

Shady Hills Power Company, LLC
1155 Perimeter Center West
Atlanta, GA 30338-5416

May 13, 2002

Ms. Cindy Phillips, P.E.
FDEP, Bureau of Air Regulations
MS 5505
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RECEIVED
MAY 15 2002
BUREAU OF AIR REGULATION



RE: Shady Hills Power Company, LLC, Shady Hills, Florida
Clean Air Act Section 112(j) Part 1 Application

Dear Ms. Phillips:

The attached is our Clean Air Act §112(j) Part 1 application, which must be submitted by May 15, 2002 per regulations issued in 67 Federal Register 16582, April 5, 2002. The attached provides information on existing emission units located at our facility for which the U.S. EPA has not yet issued, but may issue in the future, final Maximum Achievable Control Technology (MACT) standards under §112(d) of the Act.

We are submitting the attached Part 1 application even though we believe that some, or all, of the existing emission units we have identified may not be located at a major source of hazardous air pollutants (HAPs) or defined as a source category according to CAA §112(c). However, due to the limited time available between the April 5th Federal Register notice and the approaching date for the §112(j) deadline, we will be unable to make an internal determination of applicability. As such, and in accordance with the April 5th Federal Register notice, we are submitting this Part 1 MACT application and asking the Florida Department of Environmental Protection for an applicability determination. Lastly, we request that you notify us in writing of your final determination for our facility.

Please feel free to contact me at (678) 579-7962 if you have any questions regarding our Section 112(j) Part 1 application.

Regards,

A handwritten signature in cursive script that reads "James M. Packer".

James M. Packer
Director of Operations – Mid-Continent

Attachment

cc Mr. Doug Neeley – Air, Pesticides, and Toxics Division, U.S. EPA Region IV
Mr. Bruce Lobach – Shady Hills Power Company, LLC

**CLEAN AIR ACT SECTION 112(j) PART 1 APPLICATION
SHADY HILLS POWER COMPANY, LLC
SHADY HILLS, FLORIDA**

1. Name and address (physical location) of the major source

Shady Hills Power Company, LLC
14240 Merchant Energy Way
Shady Hills, Florida 34610

2. Brief description of the major source and an identification of the relevant source category

Shady Hills Power Company, LLC is a fossil fuel electric power generation facility using three (3) natural gas or low sulfur fuel oil (which is used as a backup/secondary fuel) fired simple-cycle combustion turbines. The three turbines are 170 MW General Electric Model Frame 7FA combustion turbines with dry low NO_x (DLN) combustors. The facility began operations in January 2002.

Two potential relevant Section 112(j) source categories are onsite:

- Combustion Turbines
- Industrial/Commercial Institutional Boilers & Process Heaters
- Reciprocating Internal Combustion Engines

3. Identification of the types of emission points belonging to the relevant source category

Combustion Turbines

ARMS Emission Unit 001 – 170 MW General Electric Model Frame 7FA natural gas/low sulfur fuel oil-fired combustion turbine with DLN

ARMS Emission Unit 002 – 170 MW General Electric Model Frame 7FA natural gas/low sulfur fuel oil-fired combustion turbine with DLN

ARMS Emission Unit 003 – 170 MW General Electric Model Frame 7FA natural gas/low sulfur fuel oil-fired combustion turbine with DLN

Industrial/Commercial Institutional Boilers & Process Heaters

Proposed Title V Insignificant Activity – Indirect-Fired Fuel Gas Heater, Heat Input = 10.0 Million BTUs/Hour, natural gas-fired - Used to heat incoming natural gas fuel to combustion turbines.

RECEIVED

MAY 15 2002

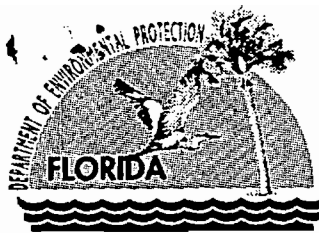
BUREAU OF AIR REGULATION

Reciprocating Internal Combustion Engines

No ARMS Emission Unit # Assigned - Emergency Generator, Capacity = 1,300 HP, No. 2 fuel oil-fired, engine type unknown but suspected to be 4 stroke rich-burn (4SRB), Used for emergency service.

4. Identification of any affected source for which a Section 112(g) MACT determination has been made

No Section 112(g) MACT determination has been made for Shady Hills Power Company, LLC.



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Scruhs
Secretary

June 13, 2002

Mr. James M. Parker
Director of Operations – Mid-Continent
Shady Hills Power Company, LLC
1155 Perimeter Center West
Atlanta, GA 30338-5416

Re: Request for Determination of MACT Applicability
Shady Hills Power Company, LLC, Shady Hills, Florida

Dear Mr. Parker:

In response to your letter received May 15, 2002 which requests that the Department make a determination of MACT applicability for your plant, I have attached Chapter 28-105, F.A.C., Declaratory Statements, which specifies the procedure that you must follow in order for us to comply with your request.

The Department's Agency Clerk is Kathy Carter. Her address is:

Kathy Carter, Agency Clerk
Florida Department of Environmental Protection
MS 35
3900 Commonwealth Boulevard
Tallahassee FL 32399-3000

Thank you for submitting the 112(j) notification information. Your information submittal appears to meet our current 112(j) requirements.

Please be aware that, although your letter refers to this information submittal as a "Clean Air Act Section 112(j) Part 1 Application," the Department does not recognize your submittal as a state permit application and has no plans to process it as such.

No further 112(j) information is needed from you at this time. If you have any questions, concerning this matter, please contact me at 850/921-9534.

Sincerely,

Cindy L. Phillips, P.E.
Bureau of Air Regulation

attachment

"More Protection, Less Process"

Printed on recycled paper.

CHAPTER 28-105, F.A.C.

DECLARATORY STATEMENTS

28-105.001 Purpose and Use of Declaratory Statement.

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from an agency. A petition for declaratory statement must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

28-105.002 The Petition.

A petition seeking a declaratory statement shall be filed with the clerk of agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

(1) The caption shall read:

Petition for Declaratory Statement

Before (Name of Agency)

(2) The name, address, telephone number, and any facsimile number of the petitioner.

(3) The name, address, telephone number, and any facsimile number of the attorney or qualified representative (if any) of the petitioner.

(4) The statutory provision(s), agency rule(s), or agency order(s) on which the declaratory statement is sought.

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner in the petitioner's particular set of circumstances.

(6) The signature of the petitioner or of the petitioner's attorney or qualified representative.

(7) The date.

28-105.003 Agency Disposition.

The agency may hold a hearing to consider a petition for declaratory statement. If the agency is headed by a collegial body, it shall take action on a petition for declaratory statement only at a duly noticed public meeting. If a hearing is held, it shall be conducted in accordance with Sections 120.569 and 120.57(2), F.S. The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within 90 days of the filing of the petition, the agency shall render a final order denying the petition or issuing a declaratory statement.