



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 08, 2013

Matthew Capone
Director of Environmental Compliance
New Hope Power Company
One North Clematis Street, Suite 200
West Palm Beach, Florida 33401

Re: Notice of Incompleteness for Proposed New Hope Power Company Okeelanta Cogeneration Station PSD Application

Dear Mr. Capone:

The U.S. Environmental Protection Agency has reviewed your greenhouse gas (GHG) Prevention of Significant Deterioration (PSD) permit application for the proposed New Hope Power Company Okeelanta Cogeneration Station expansion project (Project) that was received by the EPA on February 6, 2013, and determined that your application is incomplete at this time. The following information is needed from you so that the EPA can continue its completeness review.

1. The application addresses the Project's applicability to the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), and the Coastal Zone Management Act (CZMA). Please provide the status of any assessments performed and/or communications with the appropriate federal agencies (other than the efforts already noted in your application).
2. It is our understanding that this project is potentially subject to 40 CFR 63 Subpart DDDDD, which may result in the change in amount of proposed fuel oil use for the boiler. If this NESHAP does apply, please identify the requirements, define the expected fuel use scenarios, and provide any necessary revisions to the PSD permit application as a result from the revised fuel use (*e.g.*, emissions calculations and proposed BACT limit).
3. Appendix A provides factors and some calculations used to derive the proposed GHG best available control technology (BACT) limits contained in the application. A CO₂ emission factor is given, however, the basis for this, and other assumptions used in Appendix A, was not found. Please provide the basis for these calculations and assumptions, and please include complete emissions calculations for the planned operating scenarios of the proposed natural gas fired boiler (Boiler D).
4. Section 2.2.1.1 of the application discusses clean fuel options and states that natural gas is the lowest carbon content fossil fuel on a pound per British thermal unit (lb/Btu) basis. However, according to Appendix A, the proposed GHG BACT for Boiler D is the use of natural gas as the primary fuel and No. 2 fuel oil for up to 15% of the operating hours. It is unclear whether 100-percent-utilization of natural gas was considered as a BACT option. If it was considered, what are the grounds for not selecting it and instead selecting a less clean fuel (*i.e.*, No. 2 fuel oil) for

partial operation? Please revise your application to address this discrepancy with your BACT analysis.

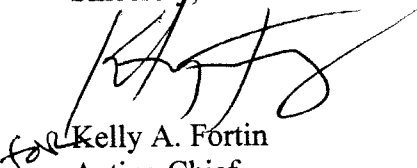
5. Appendix A indicates the proposed GHG BACT emission limits for Boiler D were derived using a 75% of thermal efficiency number while assuming a 5% design margin and a 5% performance degradation margin. Please provide documentation or an explanation on how these margins were derived, why they are appropriate for the proposed boiler, and why boiler degradation is assumed even at the beginning of its use given the design thermal efficiency of 85% reflected in Section 2.2.5 (page 11) of the application.
6. Section 2.2.5 states an oxygen or CO₂ monitor will be installed on the boiler as part of a digital control system; however, the application has not proposed the use of a continuous emission monitoring system (CEMS) for monitoring of GHG emissions. Please include further discussion to provide details regarding the suitability of the monitoring, recordkeeping and reporting proposed to ensure compliance with the GHG BACT limitations for all operating scenarios anticipated.

Your application is considered incomplete until this information is received, evaluated, and the EPA has determined that the application contains all the information needed for the EPA to propose a permit decision. As the EPA continues review of your application, further information may be required for the EPA to continue processing your application and make a permit decision.

You may assert a business confidentiality claim covering all or part of the information submitted to the EPA. If you wish to claim confidentiality, you must substantiate your claim in accordance with 40 CFR 2 in the manner described at 40 CFR § 2.203(b). However, information that is required by a statute, emissions data, or standards and limitations may not be claimed as confidential, as described in 40 CFR § 2.301. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 CFR Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. See Enclosure A for confidential business information assertion and substantiation requirements. If you make a business confidentiality claim, you will receive a letter from the EPA inviting your comments on the seven questions identified in Enclosure A.

Please provide the requested additional information to the EPA by April 07, 2013. If more time is needed to respond to this request, please contact the EPA to discuss any additional time needed. If you have any questions please contact James Purvis at (404) 562-9139 or purvis.james@epa.gov.

Sincerely,


for Kelly A. Fortin
Acting Chief,
Air Permits Section

Enclosure

cc: Jeff Koerner, FDEP
Phil Cobb, P.E., Golder Associates

ENCLOSURE A

CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under 40 CFR Part 2, subpart B. Under 40 CFR Part 2, subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. See 40 CFR §2.201(e).

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 CFR §2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 CFR §2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business' competitive edge. See 40 CFR §2.208 (a)-(d). Emission data, and standards and limitations as defined at 40 CFR §2.301(a)(2), is expressly not entitled to confidential treatment under 40 CFR Part 2, subpart B. See 42 U.S.C. §7414(c); 40 CFR § 2.301(e). Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, subpart B. If you do not furnish a business confidentiality claim with your response to this information request, the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, the EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, the EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 CFR Part 2, subpart B. Accordingly, after the EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event.

Additionally, explain why the information should be protected for the time period you've specified.

3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 CFR §2.204(e)(4). When you receive such a letter, you must provide the EPA with a written response within the number of days set forth in the letter. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 CFR §2.204(e)(1).