LAKELAND
ELECTRIC & WATER

Excellence Is Our Goal, Service Is Our Job

December 2, 1996

Clair H. Fancy, P.E.
Chief, Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5505
Tallahassee, FL 32301

RE: Lakeland Electric and Water Utilities
Charles Larsen Memorial Power Plant
Draft Title V Permit No. 1050003-004-AV
Facility ID No. 105003; Polk County

Dear Mr. Fancy:

Lakeland Electric and Water Utilities received the draft Title V air operation permit for its Charles Larsen Memorial Power Plant on October 23, 1996, and we have numerous comments and suggestions regarding the permit language. Many of the issues we identified in our review of the draft permit are minor in nature and are presumably the result of this permit being one of the first draft Title V permits developed by the Florida Department of Environmental Protection. Rather than attempt to resolve these issues through a formal administrative proceeding, Lakeland has requested a ninety-day extension of time within which to request a formal hearing so that it can work with representatives from the Department in an effort to reach an amicable solution.

Our specific comments and suggestions are attached. Once you and your staff have had an opportunity to review and consider these comments and suggestions, we would like to schedule a meeting so that we may discuss these issues in more detail and attempt to develop a resolution that is acceptable to both the Department and Lakeland.

As evidenced in the attached comments, Lakeland primarily would like to ensure that the permit language is consistent with the applicable regulations as well as the current permits for the Larsen units. We also believe that it would be appropriate to tailor the permit conditions to the Larsen facility, rather than simply quoting the Department's rules verbatim. We trust that we will be able to work with you and your staff to develop appropriate permit language to address these concerns.

During our review of the draft permit conditions, we also identified an inadvertent error in the permit application form submitted in June of this year, and corrected pages are included with this submittal. Specifically, pages 20, 25, and 26 are being replaced to indicate that for Emission Unit 008, the heat input rates are based on "low" heating values, rather than "high" heating values, consistent with the original construction permit application. Because the application is being amended, new responsible official and professional engineer certifications are also being provided.

Because of the need to resolve these issues relatively quickly to avoid the need for a formal administrative hearing, we would like to schedule a meeting to discuss our comments sometime during the week of December 9. If you or your staff have questions prior to our meeting, please contact Farzie Shelton at 941-499-6603.

Sincerely,

Ronald W. Tomlin

Ronald W. Tomlin
Assistant Managing Director

Enclosure

cc: Scott M. Sheplak, DEP
Edward Svec, DEP
John Brown, DEP
Pat Comer, DEP OGC
Farzie Shelton, Lakeland
Angela Morrison, HGSS

4. Professional Engineer's Statement:

I, the undersigned, hereby certify, except as particularly noted herein, that:*

(1) To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this Application for Air Permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and

(2) To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.

If the purpose of this application is to obtain a Title V source air operation permit (check here [X] if so), I further certify that each emissions unit described in this Application for Air Permit, when properly operated and maintained, will comply with the applicable requirements identified in this application to which the unit is subject, except those emissions units for which a compliance schedule is submitted with this application.

If the purpose of this application is to obtain an air construction permit for one or more proposed new or modified emissions units (check here [ ] if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.

If the purpose of this application is to obtain an initial air operation permit or operation permit revision for one or more newly constructed or modified emissions units (check here [ ] if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.

Updates to pages 20, 25, and 26

Leonard F. Kosky — Signature

11/27/96 — Date

(seal)

* Attach any exception to certification statement.

C. EMISSIONS UNIT DETAIL INFORMATION
(Regulated Emissions Units Only)

Emissions Unit Details

1. Initial Startup Date: **7 Jul 1992**	
2. Long-term Reserve Shutdown Date:	
3. Package Unit: Manufacturer: **General Electric**	Model Number: **Frame 7EA**
4. Generator Nameplate Rating: **88** MW	
5. Incinerator Information: Dwell Temperature:	°F
Dwell Time:	seconds
Incinerator Afterburner Temperature:	°F

Emissions Unit Operating Capacity

1. Maximum Heat Input Rate:	**1,055**	mmBtu/hr
2. Maximum Incineration Rate:	lbs/hr	tons/day
3. Maximum Process or Throughput Rate:		
4. Maximum Production Rate:		
5. Operating Capacity Comment (limit to 200 characters): **Maximum heat input based on Lower Heating Value (LHV) for natural gas. Heat input for residual oil heat input is 1,040 MMBtu/hr (LHV).**		

Emissions Unit Operating Schedule

1. Requested Maximum Operating Schedule:		
	hours/day	days/week
	weeks/yr **8,760**	hours/yr

F. SEGMENT (PROCESS/FUEL) INFORMATION
(Regulated and Unregulated Emissions Units)

Segment Description and Rate: Segment 1 of 2

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters): **Distillate oil**	
2. Source Classification Code (SCC): **2-01-001-01**	
3. SCC Units: **1000 gallons**	
4. Maximum Hourly Rate: **8.19**	5. Maximum Annual Rate: **23,915**
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur: **0.2**	8. Maximum Percent Ash:
9. Million Btu per SCC Unit: **127**	
10. Segment Comment (limit to 200 characters): **Maximum hourly rate based on maximum heat input for oil firing; annual rate based on construction permit limit.**	

Segment Description and Rate: Segment 2 of 2

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters): **Natural gas**	
2. Source Classification Code (SCC): **2-01-002-01**	
3. SCC Units: **Million Cubic Feet**	
4. Maximum Hourly Rate: **1.143**	5. Maximum Annual Rate: **10,013**
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:	8. Maximum Percent Ash:
9. Million Btu per SCC Unit: **923**	
10. Segment Comment (limit to 200 characters): **Maximum Percent Sulfur: 0.003. Maximum hourly rate based on maximum heat input.**	

LAKELAND ELECTRIC AND WATER UTILITIES
Charles Larsen Memorial Power Plant
Comments on Draft Title V Permit

Draft Permit

Section I.A.

1. In the emissions unit identification section, the description of the generators, general purpose engines, and surface coating operations includes limitations on the total fuel and coating usages. Because these activities or units would be "unregulated" regardless of the quantities of fuel or coating used, the limitations are unnecessary. These limits would be necessary only for units being "exempted" from permitting requirements. Because the units are listed as unregulated rather than exempt, Lakeland requests that the descriptions be changed to exclude the usage limitations.

Section II.

2. The first facility-wide condition states that all terms and conditions of the Title V permit are enforceable by EPA and citizens under the Clean Air Act. While most of the permit conditions are federally enforceable, conditions that have no federally enforceable basis are not *federally enforceable* simply by inclusion in the Title V permit. (See 40 CFR § 70.6(b); White Paper For Streamlined Development of Part 70 Permit Application (July 10, 1995), pgs. 11-15; 56 Fed. Reg. 21729 (May 10, 1991); 57 Fed. Reg. 32255 (July 21, 1992).) The U.S. Environmental Protection Agency (EPA) allowed states the flexibility of having a single permit program that would include not only the federally enforceable requirements that must be included in a Title V permit but also other, non-federally enforceable requirements (that *remain* non-federally enforceable). EPA's Title V rules and guidance specifically indicate that conditions without a federally enforceable basis will not become federally enforceable by inclusion in a Title V permit. Lakeland understands that the Department has issued a guidance memorandum (DARM-PER/V-18) that is contrary to the federal rules and guidance, and the Florida Electric Power Coordinating Group, Inc., of which Lakeland is a member, has requested that the Department revise its guidance to be consistent with federal law. It is appropriate for conditions to be clearly identified as not being federally enforceable if there is no federally enforceable basis. Inclusion of such conditions in a Title V permit will not, however, make the conditions "federally enforceable" and Condition 1. should therefore be deleted.

3. Although the statement in Condition 5. is correct, it is unclear why the statement would be included as a condition of the permit. Because it establishes no requirements, Lakeland suggests that it be deleted from the permit.

4. In Condition 8., the draft permit quotes the Department's rule regarding volatile organic compound emissions and organic solvent emissions, and then establishes a requirement to close containers of paint solvents and thinners and to store them in weather-tight buildings. The rule being quoted does not establish requirements with which the permittee must comply, so it

unnecessary to include it in the permit. Further, the requirement to keep containers of paint solvents and thinners closed and stored in weather-tight buildings is new, and the Department has not previously issued an order indicating that vapor controls are necessary or justified, especially since Polk County is an attainment area for the ozone ambient air quality standard. This condition should therefore be deleted in its entirety. If the requirement to close containers of solvents and thinners is included in the final permit, the provision requiring storage in a weather-tight building should nevertheless be deleted. The emissions of volatile organic compounds and organic solvents will be minimized to the extent possible by keeping the containers closed, and it should not also be necessary to keep the containers in a weather-tight building.

5. The note following Condition 10., indicating that all compliance related notifications and reports required of this permit should be submitted to the Department's Southwest District office should be changed to clarify that certain notices may need to be sent to the Department's Tallahassee office, such as payment of Title V fees, requests for permit revision, etc.

6. Throughout the permit, conditions cite as authority "requested by the permit applicant" when, in fact, Lakeland did not request such permit conditions. Often these conditions are based on information provided by the permit applicant, but were not requested to be established as permit conditions. To the extent that Lakeland has not made a specific request or where there is a regulatory basis, such references should be deleted.

Section III
Subsections A. and B. (Emission Units 003 and 004)

7. In the description included in the first paragraphs (unnumbered) and in Conditions A.1. and B.1., the permit language should be changed to also include propane and distillate fuel, which are used during startup conditions, as explained in the permit application form.

8. In Conditions A.3., B.3., A.6., and B.6., it would be helpful to include statements that the emission limits apply "except during periods of startup, shutdown, load changes, sootblowing, and malfunction." This clarification should help minimize any confusion as to the applicability of the limits during various operational conditions.

9. Because the permittee has elected to demonstrate compliance with the sulfur dioxide emission limits by fuel sampling and analysis, Conditions A.11. and B.11. could be deleted as unnecessary and duplicative based on Conditions A.14. and B.14.

10. Consistent with the current permits, Conditions A.12. and B.12. should be revised to clarify that particulate matter testing is required only on fuel oil, and annual testing is not required if oil is not fired for more than 400 hours (excluding startup).

11. Because compliance with the sulfur dioxide emission limit will be determined based on fuel sampling and analysis rather than stack testing, the first half of Conditions A.13. and B.13. could be deleted as unnecessary.

12. While Conditions A.14. and B.14. correctly reflect that the permittee may use fuel sampling and analysis to demonstrate compliance with the sulfur dioxide emissions limit, there is no basis to require "as fired" fuel sampling and daily recording of quantities, densities, and sulfur contents of fuels fired to ensure compliance "at all times." The Department's rules require only annual stack testing of sulfur dioxide or, alternatively, fuel sampling and analysis. The current permits for these units require fuel sampling and analysis annually during the particulate matter compliance tests. Otherwise, vendor data from fuel suppliers is available. The draft permit requirements to determine and record as-fired sulfur contents, densities, and quantities of the fuels fired in these two units should therefore be deleted.

13. In Conditions A.15. and B.16., language should be added in the second sentence clarifying that it is the "permittee's option" to use a transmissometer.

14. Conditions A.17. and B.17. should be revised to clarify that compliance testing is not only required for sootblowing conditions when a unit has been operated for less than 400 hours on liquid fuel, but compliance testing under *normal* operating conditions is also not required for units operating less than 400 hours per year while using liquid fuel (consistent with Rule 62-297.310(7)(a)3.b., F.A.C.).

15. In paragraph (b) of Conditions A.18., and B.18., the reference to "All Other Sources" should be deleted since the language is being quoted from the rule and it is confusing and unnecessary to be included in the permit.

16. Subsection B should include a condition that is identical to Condition A.19., because both Units 003 and 004 could be subject to a cold stand-by, which would affect the compliance testing schedule for both of those units.

17. Conditions A.21. and B.20. require quarterly excess emissions reporting. Because neither Unit 003 nor Unit 004 have continuous emissions monitors, excess emissions would not routinely be identified. Only units required to continuously monitor operations under Rule 62-296.405(1)(f), F.A.C., are required to submit quarterly reports under Rule 62-296.405(1)(g), F.A.C. These conditions should therefore be deleted.

Subsection C. (Emission Units 005, 006, and 007)

18. Draft Condition C.7. should be revised to be consistent with the current operation permit for these units, which provides that vendor data can be used to demonstrate compliance with the sulfur content requirement. The Department's rules do not require as-fired fuel sampling and analysis, especially for voluntarily accepted sulfur content limits.

19. Paragraph (a) of Condition C.9. should be revised to clarify that an annual visible emissions test is required unless a unit did not operate for more than 400 hours. Otherwise, a test must be conducted at least once prior to permit renewal. Paragraph (c) is inapplicable, unnecessary, and should be deleted.

20. Emission Units 005, 006, and 007 are only required to conduct visible emissions tests; no other stack tests are required. Because testing to determine compliance with a visible emissions standard must be conducted during a period in which the highest opacity emissions can reasonably be expected to occur (which may or may not coincide with the permitted heat input rate) (Rule 62-297.310(4)(a)2., F.A.C.), and because no stack tests are required for these units, Condition C.10. should be deleted. Alternatively, if this condition is included in the final permit, it should be changed to define capacity as "90-100 percent of the permitted heat input rate." Additionally, the sentence indicating that "data, curves, and calculations necessary to demonstrate the heat input rate correct at both design and test conditions" should be deleted. The Department's November 22, 1995, guidance that is cited does not require this language unless "requested" by the applicant. Because Lakeland has not requested such language and it is not currently included in the units' permits, this condition should be revised as requested.

21. The exceptions listed in Condition C.11. could be deleted since they do not apply to these units.

22. The draft permit quotes from Rule 62-297.310(5), F.A.C., in Condition C.12., but does not indicate what equipment or instruments are necessary to determine process variables. The permit condition should be revised to clarify that quantification of the fuels used and the heating values of such fuels is sufficient to determine the total heat input for these units.

23. Because Units 005, 006, and 007 are not equipped with continuous emission monitoring systems and because the Department has not previously required quarterly malfunction reports, the provision in Condition C.13. regarding quarterly reports should be deleted.

Subsection D. (Emission Unit 008)

24. Condition D.1. should clarify that the heat input rates are based on low heating value fuels, consistent with the PSD permit application for this unit. A corrected page for the Title V permit application indicating that the heat input rates are based on "low" heating value fuels is attached to this submittal as a supplement. The original Title V permit application inadvertently indicated that the heat input rates were based on "high" heating value fuels.

25. While paragraph (b) of Condition D.2. is quoted from the construction and current operation permits for this unit, Lakeland respectfully requests deletion of the limitation on the total quantity of fuel oil that may be fired. Because the total heat input for this unit is limited (on both an hourly and annual basis), and the quantity of fuel oil that may be fired annually is effectively

restricted by the capacity factor limitation in paragraph (c) (fuel oil use limited to one-third of the annual capacity factor), it is unnecessary to also specifically limit the total gallons of fuel oil that may be used. The quantity limitations for fuel oil in paragraph (b) are based on the average heating value of distillate oil, and the actual fuel oil used in this unit would likely vary from the average. To limit not only the annual capacity factor and the maximum hourly and annual heat input rates but also the quantity of fuel oil that may be fired per hour and annually is duplicative, unnecessary, and should be deleted. Again, Lakeland respectfully requests that this change be made to not only the final Title V permit but also the PSD permit (PSD-FL-166; Condition 6).

26. The sulfuric acid mist limits under Conditions D.10. and D.11. should be deleted since compliance with the limits and Best Available Control Technology will be ensured through the use of natural gas and low sulfur oil, and the sulfur content limit for the fuel oil is established in another permit condition. It is therefore unnecessary and duplicative to include this permit condition. Alternatively, if these conditions are not deleted, the sulfuric acid mist limit when firing distillate oil should be corrected to read "9.13" rather than "9.13 x 10^{-3}," consistent with the current permits.

27. Clarifying language should be added to Condition D.12., to provide that the limit of 10 percent opacity applies "except as allowed under Condition D.13."

28. The term "Administrator" should be changed to "Department" throughout this subsection for clarification (e.g., Conditions D.15. and D.16.).

29. Condition D.16. should be revised to clarify that the water injection system has already been approved by the Department through issuance of the PSD permit and the initial performance tests that were conducted.

30. Condition D.17. should be revised to clarify the fuel analyses that are required rather than simply quoting the federal rule, especially since a custom fuel monitoring schedule for natural gas has been approved and made a part of the current permit for this unit.

31. In the second line of Condition D.18., the word "follows" appears to have been inadvertently omitted: "turbine as follows:".

32. Since the custom fuel monitoring schedule was approved in December of 1995 and the initial testing has already taken place, it would be helpful to update the schedule, as follows:

2.b. ~~Effective on the approval date of the customized fuel monitoring schedule, sulfur monitoring shall be conducted twice monthly for six months. If this monitoring shows little variability in the sulfur content and indicates consistent compliance with 40 CFR 60.333, then~~ Ssulfur monitoring shall be conducted once per quarter for six quarters, beginning on July 1, 1996.

Also, the ASTM methods referenced in this condition have been changed from the custom fuel monitoring schedule originally approved. Lakeland is still considering the appropriateness of these newly referenced methods. Due to the nature of evolving test methodologies, it may be appropriate to state in the permit condition that other methods approved by the Department can be used. This would help eliminate the need for a permit revision simply because a new test method is used.

33. Condition D.20.'s requirement to "correct to ISO" should be deleted or clarification should be added that this requirement applies only when determining compliance with the New Source Performance Standards (NSPS) emission limit (*not* the Best Available Control Technology [BACT] limit), consistent with the Department's November 22, 1995, guidance (DARM-EM-05). This change was recently made to the permits for this unit.

34. The statement in Condition D.21. that NOx emissions must be determined at *each load* should be deleted. The Department's November 22, 1995, guidance provides that compliance at four different loads is required only during the initial performance testing under NSPS. This change was recently made to the permits for this unit

35. Under Condition D.24., test method "5B" should also be authorized, consistent with the current operation permit for this unit. Moreover, this condition should clearly state that annual compliance testing for PM is not needed unless the opacity exceeds 10 percent, consistent with the construction and operation permits for this unit.

36. Condition D.23. should be revised to be consistent with the current operation permits for this unit. Specifically, capacity should be defined as 90-100 percent of the maximum permitted heat input rate, rather than 95-100 percent. Additionally, the sentence indicating that "data, curves, and calculations necessary to demonstrate the heat input rate correct at both design and test conditions" should also be deleted, consistent with the unit's current permits. While the Department's November 22, 1995, guidance allows permittees to request language similar to this, it is not required either by the guidance or the Department's rules and should therefore be deleted.

37. Because the current permits allow the use of other compliance test methods approved by the Department, a condition reflecting this authorization should be added.

38. Condition D.31. should be deleted since the reporting requirements for this unit are already included in Condition D.30. If the condition is retained, it should clarify that semi-annual reports are sufficient and are only required for nitrogen oxides.

39. The reference to another format "specified by the Administrator" in Condition D.32. should be deleted since it does not apply here.

40. Condition D.34. should be deleted in its entirety. As stated in the permit application form, there is no basis under state or federal law for this requirement, and it should be deleted from

the permit. Moreover, the Florida Ambient Reference Concentrations are established in an unpromulgated rule, which has not been properly adopted under Chapter 120, F.S. As an unpromulgated rule, the policy should not be used as the basis to establish permit limits. Further, any concern regarding the FARCs should have been adequately addressed during the permitting process and by the modeling that was submitted with the PSD permit application.

41. Since Condition D.35. indicates that the term "administrator" means "secretary or the secretary's designee," it would be helpful if the term "administrator" were exchanged with "secretary or secretary's designee" or "Department" throughout the permit.

Section E. Common Conditions (for Emission Units 003, 004, and 008)

42. Consistent with the permit shield, paragraph (b) under Condition E.1. should be changed to indicate that only if the Department has reason to believe a standard contained in "this permit" is being violated should additional tests be required, rather than "in a Department rule or a permit issued pursuant to those rules."

43. Paragraph (c) under Condition E.1. should be deleted since it is not applicable to these units.

44. Paragraphs 2.a.-2.c. under Condition E.3. should be deleted since the exceptions do not apply to these units.

45. Condition E.4. quotes from Rule 62-297.310(5), F.A.C., but does not indicate what equipment or instruments are necessary to determine process variables. The permit condition should be revised to clarify that quantification of the fuels used and the heating value of such fuels is sufficient to determine the total heat input for these units.

46. In paragraph 21 under Condition E.8., the term "owner or his authorized agent" should be changed to "responsible official" consistent with the Title V compliance certification requirements.

Table 1-1, Summary of Air Pollutant Standards and Terms

47. The columns for "equivalent emissions" are not necessary and should be deleted. Because fees would be based on actual operations, the "equivalent" information based on maximum permitted operations is unnecessary and could be confusing. To help streamline the permit and prevent this potential for confusion, these columns should be deleted.

48. The sulfuric acid mist emission limit for Emissions Unit 008 when burning oil should be corrected to "9.13" tons per year, rather than "9.13×10^{-3}."

Table 2-1, Summary of Compliance Requirements

49. The "frequency base date" column should be further explained. The table is apparently intended to only summarize information for convenience purposes. The "frequency base date" requirement is not, however, included in any other part of the permit, and the reference to a "guidance memo" does not refer to a particular guidance memorandum or its basis in law. The Department's rules only require that where an emissions limit exists, compliance testing should be done once prior to permit renewal or, if the potential emissions are greater than 100 tons per year (of most regulated pollutants), a compliance test should be conducted at least once every federal fiscal year. (See Rule 62-297.310(7), F.A.C.) The rule does not require that testing be conducted during a particular time during the year. This column should be deleted or further clarified through footnotes and permit text. If this column is not deleted, the dates should be changed, consistent with the current permits. For example, Emission Unit 003's date should be changed to May 30; Emission Unit 004's date should be changed to June 30; and Emission Unit 008's date should be changed to December 30.

50. Because the Department's rules and the units' current permits require only that visible emissions testing be conducted during conditions in which the highest opacity emissions can reasonably be expected to occur, compliance testing should only be required when fuel oil is fired. (See Rule 62-297.310(4)(a)2., F.A.C., and current permits). It should not be necessary to conduct additional visible emissions testing when natural gas is fired. The reference to "all fuels" for visible emissions testing should therefore be changed to "oil."

Emission Units 003 and 004

51. Based on the Department's rules and other provisions of the draft permit, compliance testing for particulate matter emissions is not necessary if oil is not fired for more than 400 hours per year (excluding startup). It would therefore be helpful if the table summarizing the compliance requirements included a footnote for particulate matter testing so indicating. Moreover, the current permits allow compliance testing to be conducted during the cofiring of oil and gas if it is being used when compliance testing is required. When the total heat input from oil increases by 10 percent or more, additional stack testing is required. (See current permit Conditions 12 and 13.) The draft permit should be revised to include these same requirements.

52. The summary table indicates that particulate matter compliance testing is required for natural gas. The Department has not historically required such compliance testing, it is not required under the current permits, and it should not be necessary for natural gas, which is such a clean fuel. Typically only *de minimis* or minute amounts of particulate matter would be expected from the firing of natural gas, so compliance testing would not provide meaningful information to the Department, and the expense to conduct such tests is not justified. The table should therefore be corrected to indicate that for particulate matter, the compliance testing will be conducted when firing oil only.

53. For the sulfur dioxide entry, the compliance method should provide that fuel sampling and analysis will be the compliance method. Because the stack sampling methods will not be used, the one-hour compliance test duration could be deleted.

Emission Units 005, 006, and 007

54. Because a visible emissions test is required for combustion turbines only when they operate for more than 400 hours per year, a footnote should be included in this table so indicating.

Emission Unit 008

55. While the water-to-fuel ratio must be monitored, it is not in and of itself a "parameter"--the ratio is being used to ensure that the nitrogen oxide emissions are below permitted levels. If the ratio is not maintained, it is an indicator that emissions may be higher than permitted levels, but it does not indicate that a permit condition has been violated (either the permitted emission rate or the requirement to maintain the proper water-to-fuel ratio). The reference to water-to-fuel as a parameter should therefore be deleted.

56. Consistent with Unit 008's current permits, the table should be revised to indicate that PM/PM10 testing is required only if opacity exceeds 10 percent instead of upon "renewal."

Appendix E-1, List of Exempt Emissions Units and/or Activities

57. In the list of unregulated emission units and/or activities, limitations are included on the total fuel consumption and coating use. Because these activities or units would be "unregulated" regardless of the quantities of fuel or coating used, those limitations are unnecessary. Such limits are necessary only when a unit is being "exempted" from permitting requirements.

58. Sand blasting and parts washing had been included in the application as unregulated activities, but they were not listed in the draft permit. Because these activities occur at the plant and these activities are not subject to any emission limits or standards, they should be added to the list of unregulated units and activities.

59. Lakeland indicated in the permit application that trivial activities were being omitted, including not only activities on the list developed by the U.S. Environmental Protection Agency but also on the list of similar activities and units developed by the Florida Electric Power Coordinating Group, Inc. (copy provided as an attachment in the permit application). Lakeland would therefore like to confirm that all such activities are considered trivial and therefore appropriately omitted from the application form and permit.

Appendix SS-1, Stack Sampling Facilities

60. Clarification should be included either in Section III, Subsections A, B, and D of the permit or in the appendix itself that Appendix SS-1 applies only to Emission Units 003, 004, and 008. Stack tests are not required for Emission Units 005, 006, and 007.

61. In the third line, a portion of the rule being quoted appears to have been omitted. The line should read: "platforms, access to work platforms, electrical power, and sampling equipment support.

62. Because the stack diameter information was provided in the permit application form, and because Emission Units 003 and 004 had complete applications to construct filed prior to 1980 and Emission Unit 008 had a complete application to construct filed after 1980, paragraph (c)4. could be rewritten to more clearly identify the sampling port requirements:

> For Units 003 and 004, at least two sampling ports, 90 degrees apart, shall be installed at each circular stack. For Unit 008, at least four sampling ports, each 90 degrees apart, shall be installed.

63. Because the stacks for Units 003, 004, and 008 are all circular, paragraph (c)5 can be deleted. In addition, the second sentence is incomplete and is not consistent with the Department's rule. At a minimum, this sentence should be deleted.

64. Typographical errors in paragraph (f)1. should be corrected: A minimum of two 120-volts AC, 20-amps outlets shall be provided . . .

Figure 1--Summary Report

65. It would be helpful to clarify in footnote 2 that the reference to "60.7(c)" is for 40 CFR 60.7(c).

Acid Rain Permit Application

66. In the Title V permit application that was submitted in June, a copy of the acid rain permit application was included as an attachment. Unfortunately, the certificate of representation for the C.D. McIntosh Jr. Power Plant was included instead of the one for the Charles Larsen Memorial Power Plant. The correct certificate is attached to this letter as a supplement and correction to the Title V permit application.

Appendix TV-1, Title V Conditions

67. In paragraph (3) of Condition 3., the references to a minor facility do not apply here and can be deleted as unnecessary. Paragraphs (4) through (7) regarding construction permit fees

and other permit processing fees do not apply and can also be deleted as unnecessary. If those paragraphs are maintained in the final version of the permit, paragraphs (5), (6), and (7) should be revised to clarify that only PSD/NSR construction permits and modifications triggering PSD/NSR require processing fees.

68. Condition 4. imposes no requirements on the permittee and can be deleted as unnecessary.

69. Condition 5. should be deleted because it contravenes and effectively nullifies the permit shield provision in Condition 54.

70. The provisions in Condition 10. are redundant with the provisions in paragraph 11 of Condition 14. and can therefore be deleted.

71. Condition 13. should be revised to reflect the new Florida Administrative Procedures Act (Chapter 120, Florida Statutes), providing that failure to request an administrative hearing or mediation within 14 days is deemed a waiver.

72. In paragraph (6) of Condition 14., there is apparently a typographical error in the second line, as follows:

> "that are installed and used by the permittee to achieve compliance with the conditions of this permit, as ~~are~~ required by the Department . . ."

73. A paragraph (13) should be added to Condition 14. indicating that this permit constitutes compliance with New Source Performance Standards, Prevention of Significant Deterioration, and Best Available Control Technology for Emissions Unit 008 (only).

74. Because this permit is for an existing facility, Condition 15. should be deleted as unnecessary.

75. Because this permit is for an existing facility, Condition 16. should be deleted as necessary.

76. Condition 18. should be revised to reflect the opportunity for mediation as allowed under Florida's new Administrative Procedures Act (Chapter 120, Florida Statutes).

77. The third sentence under Condition 20. should be deleted. This sentence is identical to the language included in Condition 5. and effectively defeats the purpose of the permit shield provided under Section 403.0872(15), Florida Statutes, Rule 62-213.460, F.A.C., and Condition 54.

78. Condition 20. should also be revised to more accurately address the permitted facility. For example, the provisions regarding construction permits should be deleted, and the

statements regarding "operation" permits should clarify that this is a Title V permit for a Title V source.

79. Paragraph (3)(a) regarding "full exemptions" under Condition 20. should be revised to clarify, consistent with Rule 62-210.300(3), F.A.C., that for Title V sources, emission units and activities listed in the rule that also comply with the criteria in Rule 62-213.430(6)(b) are also exempt under Title V.

80. Condition 22., paragraph (a), should include the words "if applicable" at the end, consistent with Rule 62-210.300(6), F.A.C.

81. Condition 23. could be revised to better reflect the notice required for the permit being issued. For example, paragraph (2) (which applies to construction permits) could be deleted.

82. Apparently paragraph (3)(c) was inadvertently omitted in Condition 23 and should be added, consistent with Rule 62-210.350, F.A.C.

83. Paragraphs (d) through (g) on page 9, under Condition 23., appear to be quoted from Rule 62-210.350(4), F.A.C., which does not apply to this facility and should therefore be deleted.

84. Paragraph (2) under Condition 25. contains no requirement that applies to the permittee and should therefore be deleted.

85. Paragraph (3)(b) under Condition 25. should be revised to clarify that reports for this permit are to be submitted to the Department's Southwest District Office or simply deleted.

86. Condition 26. should be revised to clarify that it applies only to Emissions Unit 008.

87. Paragraph (2) through (4) under Condition 27. could be deleted since they do not apply to this facility.

88. Several of the conditions could be revised to better clarify that "the permittee" is required to comply with certain conditions, rather than "all Title V sources" or "each Title V source." For example, Conditions 28., 33., 34., 35., 36., and 37. could all be revised to state that "the permittee"" must pay, is subject to, may operate, may make the following changes, etc.

89. Because the definitions in Chapter 62-213 were transferred to Chapter 62-210, F.A.C., the language in paragraph (1) of Condition 36., should be changed to more accurately reflect the new language in Rule 62-213.412, F.A.C.: "Those permitted Title V sources making any change that constitutes a modification pursuant to paragraph (a) of the definition of modification in Rule 62-210.200, F.A.C., but which would not otherwise constitute a modification pursuant to paragraph (b) of the same definition, may implement such changes prior to final issuance of a permit revision in accordance with Rule 62-213.412, F.A.C. ~~this section~~, provided the change: . . ."

90. Consistent with Rule 62-213.420(1)(b)2., paragraph (b)2. of Condition 37. should be revised to read: "For those applicants submitting initial permit applications pursuant to Rule 62-213.420(1)(a)1., F.A.C., . . ."

91. Because the definitions in Chapter 62-213 were recently transferred to Chapter 62-210 and to be consistent with Rule 62-213.420(3), F.A.C., the last line of Condition 39 should be revised as follows: "all applicable requirements as defined in Rule 62-210~~213~~, F.A.C., for the Title V source and each emissions unit and to evaluate a fee amount pursuant to . . ."

92. Condition 45. should be revised to clarify what type of "monitoring" reports are required or deleted as redundant with more specific conditions elsewhere in the permit.

93. The reference in the last line of Condition 51. to rules that are "hereby adopted and incorporated by reference" can be deleted as unnecessary. While this language was appropriate for the Department's rule being quoted, it is not necessary in the permit condition itself.

94. Condition 54. should be revised to more accurately reflect that compliance with "this permit" shall be deemed compliance with any applicable requirement, etc.

95. Condition 55. is redundant with the provisions of Condition 27. and should be deleted.

96. Condition 56. should be combined with the open burning provisions in Condition 59.

97. Condition 57. is a duplicate of Condition 19. and should be deleted as unnecessary.

98. The reference to Chapter 62-281, F.A.C., under Condition 58. should be deleted since that chapter applies only to motor vehicle air conditioners. The substantive provisions in the Condition appear correct, but that reference is inappropriate. Further the citation to 40 CFR 82.166 should include only paragraphs (k) and (m).

99. Condition 60. is duplicative of the more specific requirements established in Condition 11. in the facility-wide section. Condition 60. should therefore be deleted.

85673

LAKELAND
ELECTRIC & WATER

Excellence Is Our Goal. Service Is Our Job

McINTOSH POWER PLANT
3030 E. LAKE PARKER DR.
LAKELAND, FLORIDA 33805

ph. (941) 499-6600
FAX: (941) 499-6688

December 14, 1995

Lakeland Electric & water Utilities
Title IV Compliance Plan

Lakeland Electric & Water utilities will hold sufficient SO_2 allowances to cover all SO_2 emissions for the generating units listed below. If it becomes apparent that Lakeland Electric & Water utilities will have insufficient SO_2 allowances, Lakeland Electric & Water Utilities will purchase additional allowances on the open market, or switch to lower sulfur content fuel in order to cover any shortfall.

PLANT NAME	BOILER ID	ORIS CODE
C.D. MCINTOSH.Jr,	1	676
	2	676
	3	676
LARSEN MEMORIAL	7	675
	8	675

Phase II Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31 and Chapter 62-214, F.A.C.

This submission is: ☐ New ☒ Revised

STEP 1
Identify the source by plant name, State, and ORIS code from NADB

Larsen Memorial Power Plant, FL, 675

STEP 2
Enter the boiler ID# from NADB for each affected unit, and indicate whether a repowering plan is being submitted for the unit by entering "yes" or "no" at column c. For new units, enter the requested information in columns d and e

		Compliance Plan		
a	b	c	d	e
Boiler ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	Repowering Plan	New Units Commence Operation Date	New Units Monitor Certification Deadline
7	Yes	No		
8	Yes	No	11/92	1/1/96
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			

STEP 3
Check the box if the response in column c of Step 2 is "Yes" for any unit

☐ *For each unit that will be repowered, the Repowering Extension Plan form is included and the Repowering Technology Petition form has been submitted or will be submitted by June 1, 1997.*

Plant Name (from Step 1)
Larsen Memorial Power Plant

STEP 4
Read the standard requirements and certification, enter the name of the designated representative, and sign and date

Standard Requirements

Permit Requirements.

(1) The designated representative of each Acid Rain source and each Acid Rain unit at the source shall:
(i) Submit a complete Acid Rain part application (including a compliance plan) under 40 CFR part 72, Rules 62-214.320 and 330, F.A.C. in accordance with the deadlines specified in Rule 62-214.320, F.A.C.; and
(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain part application and issue or deny an Acid Rain permit;
(2) The owners and operators of each Acid Rain source and each Acid Rain unit at the source shall:
(i) Operate the unit in compliance with a complete Acid Rain part application or a superseding Acid Rain part issued by the permitting authority; and
(ii) Have an Acid Rain Part.

Monitoring Requirements.

(1) The owners and operators and, to the extent applicable, designated representative of each Acid Rain source and each Acid Rain unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75, and Rule 62-214.420, F.A.C.
(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements.

(1) The owners and operators of each source and each Acid Rain unit at the source shall:
(i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
(ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
(3) An Acid Rain unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
(i) Starting January 1, 2000, an Acid Rain unit under 40 CFR 72.6(a)(2); or
(ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an Acid Rain unit under 40 CFR 72.6(a)(3).
(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1)(i) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or the written exemption under 40 CFR 72.7 and 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements. The owners and operators of the source and each Acid Rain unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements.

(1) The designated representative of an Acid Rain unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
(2) The owners and operators of an Acid Rain unit that has excess emissions in any calendar year shall:
(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the source and each Acid Rain unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
(i) The certificate of representation for the designated representative for the source and each Acid Rain unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with Rule 62-214.350, F.A.C.; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
(ii) All emissions monitoring information, in accordance with 40 CFR part 75;
(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,

Plant Name (from Step 1)
Larsen Memorial Power Plant

Recordkeeping and Reporting Requirements (cont.)

(iv) Copies of all documents used to complete an Acid Rain part application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(2) The designated representative of an Acid Rain source and each Acid Rain unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability.

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain part application, an Acid Rain part, or a written exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
(4) Each Acid Rain source and each Acid Rain unit shall meet the requirements of the Acid Rain Program.
(5) Any provision of the Acid Rain Program that applies to an Acid Rain source (including a provision applicable to the designated representative of an Acid Rain source) shall also apply to the owners and operators of such source and of the Acid Rain units at the source.
(6) Any provision of the Acid Rain Program that applies to an Acid Rain unit (including a provision applicable to the designated representative of an Acid Rain unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one Acid Rain unit shall not be liable for any violation by any other Acid Rain unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
(7) Each violation of a provision of 40 CFR parts 72, 73, 75, 77, and 78 by an Acid Rain source or Acid Rain unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities. No provision of the Acid Rain Program, an Acid Rain part application, an Acid Rain part, or a written exemption under 40 CFR 72.7 or 72.8 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an Acid Rain source or Acid Rain unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
(2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

Certification

I am authorized to make this submission on behalf of the owners and operators of the Acid Rain source or Acid Rain units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name ***Charles D. Garing, Plant Manager***	
Signature Charles D Garing	Date 12/20/95