(2)(i) through (iii) of this section:

(i) Stationary CI internal combustion engines that are part of certified engine families under the nonroad regulations must meet the labeling requirements for nonroad CI engines, but do not have to meet the labeling requirements in 40 CFR 1039.20.

(ii) Stationary CI internal combustion engines that meet Tier 1 requirements (or requirements for fire pumps) under this subpart, but do not meet the requirements applicable to nonroad CI engines must be labeled according to 40 CFR 1039.20. The engine manufacturer may add language to the label clarifying that the engine meets Tier 1 requirements (or requirements for fire pumps) of this subpart.

(iii) Stationary CI internal combustion engines manufactured after April 1, 2006 that do not meet Tier 1 requirements of this subpart, or fire pumps engines manufactured after July 1, 2006 that do not meet the requirements for fire pumps under this subpart, may not be used in the U.S. If any such engines are manufactured in the U.S after April 1, 2006 (July 1, 2006 for fire pump engines), they must be exported or must be brought into compliance with the appropriate standards prior to initial operation. The export provisions of 40 CFR 1068.230 would apply to engines for export and the manufacturers must label such engines according to 40 CFR 1068.230.

(3) Stationary CI internal combustion engines manufactured after January 1, 2007 (for fire pump engines, after January 1 of the year listed in table 3 to this subpart, as applicable) must be labeled according to paragraphs (c)(3)(i) through (iii) of this section.

(i) Stationary CI internal combustion engines that meet the requirements of this subpart and the corresponding requirements for nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate.

(ii) Stationary CI internal combustion engines that meet the requirements of this subpart, but are not certified to the standards applicable to nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate, but the words ``stationary'' must be included instead of ``nonroad'' or ``marine'' on the label. In addition, such engines must be labeled according to 40 CFR 1039.20.

(iii) Stationary CI internal combustion engines that do not meet the requirements of this subpart must be labeled according to 40 CFR 1068.230 and must be exported under the provisions of 40 CFR 1068.230.

(d) An engine manufacturer certifying an engine family or families to standards under this subpart that are identical to standards applicable under parts 89, 94, or 1039 for that model year may certify any such family that contains both nonroad (including marine) and stationary engines as a single engine family and/or may include any such family containing stationary engines in the averaging, banking and trading provisions applicable for such engines under those parts.

(e) Manufacturers of engine families discussed in paragraph (d) of this section may meet the labeling requirements referred to in paragraph (c) of this section for stationary CI ICE by either adding a separate label containing the information required in paragraph (c) of this section or by adding the words ``and stationary'' after the word ``nonroad'' or ``marine,'' as appropriate, to the label.

(f) Starting with the model years shown in table 5 to this subpart, stationary CI internal combustion engine manufacturers must add a permanent label stating that the engine is for stationary emergency use only to each new emergency stationary CI internal combustion engine greater than or equal to 19 KW (25 HP) that meets all the emission standards for emergency engines in Sec. 60.4202 but does not meet all the emission standards for non-emergency engines in Sec. 60.4201. The label must be added according to the labeling requirements specified in 40 CFR 1039.135(b). Engine manufacturers must specify in the owner's manual that operation of emergency engines is limited to emergency operations and required maintenance and testing.

(g) Manufacturers of fire pump engines may use the test cycle in table 6 to this subpart for testing fire pump engines and may test at the NFPA certified nameplate HP, provided that the engine is labeled as ``Fire Pump Applications Only''.

(h) Engine manufacturers, including importers, may introduce into commerce uncertified engines or engines certified to earlier standards that were manufactured before the new or changed standards took effect until inventories are depleted, as long as such engines are part of normal inventory. For example, if the engine manufacturers' normal industry practice is to

keep on hand a one-month supply of engines based on its projected sales, and a new tier of standards starts to apply for the 2009 model year, the engine manufacturer may manufacture engines based on the normal inventory requirements late in the 2008 model year, and sell those engines for installation. The engine manufacturer may not circumvent the provisions of Sec. Sec. 60.4201 or 60.4202 by stockpiling engines that are built before new or changed standards take effect. Stockpiling of such engines beyond normal industry practice is a violationof this subpart.

(i) The replacement engine provisions of 40 CFR 89.1003(b)(7), 40 CFR 94.1103(b)(3), 40 CFR 94.1103(b)(4) and 40 CFR 1068.240 are applicable to stationary CI engines replacing existing equipment that is less than 15 years old.

**Sec. 60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?**

(a) If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.

(b) If you are an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in Sec. Sec. 60.4204(a) or 60.4205(a), or if you are an owner or operator of a CI fire pump engine that is manufactured prior to the model years in table 3 to this subpart and must comply with the emission standards specified in Sec. 60.4205(c), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) through (5) of this section.

(1) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

(2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.

(3) Keeping records of engine manufacturer data indicating compliance with the standards.

(4) Keeping records of control device vendor data indicating compliance with the standards.

(5) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in Sec. 60.4212, as applicable.

(c) If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in Sec. 60.4204(b) or Sec. 60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in Sec. 60.4205(c), you must comply by purchasing an engine certified to the emission standards in Sec. 60.4204(b), or Sec. 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's specifications.

(d) If you are an owner or operator and must comply with the emission standards specified in Sec. 60.4204(c) or Sec. 60.4205(d), you must demonstrate compliance according to the requirements specified in paragraphs (d)(1) through (3) of this section.

(1) Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in Sec. 60.4213.

(2) Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(i) through (v) of this section.

(i) Identification of the specific parameters you propose to monitor continuously;

(ii) A discussion of the relationship between these parameters and NOX and PM emissions, identifying how the emissions of these pollutants change with changes in these parameters, and how limitations on these parameters will serve to limit NOX and PM emissions;

(iii) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(iv) A discussion identifying the methods and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(3) For non-emergency engines with a displacement of greater than orequal to 30 liters per cylinder, conducting annual performance tests to demonstrate continuous compliance with the emission standards as specified in Sec. 60.4213.

(e) Emergency stationary ICE may be operated for the purpose of maintenance checks andreadiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under Sec. 60.4205 but not Sec. 60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited.

**Sec. 60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?**

Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to this subpart must do so according to paragraphs (a) through (d) of this section.

(a) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F.

(b) Exhaust emissions from stationary CI ICE that are complying with theemission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.

(c) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \qquad \text{(Eq. 1)}$$

Where:

STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.

Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in Sec. 60.4213 of this subpart, as appropriate.

(d) Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre2007 model year engines in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c), determined from the equation in paragraph (c) of this section.

Where:
STD = The standard specified for that pollutant in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre2007 model year engines in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c) may follow the testing procedures specified in Sec. 60.4213, as appropriate.

**Sec. 60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?**

Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must conduct performance tests according to paragraphs (a) through (d) of this section.

(a) Each performance test must be conducted according to the requirements in Sec. 60.8 and under the specific conditions that this subpart specifies in table 7. The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in Sec. 60.8(c).

(c) You must conduct three separate test runs for each performance test required in this section, as specified in Sec. 60.8(f). Each test run must last at least 1 hour.

(d) To determine compliance with the percent reduction requirement, you must follow the requirements as specified in paragraphs (d)(1) through (3) of this section.

(1) You must use Equation 2 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \qquad \text{(Eq. 2)}$$

Where:
Ci = concentration of NOX or PM at the control device inlet,
Co = concentration of NOX or PM at the control device outlet, and
R = percent reduction of NOX or PM emissions.

(2) You must normalize the NOX or PM concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen (O2) using Equation 3 of this section, or an equivalent percent carbon dioxide (CO2) using the procedures described in paragraph (d)(3) of this section.

$$C_{adj} = C_d \frac{5.9}{20.9 - \%\,O_2} \qquad \text{(Eq. 3)}$$

Where:
Cadj = Calculated NOX or PM concentration adjusted to 15 percent O2.
Cd = Measured concentration of NOX or PM, uncorrected.
5.9 = 20.9 percent O2-15 percent O2, the defined O2 correction value, percent.
%O2 = Measured O2 concentration, dry basis, percent.

(3) If pollutant concentrations are to be corrected to 15 percent O2 and CO2 concentration is measured in lieu of O2 concentration measurement, a CO2 correction factor is needed. Calculate the CO2 correction factor as described in paragraphs (d)(3)(i) through (iii) of this section.

(i) Calculate the fuel-specific Fo value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

$$F_o = \frac{0.209_{F_d}}{F_c} \qquad \text{(Eq. 4)}$$

Where:
Fo = Fuel factor based on the ratio of O2 volume to the ultimate CO2 volume produced by the fuel at zero percent excess air.
0.209 = Fraction of air that is O2, percent/100.
Fd = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, $dsm^3/J$ ($dscf/10^6$ Btu).
Fc = Ratio of the volume of CO2 produced to the gross calorific value of the fuel from Method 19, $dsm^3/J$ ($dscf/10^6$ Btu).

(ii) Calculate the CO2 correction factor for correcting measurement data to 15 percent O2, as follows:

$$X_{CO_2} = \frac{5.9}{F_o} \qquad \text{(Eq. 5)}$$

Where:

XCO2 = CO2 correction factor, percent.
5.9 = 20.9 percent O2-15 percent O2, the defined O2 correction value, percent.

(iii) Calculate the NOX and PM gas concentrations adjusted to 15 percent O2 using CO2 as follows:

$$C_{adj} = C_d \frac{X_{CO_2}}{\%CO_2} \qquad \text{(Eq. 6)}$$

Where:
Cadj = Calculated NOX or PM concentration adjusted to 15 percent O2.
Cd = Measured concentration of NOX or PM, uncorrected.
%CO2 = Measured CO2 concentration, dry basis, percent.

(e) To determine compliance with the NOX mass per unit output emission limitation, convert the concentration of NOX in the engine exhaust using Equation 7 of this section:

$$ER = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{\text{KW-hour}} \qquad \text{(Eq. 7)}$$

Where:

ER = Emission rate in grams per KW-hour.
Cd = Measured NOX concentration in ppm.
$1.912 \times 10^{-3}$ = Conversion constant for ppm NOX to grams per standard cubic meter at 25 degrees Celsius.
Q = Stack gas volumetric flow rate, in standard cubic meter per hour.
T = Time of test run, in hours.
KW-hour = Brake work of the engine, in KW-hour.

(f) To determine compliance with the PM mass per unit output emission limitation, convert the concentration of PM in the engine exhaust using Equation 8 of this section:

$$ER = \frac{C_{adj} \times Q \times T}{KW\text{-}hour} \qquad (Eq.\ 8)$$

Where:
ER = Emission rate in grams per KW-hour.
Cadj = Calculated PM concentration in grams per standard cubic meter.
Q = Stack gas volumetric flow rate, in standard cubic meter per hour.
T = Time of test run, in hours.
KW-hour = Energy output of the engine, in KW.

**Sec. 60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of non-emergency stationary CI ICE that are greater than 2,237 KW (3,000 HP), or have a displacement of greater than or equal to 10 liters per cylinder, or are pre-2007 model year engines that are greater than 130 KW (175 HP) and not certified, must meet the requirements of paragraphs (a)(1) and (2) of this section.

(1) Submit an initial notification as required in Sec. 60.7(a)(1). The notification must include the information in paragraphs (a)(1)(i) through (v) of this section.

(i) Name and address of the owner or operator;

(ii) The address of the affected source;

(iii) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;

(iv) Emission control equipment; and

(v) Fuel used.

(2) Keep records of the information in paragraphs (a)(2)(i) through (iv) of this section.

(i) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(ii) Maintenance conducted on the engine.

(iii) If the stationary CI internal combustion is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards.

(iv) If the stationary CI internal combustion is not a certified engine, documentation that the engine meets the emission standards.

(b) If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(c) If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

**Sec. 60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?**

(a) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are required to meet the applicable emission standards in Sec. 60.4205. Non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder, must meet the applicable emission standards in Sec. 60.4204(c).

(b) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are not required to meet the fuel requirements in Sec. 60.4207.

**Sec. 60.4216 What requirements must I meet for engines used in Alaska?**

(a) Prior to December 1, 2010, owners and operators of stationary CI engines located in areas of Alaska not accessible by the Federal Aid Highway System should refer to 40 CFR part 69 to determine the diesel fuel requirements applicable to such engines.

(b) The Governor of Alaska may submit for EPA approval, by no later than January 11, 2008, an alternative plan for implementing the requirements of 40 CFR part 60, subpart IIII, for public-sector electrical utilities located in rural areas of Alaska not accessible by the Federal Aid Highway System. This alternative plan must be based on the requirements of section 111 of the Clean Air Act including any increased risks to human health and the environment and must also be based on the unique circumstances related to remote power generation, climatic conditions, and serious economic impacts resulting from implementation of 40 CFR part 60, subpart IIII. If EPA approves by rulemaking process an alternative plan, the provisions as approved by EPA under that plan shall apply to the diesel engines used in new stationary internal combustion engines subject to this paragraph.

**Sec. 60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?**

(a) Owners and operators of stationary CI ICE that do not use diesel fuel, or who have been given authority by the Administrator under Sec. 60.4207(d) of this subpart to use fuels that do not meet the fuel requirements of paragraphs (a) and (b) of Sec. 60.4207, may petition the Administrator for approval of alternative emission standards, if they can demonstrate that they use a fuel that is not the fuel on which the manufacturerof the engine certified the engine and that the engine cannot meet the applicable standards required in Sec. 60.4202 or Sec. 60.4203 using such fuels.

(b) [Reserved]

**Sec. 60.4218 What parts of the General Provisions apply to me?**

Table 8 to this subpart shows which parts of the General Provisions in Sec. Sec. 60.1 through 60.19 apply to you.

**Sec. 60.4219 What definitions apply to this subpart?**

As used in this subpart, all terms not defined herein shall have the meaning given them in the CAAand in subpart A of this part.

*Combustion turbine* means all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components andsub-components comprising any simple cycle combustion turbine, any regenerative/recuperative cycle combustion turbine, the combustion turbine portion of any cogeneration cycle combustion system, or the combustion turbine portion of any combined cycle steam/electric generating system.

*Compression ignition* means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

*Diesel fuel* means any liquid obtained from the distillation of petroleum with a boiling pointof approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.

*Diesel particulate filter* means an emission control technology that reduces PM emissions by trapping the particles in a flow filter substrate and periodically removes the collected particles by either physical action or by oxidizing (burning off) the particles in a process called regeneration.

*Emergency stationary internal combustion engine* means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary

ICE used to pump water in the case of fire or flood, etc. Stationary CI ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.

*Engine manufacturer* means the manufacturer of the engine. See the definition of ``manufacturer'' in this section.

*Fire pump engine* means an emergency stationary internal combustion engine certified to NFPA requirements that is used to provide power to pump water for fire suppression or protection.

*Manufacturer* has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures a stationary engine for sale in the United States or otherwise introduces a new stationary engine into commerce in the United States. This includes importers who import stationary engines for sale or resale.

*Maximum engine power* means maximum engine power as defined in 40 CFR 1039.801.

*Model year* means either:

(1) The calendar year in which the engine was originally produced, or

(2) The annual new model production period of the engine manufacturer if it is differentthan the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year. For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was originally produced.

*Other internal combustion engine* means any internal combustion engine, except combustion turbines, which is not a reciprocating internal combustion engine or rotary internal combustion engine.

*Reciprocating internal combustion engine* means any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work.

*Rotary internal combustion engine* means any internal combustion engine which uses rotary motion to convert heat energy into mechanical work.

*Spark ignition* means relating to a gasoline, natural gas, or liquefied petroleum gas fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

*Stationary internal combustion engine* means any internal combustion engine, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary internal combustion engine is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition), and is not used to propel a motor vehicle or a vehicle used solely for competition. Stationary ICE include reciprocating ICE, rotary ICE, and other ICE, except combustion turbines.

*Subpart* means 40 CFR part 60, subpart IIII.

*Useful life* means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. The values for useful life for stationary CI ICE with a displacement of less than 10 liters per cylinder are given in 40 CFR 1039.101(g). The values for useful life for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder are given in40 CFR 94.9(a).

**Tables to Subpart IIII of Part 60**

TABLE I TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY PRE-2007 MODEL YEAR ENGINES WITHA DISPLACEMENT OF <10 LITERS PER CYLINDER AND 2007–2010 MODEL YEAR ENGINES >2,237 KW (3,000 HP)AND WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER

[As stated in §§ 60.4201(b), 60.4202(b), 60.4204(a), and 60.4205(a), you must comply with the following emission standards]

| Maximum engine power | Emission standards for stationary pre-2007 model year engines with a displacement of <10 liters per cylinder and 2007–2010 model year engines >2,237 KW (3,000 HP) and with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr) | | | | |
|---|---|---|---|---|---|
| | NMHC + NOX | HC | NOX | CO | PM |
| KW<8 | 10.5 (7.8) | N/A | N/A | 8.0 (6.0) | 1.0 (0.75) |

| | | | | | |
|---|---|---|---|---|---|
| (HP<11) | | | | | |
| 8≤KW<19 (11≤HP<25) | 9.5 (7.1) | N/A | N/A | 6.6 (4.9) | 0.80(.060) |
| 19≤KW<37 (25≤HP<50) | 9.5 (7.1) | N/A | N/A | 5.5 (4.1) | 0.80(.060) |
| 37≤KW<56 (50≤HP<75) | N/A | N/A | 9.2 (6.9) | N/A | N/A |
| 56≤KW<75 (75≤HP<100) | N/A | N/A | 9.2 (6.9) | N/A | N/A |
| 75≤KW<130 (100≤HP<175) | N/A | N/A | 9.2 (6.9) | N/A | N/A |
| 130≤KW<225 (175≤HP<300) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| 225≤KW<450 (300≤HP<600) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| 450≤KW≤560 (600≤HP≤750) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| KW>560 (HP>750) | N/A | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |

TABLE 2 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR 2008 MODEL YEAR AND LATER EMERGENCYSTATIONARY CI ICE <37 KW (50 HP) WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER
[As stated in § 60.4202(a)(1), you must comply with the following emission standards]

| **Engine power** | **Emission standards for 2008 model year and later emergency stationary CI ICE <37 KW (50 HP) with a displacement of <10 liters per cylinder in g/KW-hr (g/ HP-hr)** | | | |
|---|---|---|---|---|
| | **Model year(s)** | **NOX + NMHC** | **CO** | **PM** |
| KW<8 (HP<11) | 2008+ | 7.5 (5.6) | 8.0 (6.0) | 0.40 (0.30) |
| 8≤KW<19 (11≤HP<25) | 2008+ | 7.5 (5.6) | 6.6 (4.9) | 0.40 (0.30) |
| 19≤KW<37 (25≤HP<50) | 2008+ | 7.5 (5.6) | 5.5 (4.1) | 0.30 (0.22) |

TABLE 3 TO SUBPART IIII OF PART 60.—CERTIFICATION REQUIREMENTS FOR STATIONARY FIRE PUMP ENGINES
[As stated in § 60.4202(d), you must certify new stationary fire pump engines beginning with the following model years:]

| **Engine power** | **Starting model year engine manufacturers must certify new stationary fire pump engines according to § 60.4202(d)** |
|---|---|
| KW<75 (HP<100) | 2011 |
| 75≤KW<130 (100≤HP<175) | 2010 |
| 130≤KW≤560 (175≤HP≤750) | 2009 |
| KW>560 (HP>750) | 2008 |

TABLE 4 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY FIRE PUMP ENGINES
[As stated in §§ 60.4202(d) and 60.4205(c), you must comply with the following emission standards for stationary fire pump engines]

| Maximum Engine Power | Model Years | NMHC + NOx | CO | PM |
|---|---|---|---|---|

| | | | | |
|---|---|---|---|---|
| KW<8 (HP<11) | 2010 and earlier | 10.5 (7.8) | 8.0 (6.0) | 1.0 (.75) |
| | 2011+ | 7.5 (5.6) | n/a | 0.40 (0.30) |
| 8≤KW<19 (11≤HP<25) | 2010 and earlier | 9.5 (7.1) | 6.6 (4.9) | 0.80 (0.60) |
| | 2011+ | 7.5 (5.6) | n/a | 0.40 (0.30) |
| 19≤KW<37 (25≤HP<50) | 2010 and earlier | 9.5 (7.1) | 5.5 (4.1) | 0.80 (0.60) |
| | 2011+ | 7.5 (5.6) | n/a | 0.30 (0.22) |
| 37≤KW<56 (50≤HP<75) | 2010 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| | 2011+1 | 4.7 (3.5) | n/a | 0.40 (0.30) |
| 56≤KW<75 (75≤HP<100) | 2010 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| | 2011+1 | 4.7 (3.5) | n/a | 0.40 (0.30) |
| 75≤KW<130 (100≤HP<175) | 2009 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| | 2010+2 | 6.4 (4.8) | n/a | 0.30 (0.22) |
| 130≤KW<225 (175≤HP<300) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2009+3 | 6.4 (4.8) | n/a | 0.20 (0.15) |
| 225≤KW<450 (300≤HP<600) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2009+3 | 6.4 (4.8) | n/a | 0.20 (0.15) |
| 450≤KW≤560 (600≤HP≤750) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2009+ | 6.4 (4.8) | n/a | 0.20 (0.15) |
| KW>560 (HP>750) | 2007 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| | 2008+ | 6.4 (4.8) | n/a | 0.20 (0.15) |

1 For model years 2011–2013, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 revolutions per minute (rpm) may comply with the emission limitations for 2010 model year engines.

2 For model years 2010–2012, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2009 model year engines.

3 In model years 2009–2011, manufacturers of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2008 model year engines.

TABLE 5 TO SUBPART IIII OF PART 60.—LABELING AND RECORDKEEPING REQUIREMENTS FOR NEW STATIONARYEMERGENCY ENGINES

[You must comply with the labeling requirements in § 60.4210(f) and the recordkeeping requirements in § 60.4214(b) for new emergency stationary CI ICE beginning in the following model years:]

| Engine Power | Starting Model Year |
|---|---|
| 19≤KW<56 (25≤HP<75) | 2013 |
| 56≤KW<130 (75≤HP<175) | 2012 |
| KW≥130 (HP≥175) | 2011 |

TABLE 6 TO SUBPART IIII OF PART 60.—OPTIONAL 3-MODE TEST CYCLE FOR STATIONARY FIRE PUMP ENGINES

[As stated in § 60.4210(g), manufacturers of fire pump engines may use the following test cycle for testing fire pump engines:]

| Mode No. | Engine Speed1 | Torque (percent)2 | Weighting Factors |
|---|---|---|---|
| 1 | Rated | 100 | .030 |
| 2 | Rated | 75 | 0.50 |
| 3 | Rated | 50 | 0.20 |

1 Engine speed: ±2 percent of point.

2 Torque: NFPA certified nameplate HP for 100 percent point. All points should be ±2 percent of engine percent load value.

TABLE 7 TO SUBPART IIII OF PART 60.—REQUIREMENTS FOR PERFORMANCE TESTS FOR STATIONARY CI ICE WITH ADISPLACEMENT OF ≥30 LITERS PER CYLINDER
[As stated in § 60.4213, you must comply with the following requirements for performance tests for stationary CI ICE with a displacement of ≥30 liters per cylinder:]

| For Each | Complying with the requirement to | You must | Using | According to the following requirements |
|---|---|---|---|---|
| 1. Stationary CI internal combustion engine with a displacement of ≥30 liters per cylinder. | a. Reduce NOX emissions by 90 percent or more. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, appendix A. | (a) Sampling sites must be located at the inlet and outlet of the control device. |
| | | ii. Measure O2 at the inlet and outlet of the control device; | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A. | (b) Measurements to determine O2 concentration must be made at the same time as the measurements for NOX concentration. |
| | | iii. If necessary, measure moisture content at the inlet and outlet of the control device; and, | (3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (c) Measurements to determine moisture content must be made at the same time as the measurements for NOX concentration. |
| | | iv. Measure NOX at the inlet and outlet of the control device. | (4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (d) NOX concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1- hour or longer runs. |
| | b. Limit the concentration of NOX in the stationary CI internal combustion engine exhaust. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, Appendix A. | (a) If using a control device, the sampling site must be located at the outlet of the control device. |
| | | ii. Determine the | (2) Method 3, 3A, | (b) Measurements |

| | | | | |
|---|---|---|---|---|
| | | O2 concentration of the stationary internal combustion engine exhaust at the sampling port location; and, | or 3B of 40 CFR part 60, appendix A. | to determine O2 concentration must be made at the same time as the measurement for NOX concentration. |
| | | iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and, | (3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (c) Measurements to determine moisture content must be made at the same time as the measurement for NOX concentration. |
| | | iv. Measure NOX at the exhaust of the stationary internal combustion engine. | (4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17). | (d) NOX concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |
| | c. Reduce PM emissions by 60 percent or more. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, appendix A. | (a) Sampling sites must be located at the inlet and outlet of the control device. |
| | | ii. Measure O2 at the inlet and outlet of the control device; | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A. | (b) Measurements to determine O2 concentration must be made at the same time as the measurements for PM concentration. |
| | | iii. If necessary, measure moisture content at the inlet and outlet of the control device; and | (3) Method 4 of 40 CFR part 60, appendix A. | (c) Measurements to determine and moisture content must be made at the same time as the measurements for PM concentration. |
| | | iv. Measure PM at the inlet and outlet | (4) Method 5 of 40 CFR part 60, | (d) PM concentration must |

| | | | | |
|---|---|---|---|---|
| | | of the control device. | appendix A. | be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |
| | d. Limit the concentration of PM in the stationary CI internal combustion engine exhaust. | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, Appendix A. | (a) If using a control device, the sampling site must be located at the outlet of the control device. |
| | | ii. Determine the O2 concentration of the stationary internal combustion engine exhaust at the sampling port location; and | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A. | (b) Measurements to determine O2 concentration must be made at the same time as the measurements for PM concentration. |
| | | iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and | (3) Method 4 of 40 CFR part 60, appendix A. | (c) Measurements to determine moisture content must be made at the same time as the measurements for PM concentration. |
| | | iv. Measure PM at the exhaust of the stationary internal combustion engine. | (4) Method 5 of 40 CFR part 60, appendix A. | (d) PM concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |

TABLE 8 TO SUBPART IIII OF PART 60.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART IIII
[As stated in § 60.4218, you must comply with the following applicable General Provisions:]

| **General Provisions citation** | **Subject of citation** | **Applies to subpart** | **Explanation** |
|---|---|---|---|
| § 60.1 | General applicability of the General Provisions | yes | |
| § 60.2 | Definitions | yes | Additional terms defined in § 60.4219. |
| § 60.3 | Units and abbreviations | yes | |
| § 60.4 | Address | yes | |

| | | | |
|---|---|---|---|
| § 60.5 | Determination of construction or modification | yes | |
| § 60.6 | Review of plans | yes | |
| § 60.7 | Notification and Recordkeeping | yes | Except that § 60.7 only applies as specified in § 60.4214(a). |
| § 60.8 | Performance tests | yes | Except that § 60.8 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder and engines that are not certified. |
| § 60.9 | Availability of information | yes | |
| § 60.10 | State Authority | yes | |
| § 60.11 | Compliance with standards and maintenance requirements. | no | Requirements are specified in subpart IIII. |
| § 60.12 | Circumvention | yes | |
| § 60.13 | Monitoring requirements | yes | Except that § 60.13 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder. |
| § 60.14 | Modification | yes | |
| § 60.15 | Reconstruction | yes | |
| § 60.16 | Priority list | yes | |
| § 60.17 | Incorporations by reference | yes | |
| § 60.18 | General control device requirements | no | |
| § 60.19 | General notification and reporting requirements | yes | |

## Friday, Barbara

**From:** Friday, Barbara
**Sent:** Monday, December 08, 2008 1:10 PM
**To:** 'daniel.roderick@pgnmail.com'
**Cc:** 'john.hunter@pgnmail.com'; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; 'Forney.Kathleen@epamail.epa.gov'; 'albert.ugelow@ch2m.com'; Seiler, Ann; 'abrams.heather@epamail.epa.gov'; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
**Subject:** PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC
**Attachments:** 0750088-001-ACRevisedWrittenNotice.pdf

Dear Sir/ Madam:

Attached is the official **Written Notice of Intent to Issue Air Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". **We must receive verification that you are able to access the documents.** Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:
http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0750088.001.AC.D_pdf.zip

Attention: Jeff Koerner

Owner/Company Name: PROGRESS ENERGY FLORIDA, INC.
Facility Name: LEVY NUCLEAR PLANT
Project Number: PSD-FL-403/0750088-001-AC
Permit Status: DRAFT
Permit Activity: CONSTRUCTION
Facility County: LEVY

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Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9524

**Tracking:**

| Recipient | Delivery | Read |
| --- | --- | --- |
| 'daniel.roderick@pgnmail.com' | | |
| 'john.hunter@pgnmail.com' | | |
| Kirts, Christopher | Delivered: 12/8/2008 1:10 PM | |
| Halpin, Mike | Delivered: 12/8/2008 1:10 PM | Read: 12/8/2008 1:10 PM |
| Mulkey, Cindy | Delivered: 12/8/2008 1:10 PM | |
| 'Forney.Kathleen@epamail.epa.gov' | | |
| 'albert.ugelow@ch2m.com' | | |
| Seiler, Ann | Delivered: 12/8/2008 1:10 PM | Read: 12/8/2008 1:10 PM |
| 'abrams.heather@epamail.epa.gov' | | |
| Gibson, Victoria | Delivered: 12/8/2008 1:10 PM | |
| Koerner, Jeff | Delivered: 12/8/2008 1:10 PM | |
| Livingston, Sylvia | Delivered: 12/8/2008 1:10 PM | |

## Friday, Barbara

**From:** Roderick, Daniel L. [Daniel.Roderick@pgnmail.com]
**To:** Friday, Barbara
**Sent:** Monday, December 08, 2008 1:11 PM
**Subject:** Read: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Your message

To: Daniel.Roderick@pgnmail.com
Subject:

was read on 12/8/2008 1:11 PM.

## Friday, Barbara

**From:** Hunter, John J (Jamie) [John.Hunter@pgnmail.com]
**Sent:** Monday, December 08, 2008 1:44 PM
**To:** Friday, Barbara
**Subject:** RE: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Recieved...

Thanks.

---

From: Friday, Barbara [mailto:Barbara.Friday@dep.state.fl.us]
Sent: Mon 12/8/2008 1:09 PM
To: Roderick, Daniel L.
Cc: Hunter, John J (Jamie); Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
Subject: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

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Attention: Jeff Koerner

Owner/Company Name: PROGRESS ENERGY FLORIDA, INC.
Facility Name: LEVY NUCLEAR PLANT
Project Number: PSD-FL-403/0750088-001-AC Permit Status: DRAFT Permit Activity: CONSTRUCTION
Facility County: LEVY

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further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9524

## Friday, Barbara

**From:** System Administrator
**To:** Seiler, Ann
**Sent:** Monday, December 08, 2008 1:10 PM
**Subject:** Delivered:PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Your message

To: daniel.roderick@pgnmail.com
Cc: john.hunter@pgnmail.com; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
Subject: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC
Sent: 12/8/2008 1:10 PM

was delivered to the following recipient(s):

Seiler, Ann on 12/8/2008 1:10 PM

## Friday, Barbara

**From:** Seiler, Ann
**To:** Friday, Barbara
**Sent:** Monday, December 08, 2008 1:10 PM
**Subject:** Read: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Your message

To: daniel.roderick@pgnmail.com
Cc: john.hunter@pgnmail.com; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
Subject: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC
Sent: 12/8/2008 1:10 PM

was read on 12/8/2008 1:10 PM.

**Friday, Barbara**

**From:** Seiler, Ann
**Sent:** Monday, December 08, 2008 1:18 PM
**To:** Friday, Barbara
**Subject:** RE: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Thank you Barbara.

Ann Seiler
Siting Coordination Office
3900 Commonwealth Blvd.
Tallahassee, FL 32399
(850) 245-2143
ann.seiler@dep.state.fl.us

---

**From:** Friday, Barbara
**Sent:** Monday, December 08, 2008 1:10 PM
**To:** daniel.roderick@pgnmail.com
**Cc:** john.hunter@pgnmail.com; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
**Subject:** PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Dear Sir/ Madam:

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Attention: Jeff Koerner

Owner/Company Name: PROGRESS ENERGY FLORIDA, INC.
Facility Name: LEVY NUCLEAR PLANT
Project Number: PSD-FL-403/0750088-001-AC
Permit Status: DRAFT
Permit Activity: CONSTRUCTION
Facility County: LEVY

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "*Air Permit Documents Search*" website at http://www.dep.state.fl.us/air/eproducts/apds/default.asp .

Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9524

## Friday, Barbara

**From:** System Administrator
**To:** Kirts, Christopher; Gibson, Victoria; Koerner, Jeff
**Sent:** Monday, December 08, 2008 1:10 PM
**Subject:** Delivered:PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Your message

To: daniel.roderick@pgnmail.com
Cc: john.hunter@pgnmail.com; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
Subject: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC
Sent: 12/8/2008 1:10 PM

was delivered to the following recipient(s):

Kirts, Christopher on 12/8/2008 1:10 PM
Gibson, Victoria on 12/8/2008 1:10 PM
Koerner, Jeff on 12/8/2008 1:10 PM

## Friday, Barbara

**From:** Kirts, Christopher
**To:** Friday, Barbara
**Sent:** Tuesday, December 09, 2008 8:31 AM
**Subject:** Read: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Your message

To: daniel.roderick@pgnmail.com
Cc: john.hunter@pgnmail.com; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
Subject: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC
Sent: 12/8/2008 1:10 PM

was read on 12/9/2008 8:31 AM.

## Friday, Barbara

**From:** Gibson, Victoria
**To:** Friday, Barbara
**Sent:** Monday, December 08, 2008 1:39 PM
**Subject:** Read: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Your message

To: daniel.roderick@pgnmail.com
Cc: john.hunter@pgnmail.com; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
Subject: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC
Sent: 12/8/2008 1:10 PM

was read on 12/8/2008 1:39 PM.

## Friday, Barbara

**From:** Koerner, Jeff
**To:** Friday, Barbara
**Sent:** Monday, December 08, 2008 10:23 PM
**Subject:** Read: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Your message

To: daniel.roderick@pgnmail.com
Cc: john.hunter@pgnmail.com; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
Subject: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC
Sent: 12/8/2008 1:10 PM

was read on 12/8/2008 10:23 PM.

## Friday, Barbara

**From:** System Administrator
**To:** Mulkey, Cindy; Livingston, Sylvia; Halpin, Mike
**Sent:** Monday, December 08, 2008 1:10 PM
**Subject:** Delivered:PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Your message

To: daniel.roderick@pgnmail.com
Cc: john.hunter@pgnmail.com; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
Subject: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC
Sent: 12/8/2008 1:10 PM

was delivered to the following recipient(s):

Mulkey, Cindy on 12/8/2008 1:10 PM
Livingston, Sylvia on 12/8/2008 1:10 PM
Halpin, Mike on 12/8/2008 1:10 PM

## Friday, Barbara

**From:** Halpin, Mike
**To:** Friday, Barbara
**Sent:** Monday, December 08, 2008 1:10 PM
**Subject:** Read: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Your message

To: daniel.roderick@pgnmail.com
Cc: john.hunter@pgnmail.com; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
Subject: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC
Sent: 12/8/2008 1:10 PM

was read on 12/8/2008 1:10 PM.

## Friday, Barbara

**From:** Mulkey, Cindy
**Sent:** Monday, December 08, 2008 1:10 PM
**To:** Friday, Barbara
**Subject:** Out of Office AutoReply: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

I will be out of the office December 4th and 5th.

I will be checking my email messages only periodically and will get back to you as soon as I can, however if you need immediate assistance, please call the main Siting Office switchboard at (850)-245-2002.

## Friday, Barbara

**From:** Mulkey, Cindy
**To:** Friday, Barbara
**Sent:** Monday, December 08, 2008 1:15 PM
**Subject:** Read: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC

Your message

To: daniel.roderick@pgnmail.com
Cc: john.hunter@pgnmail.com; Kirts, Christopher; Halpin, Mike; Mulkey, Cindy; Forney.Kathleen@epamail.epa.gov; albert.ugelow@ch2m.com; Seiler, Ann; abrams.heather@epamail.epa.gov; Gibson, Victoria; Koerner, Jeff; Livingston, Sylvia
Subject: PROGRESS ENERGY FLORIDA, INC. - LEVY NUCLEAR PLANT; PSD-FL-403/0750088-001-AC
Sent: 12/8/2008 1:10 PM

was read on 12/8/2008 1:15 PM.

## Friday, Barbara

**From:** Mail Delivery System [MAILER-DAEMON@mseive01.rtp.epa.gov]
**Sent:** Monday, December 08, 2008 1:11 PM
**To:** Friday, Barbara
**Subject:** Successful Mail Delivery Report
**Attachments:** Delivery report; Message Headers

This is the mail system at host mseive01.rtp.epa.gov.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<Forney.Kathleen@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent 493D6342_4644_29237_2 9111344397

<abrams.heather@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent 493D6342_4644_29237_2 9111344397

Florida Department of
# Memorandum Environmental Protection

To: Trina Vielhauer, Bureau of Air Regulation

From: Jeff Koerner, New Source Review Section

Date: December 5, 2008

Subject: Revised Draft Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
Progress Energy Florida, Inc., Proposed Levy Nuclear Plant
Revised Cooling Tower Project for Units 1 and 2

Progress Energy Florida, Inc. has submitted a site certification package to the Department's Power Plant Siting Office for the proposed 2000 MW nuclear power plant to be located in Levy County, Florida. A part of this package includes an application for an air permit to construct two mechanical draft cooling towers, four 4000 kW emergency standby generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps. The project is subject to PSD preconstruction review for PM emissions. On July 31, 2008, the Permitting Authority issued a draft air construction permit for the project. Subsequently, the applicant filed for extensions of time to request an administrative hearing. On November 20, 2008, the Permitting Authority received technical comments from the applicant indicating that the engines for the emergency generators and fire pumps are not eligible for a categorical exemption from air permitting. As a result of these comments, I recommend rescinding the original draft permit package and issuing the attached revised draft air construction permit package for the project.

Attachments

TLV/jfk

## P.E. CERTIFICATION STATEMENT

**PERMITTEE**

Progress Energy Florida, Inc.
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Revised Draft Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
Levy Nuclear Plant
Unit 1 and 2 Cooling Tower Project
Levy County, Florida

**PROJECT DESCRIPTION**

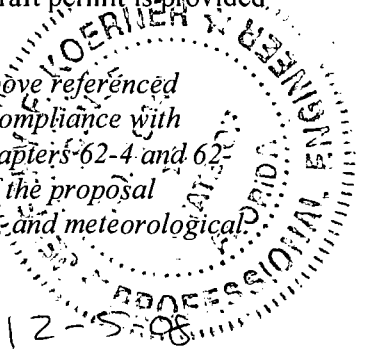
The Levy Nuclear Plant is a proposed major stationary source located in Levy County subject to the preconstruction review requirements of Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality. The applicant proposes to construct and operate two mechanical draft cooling towers as well as several diesel-powered emergency generators and fire pumps to support nuclear Units 1 and 2. As a result of the carry over of solids (primarily salt) in the water droplet drift, the cooling towers will emit particulate matter (PM) including particles with a mean diameter of 10 microns or less ($PM_{10}$). The emergency generators and fire pumps will operate for no more than 48 hours per year of non-emergency operation to ensure that each unit is functioning properly and available for emergency operation.

The applicant estimates potential PM emissions from the project to be 514 tons/year based on 8760 hours per year of operation, which exceeds the significant emissions rate of 25 tons/year. The fraction of PM emissions that are $PM_{10}$ are estimated to be 5.6 tons/year, which is less than the significant emissions rate of 15 tons/year. Studies show PM and $PM_{10}$ emissions rates from cooling towers increase as a function of the concentration of total dissolved solids (TDS) to about 4000 ppm. At TDS levels greater than 4000 ppm, $PM_{10}$ emissions rates decrease while total PM continues to increase. Therefore, the project is subject to PSD preconstruction review for PM emissions, but not for $PM_{10}$ emissions. No modeling is required since the modeled pollutant ($PM_{10}$) is not subject to PSD preconstruction review. Consistent with previous determinations for similar equipment, the Department concludes that the Best Available Control technology (BACT) for mechanical draft cooling towers is a design drift rate of 0.0005%.

Fuel combustion in the diesel-powered emergency generators, ancillary emergency generators and fire pumps will result in the following estimated combined annual emissions: 16.4 tons/year of $NO_X$, 0.07 tons/year of $SO_2$, 3.5 tons/year of CO, 1.4 tons/year of VOC and 1.2 tons/year of $PM/PM_{10}$. To minimize $PM_{10}$ emissions from these units, the Department determines BACT to be the firing of ultra low sulfur diesel with a maximum sulfur content of 0.00015% by weight.

Due to the extended construction schedule of the nuclear units, the applicant is required to submit a new BACT analysis and determination within two years prior to beginning construction of the cooling towers. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an application for a revised air construction permit, which will require a new Public Notice. The Department's full review of the project, BACT determinations and rationale for issuing the draft permit is provided in the Technical Evaluation and Preliminary Determination.

***I HEREBY CERTIFY*** *that the air pollution control engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify any other aspects of the proposal (including, but not limited to, the electrical, mechanical, structural, hydrological, geological, and meteorological features).*



Jeffery F. Koerner, P.E.
Registration Number 49441

12-5-08
(Date)

**PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT**

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation

Draft Air Permit No. PSD-FL-403 / Project No. 0750088-001-AC
Progress Energy Florida, Inc., Levy Nuclear Plant Cooling Tower Project
Levy County, Florida

**Applicant**: The applicant for this project is Progress Energy Florida, Inc. The applicant's authorized representative and mailing address is: Daniel Roderick, Vice President, Nuclear Projects, Construction, Progress Energy Florida, Inc., P.O. Box 14042, SA2C, St. Petersburg, Florida, 33733.

**Facility Location**: Progress Energy Florida, Inc. proposes to construct a new nuclear power plant to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida.

**Project**: To support new nuclear Units 1 and 2, the applicant proposes to construct and operate two mechanical draft cooling towers, four 4000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps. Based on the air permit application, the project will result in potential emissions of: 3.5 tons per year of carbon monoxide (CO); 16.4 tons per year of nitrogen oxides ($NO_X$); 507 tons per year of particulate matter (PM); 6.8 tons per year of particulate matter with a mean diameter of 10 microns or less ($PM_{10}$); 0.07 tons per year of sulfur dioxide ($SO_2$); and 1.4 tons per year of volatile organic compounds (VOC). Since annual PM emissions are greater than 250 tons/year, the project is subject to the preconstruction review requirements of Rule 62-212.400, Florida Administrative Code (F.A.C.) for the Prevention of Significant Deterioration (PSD) of Air Quality.

For each PSD-significant pollutant, the Department is required to determine the Best Available Control Technology (BACT). For the project, only PM emissions exceed the significant emissions rate. The Department's preliminary BACT determination for PM is: a design drift rate of 0.0005% for the new cooling towers; and the use of ultra low sulfur diesel ($\leq$ 0.00015% by weight) in the generators and fire pump engines. No air quality modeling was required since the project is not subject to PSD preconstruction review for $PM_{10}$ emissions.

**Permitting Authority**: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

**Project File**: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the revised Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: http://www.dep.state.fl.us/air/eproducts/apds/default.asp.

**Notice of Intent to Issue Air Permit**: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments**: The Permitting Authority will accept written comments concerning the proposed Draft Permit and

requests for a public meeting for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions**: A person whose substantial interests are affected by the proposed permitting 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) 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 Permitting Authority'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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. 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.

**Mediation**: Mediation is not available in this proceeding.