To:

Edward Svec
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5505
Tallahassee, FL 32301

From: Farzie Shelton

also check #17, #20, #30, #36, #~~58~~
71, 76

LAKELAND
ELECTRIC & WATER

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(813) 499-6603

Farzie Shelton
ENVIRONMENTAL COORDINATOR, Ch E.

February 7, 1997

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
Supplemental Comments

Dear Clair:

As you may know, representatives from the Department of Environmental Protection and from Lakeland Electric and Water Utilities met together on January 9, 1997, to discuss Lakeland's comments on the draft Title V air operation permit for the Charles Larsen Memorial Power Plant. You may recall that Lakeland's comments were submitted by letter dated December 2, 1996. The January 9 meeting was very productive, and we were able to resolve a majority of the concerns that had been identified in the December 2 letter. We understand that you were under the weather on January 9 and therefore unable to attend this meeting. We hope that you are feeling much better now. In your absence, we were unable to resolve a few of the issues, but Lakeland understands that several of those issues were resolved at a subsequent meeting between the Department and the Florida Electric Power Coordinating Group, Inc. (FCG).

As an attachment to this letter, Lakeland has identified those issues that remain unresolved, issues that were tentatively resolved at the meeting (or at the subsequent meeting between the Department and representatives from the FCG and that we would like to confirm in writing, and issues that were resolved based on the Department's draft response and representations made by the Department at the two meetings. While several concerns have yet to be resolved, most of the issues are relatively minor but important to Lakeland. We would like to continue to work with the Department in an attempt to resolve all of Lakeland's remaining concerns prior to issuance of the revised draft permit, and would therefore like to schedule a conference call with you and your staff within the next few weeks to continue our discussions and potentially come to a resolution of the remaining issues.

The draft Title V permit that Lakeland received for the Charles Larsen Memorial Power Plant was a very good product, especially as the *first* draft Title V permit for the State, and we sincerely appreciate the Department's efforts in the development of such a comprehensive document. While Lakeland submitted a number of comments in its letter of December 2, most of the comments were quite minor in nature, and again, most of those issues were quickly resolved. We appreciate the responsiveness of the Department to the suggestions made by Lakeland and look forward to the Department's continued cooperation in resolving the few remaining issues.

As suggested by Department representatives at the January 9 meeting, we have enclosed revisions to the Title V permit application for the Charles Larsen Memorial Power Plant regarding startup fuels and volatile organic compound fugitive emission controls. Specifically, please find enclosed an original and three copies of (1) new "segment" pages for Emission Units 1 and 2 (Emission Units 003 and 004 in the draft permit), (2) new pages 29's for Emission Units 1 and 2, addressing a sulfur content limit on fuel oil, (3) new pages 20's for Emission Units 3 and 4 (Emission Units 005, 006, 007, and 008 in the draft permit) addressing heat input curves based on ambient conditions; and (4) a new Attachment LR-FE-5 "Emissions Unit Identification" to replace the corresponding pages in the current application, along with the professional engineer's certification by Ken Kosky of Golder Associates, Inc. A certification as to the custom fuel monitoring schedule for Emission Unit 008 is also included, as requested during the January 9 meeting. These supplements to the permit application are included as Attachment B to this letter.

As also suggested by Department representatives at that meeting, Lakeland will soon be submitting a separate request to revise the construction permit for Emission Unit 008 (PSD-FL-166; AC53-190437) to address issues that arose during the issuance of the Title V permit for this unit.

Because of the need to resolve these outstanding issues relatively quickly, we would like to schedule a conference call to discuss Lakeland's remaining concerns sometime during the week of February 17. We continue to remain optimistic that all of our remaining concerns will be resolved without the need for a hearing; Lakeland has requested an additional extension of time within which to file for a formal administrative proceeding. If you or your staff have questions prior to our conference call, please contact me at 941-499-6603. Thank you again for your continued cooperation and assistance.

Sincerely,

Farzie Shelton
Environmental Coordinator

Enclosures

cc: Howard L. Rhodes, DEP
John Brown, DEP
Pat Comer, DEP OGC
Scott M. Sheplak, DEP
Edward Svec, DEP
Ronald Tomlin, Lakeland
Angela Morrison, HGSS

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ATTACHMENT A

Lakeland Electric & Water Utilities
Charles Larsen Memorial Power Plant

Follow-Up Comments on Draft Title V Permit
(February 7, 1997)

(NOTE: The paragraph numbering is consistent with original comments submitted by Lakeland Electric & Water Utilities on December 2, 1996, and with the Department of Environmental Protection's draft response received on January 9, 1997)

Issues Not Yet Resolved

6. ***Fugitive VOC Emissions***--While Lakeland provided information in the permit application regarding the identification of non-particulate matter fugitive emissions and indicated how such fugitive emissions were controlled, Lakeland did *not* request that such control measures be included as conditions of the Title V permit. Lakeland again requests that the language of Condition 10 be revised to delete any reference to the condition being requested by the applicant. Such control requirements are appropriate to include in the permit *only* to the extent that the Department makes a finding that vapor controls are necessary or justified.

25. ***Fuel Quantity Limitations***--As discussed in Lakeland's December 2 submittal and at the January 9 meeting, Lakeland requests deletion of the limitations on the total quantities of fuel oil that may be fired in Emission Unit 008 under paragraph (b) of Condition D.2. 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), 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 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. Lakeland will soon be making a request to delete the identical requirement from the construction permit for Emission Unit 008. Please consider the request to change this condition in the Title V permit to be ongoing, pending the outcome of the construction permit revision request.

33. ***NOx Emission Limit***--The citation to 40 CFR **60.330** in Condition D.20. should be changed to "**60.332**," which includes the limitation on nitrogen oxide emissions for units subject to New Source Performance Standard (NSPS) Subpart GG. Further, the phrase "permitted NOx standard" in the fourth line of that condition should be changed to the "NSPS NOx standard" or the "NOx standard under 40 CFR 60.332" to help prevent the potential for confusion with the NOx limit established in the permit based on Best Available Control Technology. While the changes suggested by the Department in its draft response along with the suggestions being included in this comment

should help clarify that this condition applies only to determinations of compliance with the NSPS NOx limit, it may be helpful to reiterate this in the last sentence regarding correction to ISO. Because correction to ISO is only required for determining compliance with the NSPS NOx limit, additional clarification in the last sentence should help eliminate any potential confusion regarding this point.

34. ***Four Load Testing for NOx Emissions***--In Condition D.21., the requirement to determine compliance "at each load" should be deleted. As stated in Lakeland's December 2 submittal, the Department's November 22, 1995 guidance on compliance testing for combustion turbines provides that compliance at four different loads is required only during the *initial* performance testing under NSPS. This change was recently made to both the construction and operation permits for this unit. Because the initial compliance testing for this unit has already been completed, the Title V permit should include no reference to testing at multiple loads. Further, the Department's guidance clearly states that only if the NOx limit has been exceeded is additional testing at four different loads required. Lakeland requests that this condition be deleted, or, at a minimum, revised consistent with the November 22, 1995 guidance.

37. ***Test Methods***--As stated in Lakeland's earlier submittal, the construction and operation permits for Emission Unit 008 allow for the use of other compliance test methods approved by the Department. Lakeland again requests that language be added to the permit clarifying that other test methods can be used if approved by DEP. Lakeland further requests that this language be included for Emission Units 003, 004, 005, 006, and 007, in addition to Emission Unit 008. Consistent with our discussions at the meeting, a full permit revision should not be necessary when another test method not previously identified in the permit is approved. This language should help clarify that other test methods approved by the Department may be used by the permittee. The Department's approval should simply be included in the next permit renewal cycle. Lakeland understands that the Department has confirmed this approach with the U.S. Environmental Protection Agency Region IV.

40. ***Florida Ambient Reference Concentration Emission Limits***--Department representatives indicated at the meeting that the emission limits in Condition D.34. based on the draft Florida Ambient Reference Concentrations would be deleted from the Title V permit once the limits were deleted from the construction permit. A request to delete such limits in the construction permit is being sent to the Department simultaneously with this submittal. Please consider the request to delete the limits in Condition D.34. to be ongoing, pending the outcome of the construction permit revision request.

49. ***Frequency Base Dates for Compliance Testing***--At the meeting, Department representatives indicated that in Table 2-1 they intend either to omit the frequency base date column or, if included, to change the dates to be consistent with the most current permits for the Larsen units, i.e., May 30 for Emission Unit 003, June 30 for Emission Unit 004, and December 30 for Emission Unit 008. Department representatives also very clearly stated that the frequency base date information was *not* an enforceable permit condition. Because there is no regulatory basis for this

column or inclusion of a "frequency base date," Lakeland again requests that this column be deleted from Table 2-1. At a minimum, the "frequency base date" information should be explained. Lakeland understands from its current permits that testing is to be conducted within 60 days prior to the date, but this is not explained in the Table.

56. ***PM Testing on Emission Unit 008***--The construction and operation permits for Emission Unit 008 allow a visible emissions test, confirming that the opacity remains at or below 10 percent opacity, to be used *in lieu of* a particulate matter compliance test. Table 2-1 summarizing the compliance test requirements for Emission Unit 008 should therefore be revised to delete any indication that particulate matter *stack* tests are required at least once prior to permit renewal. Lakeland also requests the testing provisions included in Section D of the draft permit be revised to clarify the applicable particulate matter testing requirements for this unit consistent with the current operation and construction permits.

59. ***Trivial Activities***--In its Title V application, Lakeland stated that the Charles Larsen Memorial Power Plant included certain activities that were included on a proposed trivial emission unit list provided to the Department by the Florida Electric Power Coordinating Group, Inc. (FCG). In the December 2 submittal, Lakeland requested confirmation from the Department that the activities on that list were indeed "trivial" and could be omitted from the permit application and permit. At the January 9 meeting, Department representatives indicated an unwillingness to make a determination as to whether any activities on that list were "trivial" or should be included in the permit application. Lakeland has again reviewed the list of activities proposed by the FCG as trivial and has determined that the emissions from these activities are so insubstantial that the activities should be considered "trivial." If the Department disagrees with this determination, please contact Lakeland immediately.

68. ***Consultation***--Condition 4 from Appendix TV-1, Title V Conditions, regarding consultation with Department personnel prior to submitting a permit application does not impose any enforceable requirements on the permittee and should not be included as a permit condition. The Department's draft response indicates that it is appropriate to include in the permit because the language is quoted from the Department's rules. Because this condition does not establish any enforceable requirements, however, Lakeland again requests that this condition be deleted and asks that the Department clarify that this condition does not impose any enforceable requirements on the permittee.

86. ***Circumvention***--Lakeland would like to again request that Condition 26 of Appendix TV-1, Title V Conditions, be identified as applying *only* to Emission Unit 008, since that unit is the only one with pollution control equipment. If the permit condition language is not revised, Lakeland requests that the Department confirm that the condition applies only to Emissions Unit 008 in separate correspondence. Because the other emission units at the Larsen facility do not include pollution control equipment, this condition should not apply to those units.

98. ***CFC Requirements***--Because Lakeland does not service motor vehicle air conditions at the Charles Larsen Memorial Power Plant, the requirements under Chapter 62-281, F.A.C., should be deleted from the permit. The references to the requirements for non-motor vehicle air conditioners under 40 CFR 82 Subpart F should be limited to only 40 CFR § 82.154(a) and 82.166(k) and (m).

Confirmation on Suggested Resolution

Based on the Department's draft response and based on discussions at the January 9 meeting, Lakeland would like to confirm its understanding of how several of its comments are to be resolved. If Lakeland's understanding of how any of the following comments are to be resolved is inconsistent with how the Department intends to issue the revised draft permit, please contact us immediately.

2. ***Federal Enforceability***--Lakeland understands that the Department has developed a new guidance document to replace DARM-PER/V-18 issued on September 13, 1996, regarding the federal enforceability of permit conditions. We understand that the new guidance document indicates that conditions that have no federally enforceable basis will be designated as such in the permit. We also understand that the Department does not intend to include Condition 1 regarding the federal enforceability of all permit terms and conditions. We agree that Condition 1 should be deleted and that conditions with no federally enforceable basis should be so designated consistent with 40 CFR § 70.6(b), and we would like to confirm the Department's approach on this issue.

4. ***Fugitive VOC Emissions***--Department representatives indicated at the meeting that the provision in draft Condition 8 regarding volatile organic compound (VOC) emission controls requiring storage of paint solvents and thinners in "weather-tight buildings" would be deleted from the permit if Lakeland revised the second page of "Attachment LR-FE-5 Fugitive Emissions Identification" in the Title V permit application. Accordingly, Lakeland hereby submits a revised "Attachment LR-FE-5 Fugitive Emissions Identification" for the Title V permit application with the understanding that the requirement to store solvents and thinners in "weather-tight buildings" will be deleted from the permit conditions. (Revised pages included as part of Attachment B to the cover letter.)

7. ***Startup Fuels***--Department representatives stated at the meeting that propane and distillate fuel oil would be added as startup fuels for Emission Units 003 and 004 (in Conditions A.1. and B.1.) if Lakeland submitted segment information for such fuels and stated that there would be no net emissions increase as a result of using these fuels. Because these fuels have a lower sulfur content than the residual oil that these units are permitted to burn, no emission increases are expected from the use of these fuels. Based on the Department's request for additional information, Lakeland submits as an attachment to this submittal additional segment information pages for both propane and distillate oil for Emission Units 003 and 004, with the understanding that the revised draft permit will include these fuels in Conditions A.1. and B.1. as allowable fuels. (Supplemental pages included as part of Attachment B to the cover letter.)

10., 51., and 52. ***PM testing on Gas/Oil***--Lakeland again requests that Conditions A.12. and B.12., along with Table 2-1 for Emission Units 003 and 004, be revised to clarify that compliance testing for particulate matter is not required while firing natural gas. Lakeland also requests that these conditions and the Table be revised to clarify that no particulate matter compliance testing is required when oil is fired for less than 400 hours per year. The Department has not historically required particulate matter compliance testing while firing natural gas, it is not required under the current permits for these units, and it should not be necessary since natural gas is such a clean fuel. Typically only *de minimis* 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. As explained in the letter from Environmental Science & Engineering, Inc., dated January 17, 1997, attached hereto as Attachment 1, stack testing for particulate matter while firing natural gas requires a much greater sampling time because the detection is so low due to the relatively insignificant emissions. Because of the longer sampling time, the costs for such tests are even more expensive than for testing on oil. As also stated in that letter, typical natural gas particulate matter emission rates can vary from approximately 0.001 to 0.01 lb/mmBtu, and are generally around 0.004 lb/mmBtu. Because emissions from natural gas are so far below the standard of 0.1 lb/mmBtu, annual compliance testing should not be required.

At the January 9, 1997, meeting, Department representatives indicated that particulate matter testing while firing natural gas was required under the Department's rules and they were therefore unwilling to change the permit condition language as requested by Lakeland. Department representatives suggested that Lakeland could instead pursue an alternative test procedure under Rule 62-297.620, F.A.C., to allow a visible emissions test to be used in lieu of a stack test for determining compliance with the particulate matter limit. While certainly a visible emissions test would be preferable over a stack test, neither of these tests should be needed to demonstrate compliance with the particulate matter limit of 0.1 lb/mmBtu while burning natural gas. Lakeland understands, based on the meeting between the Department and the FCG, that the Department agrees that compliance testing for particulate matter from natural gas firing is inappropriate, but feels bound by its current rules. We further understand that the Department may be willing to waive *annual* testing and to instead include a permit condition stating that testing must be conducted at least once prior to permit renewal until its rules can be revised to clarify that compliance testing for particulate matter while firing natural gas is not required. We understand that this rule change would be made with the next year or so. It is apparently the Department's intention to revise Title V permits issued prior to adoption of the rule to effectively negate the actual requirement to conduct particulate matter tests for natural gas. This approach is acceptable to Lakeland, and we request that Conditions A.12. and B.12. along with Table 2-1 be revised accordingly.

12. ***Fuel Sampling Requirements***--At the meeting, Department representatives indicated that in lieu of as-fired fuel sampling and analysis requirements, Lakeland could accept a 2.5 percent sulfur content limit on the fuel used in Units 003 and 004 along with a requirement to maintain vendor or other data indicating the sulfur content of fuel shipments received. Lakeland will agree to a 2.5 percent sulfur content limit on the residual oil used in Units 003 and 004 with the

understanding that compliance with such a sulfur content limit will be used in lieu of demonstrating compliance with an emissions limit of 2.75 pounds per million Btu of sulfur dioxide *and* that compliance with the sulfur content limit may be demonstrated based on vendor data for shipments received by Lakeland. Revised page 29's regarding sulfur dioxide emissions for Emission Units 003 and 004 are included with this submittal to request the sulfur content limit and to indicate the method of demonstrating compliance. (Revised pages included as part of Attachment B of the cover letter.) (This approach was suggested by Department representatives even though the draft response states otherwise.)

13. ***Transmissometer***--At the meeting, Department representatives confirmed that even though the permit language was not being changed in Conditions A.15. and B.15., it was the permittee's option as to whether to use a transmissometer to determine opacity for compliance purposes.

17. ***Quarterly Excess Emissions Reports***--Conditions A.21. and B.20. require quarterly excess emissions reporting. Based on discussions between the Department and FCG representatives, we understand that quarterly excess emissions reporting under Rule 62-296.405(1)(g) is required *only* for monitoring used to determine compliance with limits established under Rule 62-296.405(1), F.A.C. Lakeland therefore requests that Conditions A.21. and B.20. be revised to clarify that the only monitoring results that must be submitted in these quarterly excess emissions reports are from the fuel sampling and analysis required for Emission Units 003 and 004. Lakeland also wants to confirm its understanding that quarterly reports must *only* be submitted to the Department for quarters where monitoring data indicates that an exceedance of an emissions limit has occurred. If the monitoring data does not indicate such an exceedance, no report will be filed. If Lakeland's understanding of how Rule 62-296.405(1)(g) is to be implemented is incorrect, please let us know immediately.

18. ***Vendor Data***--At the meeting, Department representatives indicated that vendor data would be accepted and that Condition C.7. would be revised to not require as-fired fuel sampling and analysis but instead allow vendor data to be used to demonstrate compliance with the sulfur content limit. Even though the draft response states otherwise, the Department apparently intends to revise this condition based on our discussions at the meeting.

19. ***VE Testing Requirements***--While the language in Condition C.9. is not being changed, Department representatives confirmed at the meeting that the only emissions test required for Emission Units 005, 006, and 007 is a visible emissions test. The representatives further confirmed that a visible emissions test on a unit is not required during years when the unit operates less than 400 hours per year, although a test must be conducted at least once every five years prior to permit renewal. While this language is included along with several other testing provisions, Lakeland believes it would be much easier to understand the applicable testing requirements if the rule was rewritten as suggested to eliminate the *inapplicable* provisions.

20. ***Compliance Testing on Peaking Units***--While the current permit for Emission Units 005, 006, and 007 requires that compliance testing be conducted while the units operate at 90 to 100 percent of the maximum permitted heat input rate and does not mention the use of heat input curves based on ambient conditions, Lakeland has considered the Department's suggested language in the draft permit and agrees that it would be appropriate to use heat input curves. The permit application form is being revised with a new page 20 for these emissions units to address heat input and the use of heat input curves (included as part of Attachment B to the cover letter).

29. ***Water-to-Fuel Ratio***--As discussed during the meeting, water-to-fuel injection equipment has already been installed and is being operated for Emission Unit 008. Lakeland would like to confirm that this equipment has already been approved by the Administrator as required under Condition D.16. Lakeland understands that if the equipment is modified or replaced, additional approval may be required.

30. ***Daily Sampling of Gas***--Consistent with discussions during the meeting, EPA and the Department have approved a customized fuel monitoring schedule for natural gas for Emission Unit 008 and therefore the daily fuel sampling and analysis under paragraph (2) of Condition D.17. is *not* required. Lakeland would like to again state that this clarification would be helpful to include in the actual permit language.

32. ***Custom Fuel Monitoring Schedule***--Department representatives stated at the meeting that the custom fuel monitoring schedule that was approved in December of 1995 for Emission Unit 008 (which is subject to New Source Performance Standard Subpart GG) would be updated as requested if the Responsible Official certified that the monitoring that was conducted twice monthly for six months beginning in December of 1995 showed little variability in the sulfur content and indicated compliance with 40 CFR § 60.333. Such a certification from the Responsible Official regarding the initial monitoring results is included as part of Attachment B to the cover letter. Lakeland understands that the schedule included in Condition D.18. will therefore be updated as requested in the revised draft permit.

36. ***Compliance Testing on Emission Unit 008***--While the current permit for Emission Unit 008 requires that compliance testing be conducted while the unit operates at 90 to 100 percent of the maximum permitted heat input rate and does not mention the use of heat input curves based on ambient conditions, Lakeland has considered the Department's suggested language in the draft permit and agrees that it would be appropriate to use heat input curves. The permit application form is being revised with a new page 20 for

this emissions unit to address heat input and the use of heat input curves, and the new page is included as part of Attachment B to the cover letter.

38. ***Semi-Annual Reporting***--At the meeting, Department representatives confirmed that only semi-annual excess emissions reports regarding water-to-fuel injection rates are required to be submitted under Conditions D.30. and D.31.; quarterly reports are not required. Lakeland would like to again request that this clarification be made in the actual permit language.

39. ***Summary Report "Formats"***--As confirmed by Department representatives at the meeting, no other "formats" for the summary reports are currently required under Condition D.32.

47. ***Equivalent Emissions***--Department representatives confirmed at the meeting that the "equivalent emissions" in Table 1-1 are not intended as enforceable emission limits and are provided for informational purposes only. Lakeland again requests that this information be deleted as unnecessary and potentially confusing. If the information is included in the revised draft permit, Department representatives indicated that the footnote stating that the information was listed for "annual fee purposes" would be revised to indicate that the information was being provided for "informational purposes only," omitting any reference to fee purposes.

50. ***VE Testing on Gas***--At the meeting, Department representatives agreed to revise the fuels column for visible emissions testing in Table 2-1 to indicate that the testing should be conducted while firing oil, unless oil is not fired that year. If oil is not fired during a particular year, the visible emissions testing should be conducted while firing natural gas. Testing is not required on both fuels during a particular year. Table 2-1 is to be revised to reflect this.

69. and 77. ***Permit Shield***--Department representatives agreed at the meeting to include additional language in Conditions 5 and 20 of Appendix TV-1, Title V Conditions, to clarify that these conditions apply "except as provided under Section 403.0872(15), Florida Statutes, and Rule 62-213.460, F.A.C." Lakeland believes that it would be better to omit these conditions in their entirety. To the extent that such conditions are included, the exception language referencing both the statute and rule provisions regarding the permit shield should be included.

71. and 76. ***APA Revisions***--Department representatives indicated that Conditions 13 and 18 of Appendix TV-1, Title V Conditions, would be revised to be consistent with the recent revisions to Florida's Administrative Procedures Act (APA) under Chapter 120, Florida Statutes. These changes should be made prior to issuance of the final permit, regardless of the status of the rules implementing the APA.

74., 75., 78., and 81. ***Construction Permit Requirements***--Department representatives confirmed that the construction permit and new source requirements in Conditions 15, 16, 20 and 23 of Appendix TV-1, Title V Conditions, do not currently apply to the Charles Larsen Memorial Power Plant. It is only because these requirements could apply in the future if a "modification" is triggered at the facility that the permit conditions are being included in the Title V permit as applicable requirements.

92. ***Monitoring Reports***--Lakeland requests that the Department confirm that the actual monitoring reports that are required for the facility are specified at the emissions unit level and that no other reports are required based on Condition 45 of Appendix TV-1, Title V Conditions. The Department's draft response states only that the "type of required monitoring reports are specified at the Emissions Unit level." Lakeland would simply like to confirm that this condition does not impose any additional reporting requirements.

(No Prior Number) Concern Regarding EPA Comments on Excess Emissions--By letter dated December 5, 1996, the U.S. Environmental Protection Agency (EPA) submitted a letter commenting on the draft Title V permit issued for Lakeland's Charles Larsen Memorial Power Plant. In Comment No. A.2., EPA indicates some concern regarding the excess emission provisions in Conditions A.7.-A.10, B.8.-B.10., C.5.-C.6., and D.13.-D.14. Because the permit conditions cited simply quote the applicable provisions of the Departments rules (Rule 62-210.700, F.A.C.) and because these rules have been approved as part of Florida's State Implementation Plan, the permit conditions are appropriate to be included in the permit. Lakeland concurs with the Department's position that the provisions of Rule 62-210.700, F.A.C., should be included in the permit as applicable requirements. If further comments are submitted by EPA, please let us know.

Issues Resolved or No Further Comments

Based on the Department's "draft" response and discussions at the January 9 meeting between representatives of the Department and Lakeland, Lakeland has no further comments regarding paragraphs 1, 3, 5, 8, 9, 11, 14, 15, 16, 21, 22, 23, 24, 26, 27, 28, 31, 35, 41, 42, 43, 44, 45, 46, 48, 53, 54, 55, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 70, 72, 73, 79, 80, 82, 83, 84, 85, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, or 99 of the December 2 submittal.

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ATTACHMENT A-1

Lakeland Electric & Water Utilities
Charles Larsen Memorial Power Plant

Environmental
Science &
Engineering, Inc.
A CH2M HILL Company

January 17, 1997

Mr. John Guisseppi
City of Lakeland Utilities
McIntosh Power Plant
3030 E. Lake Parker Dr.
Lakeland, FL 33801
PH: (941) 499-6666
FAX: (941) 499-6683

RE: Particulate Matter Testing from Natural Gas Firing in Boilers

Dear John:

Pursuant to our discussion yesterday, I am providing the following information regarding testing Boilers #1, #2, and #7 while firing natural gas.

The first issue to consider is what the data will be used for. For example, is it necessary to demonstrate compliance with the emissions standard or is precise quantitation of the actual emission rate required. In order to demonstrate compliance, we would conservatively estimate the detection limits of the method and then compare this to the standard in the appropriate units. We would target a sample volume (and therefore sampling time) based on achieving a detection limit at least ten times lower than the emissions standard (more is better). For exact quantitation of the emissions rate, we would estimate the actual emissions rate based on previous experience and emissions factors and target the detection limits to be at least ten times lower than this value. Generally, this approach requires much greater sampling time, and, providing the emissions are sufficiently low, has a diminishing point of returns. My understanding is that the data from these tests will primarily be used for demonstration of compliance. Based on a typical oxygen concentration of 8%, a one hour test run will have practical detection limits of approximately 0.0008 lb/MMBtu. Each additional hour of sampling will decrease this margin proportionally, for example a two hour run would have detection limits of 0.0004 lb/MMBtu, a three hour run of 0.00027 lb/MMBtu, etc. As the detection limit decreases, the variablilty of the results will also decrease and the reliability of the test values will increase.

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P.O. Box 1703 Gainesville, FL 32602-1703 Phone (904) 332-3318 Outside FL (800) 874-7872 Fax (904) 332-0507

I would generally recommend a test duration of at least two hours for natural gas testing. For more accurate quantitation, longer tests could be conducted, but may not be economically justifiable.

Typical natural gas particulate matter emission rates can vary from approximately 0.001 to 0.01 lb/MMBtu, and are generally around 0.004 lb/MMBtu.

Either Method 17 or Method 5 could be used for the testing. Both techniques have advantages and disadvantages. In Method 17, the sample exposed surfaces are generally stainless steel, which in some cases can corrode and leave a slight residue. The Method 5 sample surfaces are primarily glass, but require more acetone rinse and consequently can be biased more due to acetone rinse blank problems. We generally are able to avoid both of these problems by using the highest purity acetone available (HPLC grade) and by carefully choosing the filter holders we use for the Method 17 sampling. Unless it were a very high temperature environment, I think the techniques are both acceptable if properly performed. In the interest of minimizing contamination, I think Method 5 is a slightly better choice. We would not charge additional to substitute Method 5 for Method 17.

The cost of performing three natural gas particulate tests at two hours each, is the same as conducting six runs on oil at 1 hour each (ie 3 soot and 3 non-soot). The price for conducting six two hour test runs (which adds a day to the testing) is an additional $1,200 from the normal particulate matter test price (ie Unit #1 compliance).

If you have any additional questions regarding the testing, please do not hesitate to call me at (352)-333-6606.

Sincerely,

ENVIRONMENTAL SCIENCE & ENGINEERING, INC.

Bill

Bill Mayhew
Chemical Engineer
Manager, Source Testing

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Certification Regarding Sulfur Content of Natural Gas

On December 18, 1995, the Florida Department of Environmental Protection issued a revised PSD permit (PSD-FL-166) for the Charles Larsen Memorial Power Plant Unit No. 8 (Emission Unit 008 in the draft Title V permit). In that revised PSD permit, a customized fuel monitoring program, previously approved by the U.S. Environmental Protection Agency, was authorized in lieu of the daily fuel monitoring requirements under 40 CFR ' 60.334(a)(2). That revised PSD permit stated that once the customized fuel monitoring schedule was approved, sulfur content monitoring of the natural gas used in Unit No. 8 must be conducted twice monthly for six months. If that monitoring showed little variability in the sulfur content and indicated consistent compliance with 40 CFR 60.333, then sulfur monitoring was to be conducted once per quarter for six quarters. Consistent with the revised permit condition, beginning on 12/15/95, the sulfur content of the natural gas was monitored twice monthly for six months and ranged from 0.3 to 6.2 grains per 1000 cubic feet of gas. Because there was such little variability in the sulfur content of the gas and because the sulfur levels were so far below the New Source Performance Standard under Subpart GG, limiting the sulfur content to 0.8 percent by weight, monitoring has been conducted once per quarter since July of 1996. Consistent with the customized fuel monitoring schedule, Lakeland intends to continue monitoring quarterly for six quarters. Lakeland has requested that the Department simply update the customized fuel monitoring schedule included in the Title V permit to include the current monitoring status.

Ronald W. Tomlin Date: Feb. 07, 1997

Ronald W. Tomlin
Assistant Managing Director
Lakeland Electric & Water Utilities

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FLORIDA ELECTRIC POWER COORDINATING GROUP, INC. (FCG)
405 REO STREET, SUITE 100 • (813) 289-5644 • FAX (813) 289-5646
TAMPA, FLORIDA 33609-1004

MAY 16 1996

May 15, 1996

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MAY 15 1996
BUREAU OF
AIR REGULATION

VIA HAND DELIVERY

Howard Rhodes, Director
Division of Air Resources Management
Florida Department of Environmental Protection
Magnolia Park Courtyard
Tallahassee, FL 32301

RE: Categorizing Trivial Activities

Dear Howard:

The Florida Electric Power Coordinating Group, Inc. (FCG) is submitting this letter to convey its understanding and intent regarding the categorizing of "trivial activities" at air emission facilities. As you know, the FCG is a nonprofit association of 36 investor-owned, municipally-owned, and cooperatively-owned electric utilities engaged in the business of providing a great majority of electric power to the public in the state of Florida. The FCG appreciates the Department of Environmental Protection's (DEP) issuance of guidance on this topic -- DARM-PER/V-15 -- which adopted EPA's July 10 "White Paper" list of trivial activities and stated that "these activities are [to be] treated as if they emit no air pollutants." Because EPA specifically described its White Paper list as a "starter list," the FCG understands that there are other activities that are appropriate for categorization as trivial and intends to not include such activities in Title V applications based on this categorization.

In previous comment letters, the FCG requested that the concept of trivial activities (as well as a specific list of such activities) be incorporated into Florida's regulations. Because DEP had reservations about this approach, however, the FCG agreed that guidance could be issued to accomplish basically the same goal, as long as either a comprehensive list of trivial activities was included in the guidance, or common sense could be used to exclude similar activities. DEP included only the limited EPA "starter list" in DARM-PER/V-15. Rather than specifically request the addition of numerous other activities to DEP's list, and burden DEP and industry with continually updating it, the FCG is simply conveying its intention to exclude additional trivial activities from the Title V process, based on a reasonable interpretation of what constitutes a trivial activity – e.g., activities with no unit-specific applicable requirements and very minimal, if any, regulated air pollutant emissions. DEP representatives specifically affirmed this understanding and approach at the "Phase V" Permit Simplification workshop on March 26, 1996. For purposes of illustration, the FCG is including a non-exclusive list of activities it considers to be "trivial" and thus excludable from Title V applications, that are not included in DEP's list. (Attachment A). As you can see from the attached list, while it is

possible that minute quantities of regulated air pollutants, such as PM or VOCs, could be emitted from such activities, the quantities would be extremely small, and likely unquantifiable.

Because the FCG understands that this is a reasonable and previously agreed upon approach regarding a common sense issue, specific rule amendments should not be necessary, although clarification of DARM-PER/V-15 would certainly be acceptable to the FCG. To the extent an emissions unit or activity cannot be categorized as trivial, either because it is not included in DEP's guidance or has potential emissions exceeding a reasonable understanding of trivial, such units and activities will be included in the Title V process as exempt, unregulated, or regulated.

Similarly, because trivial activities are treated as if they have no air emissions, such activities should be excluded from all state air permitting requirements, not just Title V. DARM-PER/V-15 is currently limited to Title V permitting, although when DEP establishes a *de minimis* emission threshold for emissions units and activities below which state permitting would not be required, in accordance with its expressed intention, this issue should be moot. Therefore, as long as DEP incorporates an appropriate *de minimis* exemption into Florida's rules during "Phase V" of the Permit Simplification rulemaking proceeding, the FCG does not feel compelled to pursue this issue in the context of DARM-PER/V-15.

Thank you for your attention to this matter. As always, the FCG appreciates DEP's cooperation regarding the implementation of Florida's air rules. If you have any questions or wish to discuss this letter further, please contact me at (904) 632-6247.

Sincerely,

Robert Manning

for Bert Gianazza, Chair
FCG Air Subcommittee

cc: Clair Fancy, DEP
Pat Comer, Esq., DEP
John Brown, DEP
Larry George, DEP
FCG Air Subcommittee
Robert Manning, HGSS

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ATTACHMENT A

EXAMPLES OF TRIVIAL ACTIVITIES THAT ARE NOT INCLUDED IN DARM-PER/V-15 INCLUDE:

(a) Freshwater/reuse water cooling towers.
(b) Cooling ponds.
(c) Coal pile runoff ponds.
(d) Venting for storage rooms, transformer vaults and buildings, maintenance and welding buildings, operating equipment, degasifiers, dearators, decarbonators, air blowers, evacuators, air locks, feedwater heaters, generators and turbine cooling.
(f) Maintenance of transformers, switches, switchgear processing, and venting (including cleaning and changing).
(g) Nitrogen caps used during steam generator boiler shutdown.
(h) Transfer sumps.
(i) Firefighting training facilities.
(j) Waste accumulation and consolidation in 55-gallon drums (or smaller) that are closed when not in use.
(k) Nuclear gauges used for the purpose of process monitoring.
(l) Oil/water separators.
(m) Storage and use of chemicals solely for water/wastewater treatment.
(n) Neutralization basins/ponds, ash pits/ponds, totally enclosed treatment facilities, ENU, percolation ponds.
(o) Storage of materials in sealed containers.
(p) Residual oil tanks and piping system vents and relief valves.
(q) Lube oil tanks and piping system vents and relief valves.
✓ (r) Steam system vents.
(s) Boiler water treatment chemical systems.
(t) Water treatment equipment and chemicals.
(u) Wastewater treatment equipment and basins.
(v) Instrument air system vents and relief valves.
(w) Service water system vents and relief valves.

MEETING SIGN-IN SHEET

NAME	AGENCY/COMPANY NAME	PHONE #
JOHN BROWN	DARM	904 /488 1344
Scott Sheplak		
Clair Fancy		
Bruce Mitchell		
Ed Svec		
Jim Pennington		
PAT COMER	OGC	904 488-9730
KARL BAUER	CITY OF TALLAHASSEE	(904) 891-8851
Bert Gianazza	JEA	(904) 632-6247
Scott OSBAUER	FLORIDA POWER CORP.	(813) 866-5158
Angela Morrison	Fla Elec Power Coord. Group, Inc. /Hass	904-425-2358
RICHARD PIPER	FLORIDA POWER & LIGHT	561 625 7661

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
100 ALABAMA STREET, S.W.
ATLANTA, GEORGIA 30303-3104

cc: Clair, Pat Comer
John B.
from: Howard 12/4

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DIVISION OF AIR RESOURCES MANAGEMENT

4APT-ARB

Mr. Howard L. Rhodes, Director
Division of Air Resources Management
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

SUBJ: Title V Permitting Formats

Dear Mr. Rhodes:

We have reviewed the title V permitting formats forwarded to us by your office on October 1, and October 9, 1996, and would like to offer the following comments:

1. **Draft Permit:** Item 1 of section II indicates that all terms and conditions of the permit are enforceable by EPA and citizens under the CAA. However in the same section, and in Appendix TV-1, the State indicates that permit writers may identify items within the permit that "have no federally enforceable basis." The contents of 40 CFR section 70.6(b)(2), clearly allow the permitting authority to "specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or any of its applicable requirements." It seems contradictory that in one section of the permit the State deems the entire permit "federally enforceable," and, in another section, the State is identifying several of the conditions as not having a federally enforceable basis. We request that the State clarify the intent of these conditions.

2. **Appendix TV-1:** Condition no. 2 exempts from permitting requirements "any existing or proposed installation which the Department shall determine does not or will not cause the issuance of air contaminants in sufficient quantity ...." Also, the condition states that "Such determination may be revoked if the installation is substantially modified...." We are uncertain as to how the State evaluates such activities and are concerned with how the term "substantially modified" may be used, since it could potentially impact the requirements of title V and other Federal programs. We recommend that the State either delete this item or modify the condition to better define it's scope.

3. **Appendix TV-1:** Condition 12, which establishes the meaning of "immediate notification," is labeled as having no enforceable basis. We consider this condition to satisfy the requirements of 40 CFR section 70.6(a)(3)(iii)(B), which requires the permitting authority to define prompt reporting of deviations from any permit requirements. This issue was discussed in detail in the Federal Register notice (60 FR 32292) proposing interim approval of the State's title V program. Since this condition is related to condition no. 11, which outlines the procedures to report a non-compliance episode, we consider this condition to be federally enforceable. Therefore, the State should remove the language that says that the condition has no federally enforceable basis.

4. **Appendix TV-1:** Condition no. 58, is labeled as having no federally enforceable basis. In our review of previous drafts of these general conditions, we had considered this condition as satisfying the requirements of Section 608 (title VI) of the Act. Since it is now labeled as not federally enforceable, the State needs to incorporate the requirements of title VI in the permit. A draft guidance memorandum that contains suggested language to satisfy this condition is enclosed.

5. **Letter requesting additional information:** The State may want to add some language in the last paragraph warning the applicant that failure to comply with the request will render the application incomplete.

We appreciate the opportunity to review Florida's permitting formats. This type of review facilitates the permit review process by allowing the Region to identify issues outside of EPA's official review period, thus reducing the number of changes that may be needed once a permit has been proposed. If you have any questions or need additional information, please contact Gracy R. Danois at (404) 562-9119.

Sincerely,

Douglas Neeley

R. Douglas Neeley
Chief
Air and Radiation
Technology Branch

Enclosure

Part 70 defines as an applicable requirement, "Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit." (40 CFR 70.2(11))

- As of the date of this memo, the Administrator has not determined that any Title VI requirements need not be contained in Title V permits; however, the proposed revisions to Part 70 published at 59 FR 44460 (August 29, 1994) would narrow the definition of applicable requirements so that no Title VI requirements except those promulgated pursuant to sections 608 and 609 of the Act would have to be contained in the permit.

- Therefore, under part 70 as currently promulgated, fully approvable State programs must not have restrictions within their legislative authority and implementing regulations which would prevent incorporation of all Title VI applicable requirements in Title V permits. Interim approval is available for States which do not have authority to include Title VI requirements in Title V permits, but which otherwise substantially meet the requirements of part 70 (see 40 CFR 70.4(d)).

II. DRAFT PERMIT APPLICATION LANGUAGE

A. Sources should generally list activities which are subject to regulation under Title VI on the permit application.

- 40 CFR 70.5(c) provides that permit applications must include sufficient information needed to determine the applicability of, or to impose, any applicable requirement. Title VI requirements apply to all air conditioning and refrigeration units containing ozone-depleting substances regardless of the size of the unit or of the source.

- However, Title VI appliances such as refrigerators and small air conditioners would not need to be described in the same manner as other emissions units in the permit application as required under 70.5(c)(3)(ii). Plot diagrams, descriptions of each unit or separate emissions unit identification numbers would not be necessary for these units. Instead, the permitting authority (and EPA) may need to know whether any such units exist in the facility in order to verify that the appropriate applicable requirement is incorporated in the Title V permit.

- Sources with units above 50 pounds of charge have extra recordkeeping requirements under Title VI. Therefore,

Version #5 3/13/95

MEMORANDUM

SUBJECT: Title V-Title VI Interface Guidance for States

FROM: Lydia Wegman, Deputy Director
Office of Air Quality Planning and Standards

David Lee, Chief
Program Implementation Branch
Office of Stratospheric Ozone Protection

TO: Director, Air Division, Regions I-X

The purpose of this memorandum is to assist EPA program reviewers to evaluate the Title VI portion of air operating permit programs submitted by state and local air permitting authorities to EPA for approval under 40 CFR Part 70. This memo is also intended to help permitting authorities draft and evaluate permit applications and to write Title V permits for sources which are subject to regulations promulgated pursuant to Title VI of the Clean Air Act. This memo sets out how Title V permits can incorporate the Title VI applicable requirements with a minimum of detail, while conferring the advantages of having all applicable requirements in the operating permit. Our goal is to allow states to write permits which confer maximum operational flexibility for most modifications and additions of equipment that are subject only to Title VI requirements.

The intent of this memo is not to provide a prescriptive list of permit terms and conditions that permitting authorities must use. States and locals may have already worked out with their Regional EPA office an acceptable method for incorporating Title VI requirements in Title V permits. Nevertheless, EPA believes the following language is a useful model for permitting authorities to use in determining what Title VI requirements are applicable to Title V sources and incorporating the appropriate Title VI permit term and condition into Title V permits.

I. APPROVABILITY OF CURRENT TITLE V PROGRAM SUBMITTALS

Part 70 requires states to be able to issue permits that assure compliance with all applicable requirements in order to have a fully approvable Title V program. Most states have broad enabling legislative authority which allows them to include Title VI conditions in Title V permits. For these states, a commitment to issue permits which reflect Title VI conditions is adequate in most cases for Part 70 program approval. States without proper legal authority to incorporate Title VI requirements in Title V permits must obtain that authority prior to issuing a permit with Title VI conditions.

the permitting authority should ensure that the units which exceed this threshold are listed in the permit application in order to incorporate the appropriate Title VI applicable requirement for these sources.

- Finally, Title V sources that maintain fleets of cars serviced by employees may need to list this information in the application.

B. Model Application Language:

* Does your facility have any air conditioners or refrigeration equipment that uses CFCs, HCFCs or other ozone-depleting substances? ____yes _____no

* Does any air conditioner(s) or any piece(s) of refrigeration equipment contain a refrigeration charge greater than 50 lbs? ___yes ____no (If the answer is yes, describe what type of equipment and how many units are at the facility.)

* Do your facility personnel maintain, service, repair or dispose of any motor vehicle air conditioners (MVACs) or appliances ("appliance" and "MVAC" as defined at 82.152)? ___yes ___no

* Cite and describe which Title VI requirements are applicable to your facility (i.e. 40 CFR Part 82, Subpart A through G.)

_____

_____

_____

III. DRAFT PERMIT LANGUAGE FOR TITLE VI APPLICABLE REQUIREMENTS

Most Part 70 sources will have at least some air conditioners, chillers and refrigerators. These units will almost certainly be subject to Title VI applicable requirements. Other Title VI-regulated activities at part 70 sources include disposal of air conditioners or maintenance/recharging/disposal of motor vehicle air conditioners (MVAC).

The following are suggested permit conditions:

1. The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:

   a. All containers containing a class I or class II substance is stored or transported, all products containing a class I substance, and all products

directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to § 82.106.

b. The placement of the required warning statement must comply with the requirements pursuant to § 82.108.

c. The form of the label bearing the required warning statement must comply with the requirements pursuant to § 82.110.

d. No person may modify, remove, or interfere with the required warning statement except as described in § 82.112.

2. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for MVACs in Subpart B:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to § 82.156.

b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to § 82.158.

c. Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to § 82.161.

d. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to § 82.166 ("MVAC-like appliance" as defined at § 82.152)

e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to § 82.156.

f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to § 82.166.

3. If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, Subpart A, Production and Consumption Controls.

4. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

5. The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, Subpart G, Significant New Alternatives Policy Program.

EPA anticipates that language similar to items 2.a., 2.b., and 2.c. of the suggested permit conditions above would need to be incorporated into every permit issued. The other permit conditions only need to be in the permit if the source is subject to those applicable requirements. In addition, if the part 70 revisions are promulgated in final form as proposed on August 24, 1994 (in other words, only requirements promulgated pursuant to sections 608 and 609 of the Act would have to be contained in the permit), only conditions similar to the permit conditions suggested at items 2 and 4 above would need to be included in the permit.

As noted earlier, states and regional offices may have developed other acceptable approaches for including Title VI requirements in Title V permits. Some states may wish to include more detail when drafting the Title VI permit conditions so that sources will have a better understanding of how to comply with their permit. Other states may prefer to draft permit conditions that are less specific then what is suggested in this guidance. In addition, some states may prefer to request very little information from sources in the permit application because the state plans to incorporate all of the suggested permit terms and conditions in all permits regardless of whether a source currently is subject to a specific Part 82 requirement or not. These and other methods are certainly acceptable and we urge states to work with regional offices on the approach that is most suitable to them for issuing permits that contain Title VI requirements.

FLORIDA ELECTRIC POWER COORDINATING GROUP, INC. (FCG)
405 REO STREET, SUITE 100 • (813) 289-5644 • FAX (813) 289-5646
TAMPA, FLORIDA 33609-1004

January 28, 1997

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: Comments Regarding Draft Title V Permits

Dear Mr. Fancy:

The Florida Electric Power Coordinating Group, Inc. (FCG), which is made up of 36 utilities owned by investors, municipalities, and cooperatives, has been following the implementation of Title V in Florida and recently submitted comments to you on draft Title V permit conditions by letter dated December 4, 1996. As indicated in that letter, representatives from the FCG would like to meet with you and other members of your air permitting staff to discuss some significant concerns that FCG member companies have regarding conditions that may be included in Title V permits issued by your office. While we will be discussing these issues with you and your staff in greater detail at that meeting, we would like to explain some of our concerns in this letter.

Primarily, the FCG members are concerned that the Title V permits may contain conditions that are much different in important respects than those conditions currently included in existing air permits. During the rulemaking workshops and seminars conducted by the Department to discuss the rules implementing the Title V permitting program, representations were made on several occasions that industry could expect to see permit conditions that were substantively similar to existing permit conditions and that primarily the format was changing. Representations were also made to industry that Title V did not impose additional substantive requirements beyond what was already required under the Department's rules. Based on the first draft Title V permit that we have reviewed, we are concerned that there may be some attempt to change the substantive requirements on existing facilities through the Title V permitting process, and we would like to discuss this with you at the meeting we have scheduled for January 30, 1997.

1. **Federal Enforceability**--The FCG has long been concerned about the designation of non-federally enforceable permit terms and conditions. We are concerned about this issue because the Department's first draft Title V permits have included language stating that *all* terms and conditions would become federally enforceable once the permit is issued. This approach is consistent with the Department's guidance memorandum dated September 13, 1996 (DARM-PER/V-18), but we understand that the Department may now intend to remove all references to

the federal enforceability of permit terms and conditions. We are also concerned about this approach because a Title V permit is generally federally enforceable and, without any designation of non-federally enforceable terms and conditions, the entire permit could be interpreted to be federally enforceable. As we stated in the December 4 letter as well as our letter dated October 11, 1996, all terms and conditions in a Title V permit do *not* become enforceable by the U.S. Environmental Protection Agency and citizens under the Clean Air Act simply by inclusion in a Title V permit. To make it clear which provisions in a Title V permit are not federally enforceable (which are being included because of state or local requirements only), it is very important to specifically designate those conditions as having no federally enforceable basis. Such a designation is actually required under the federal Title V rules, which provide that permitting agencies are to "specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements." 40 CFR § 70.6(b). We would like to discuss with you our concerns about this issue and to again specifically request that when Title V permits are issued by the Department, conditions having no federally enforceable basis clearly be identified as such.

2. **PM Testing on Gas**--The FCG understands that the Department may attempt to require annual particulate matter compliance testing while firing natural gas to determine compliance with the 0.1 lb/mmBtu emission limit established under Rule 62-296.405(1)(b), F.A.C. The FCG member companies feel strongly that compliance testing for particulate matter should not be required while firing natural gas. The Department has not historically required particulate matter compliance testing while firing natural gas, it is not required under the current permits for these units, and it should not be necessary since natural gas is such a clean fuel. Typically only *de minimis* 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. We understand that Department representatives suggested that industry could pursue an alternative test procedure under Rule 62-297.620, F.A.C., to allow a visible emissions test to be used in lieu of a stack test for determining compliance with the particulate matter limit. While certainly a visible emissions test would be preferable over a stack test, neither of these tests should be needed to demonstrate compliance with the particulate matter limit of 0.1 lb/mmBtu while burning natural gas. The FCG strongly urges that the Department reconsider its position on this issue and clarify that compliance testing for particulate matter while firing natural gas is not required.

3. **Excess Emissions**--By letter dated December 5, 1996, the U.S. Environmental Protection Agency (EPA) submitted a letter commenting on a draft Title V permit that had been issued by the Department and indicated some concern regarding excess emission provisions included in conditions that were quoted from Rule 62-210.700, F.A.C. Because the permit conditions cited simply quote the applicable provisions of the Department's rules regarding

excess emissions and because these rules have been approved as part of Florida's State Implementation Plan, the permit conditions are appropriate to be included in the permit. We understand that the Department intends to include as applicable requirements in Title V permit conditions the provisions of Rule 62-210.700, F.A.C. If the Department receives any further adverse comments regarding the excess emissions rule under 62-210.700, F.A.C., we would appreciate your contacting us. Because this issue is so important to us, we would like to discuss it with you in greater detail at our meeting on January 30.

4. **Compliance Testing for Combustion Turbines**--While the Department's November 22, 1995, guidance regarding the compliance testing requirements for combustion turbines clearly states that the use of heat input curves based on ambient temperatures and humidities is to be included as a permit condition *only* if requested by a permittee, we understand that the Department may intend to include this requirement in Title V permits for all combustion turbines. As we are sure you recall, the FCG worked over a period of several months with the Department on the development of the guidance memorandum and it was clearly understood by FCG members that the heat input curves would not be mandated but would remain voluntary for any existing combustion turbine. It was also understood by FCG members that the requirement to conduct testing at 95 to 100 percent of capacity would be required only if the permit applicant requested the use of heat input curves. We understand that the Department may be interpreting the requirement to use heat input curves and to test at 95 to 100 percent of permitted capacity to be mandatory for all combustion turbines. We would like to clarify this with you during our meeting. Also, we would like to confirm that, regardless of whether a combustion turbine uses heat input curves or tests at 95 to 100 percent of permitted capacity, it is necessary to test at four load points and correct to ISO *only* to determine compliance with the nitrogen oxides (NOx) standard under New Source Performance Standard Subpart GG under 40 CFR § 60.332 and not annually thereafter.

5. **Test Methods**--The FCG is concerned about the possibility of the Department requiring a full permit revision to authorize the use of an approved test method not specifically identified in a Title V permit, even though the Department may have separately approved the use of the particular test method for a unit (i.e., through a compliance test protocol). It is the FCG's position that language should be included in all Title V permits indicating that other test methods approved by the Department may be used. Further, a full permit revision (including public notice) should *not* be necessary when a test method not previously identified in the permit is approved for use by a unit. The Department's subsequent approval of test methods should simply be included in the next permit renewal cycle. The FCG understands that the Department planned to confirm this approach with the U.S. Environmental Protection Agency Region IV, and we would like to discuss this issue with you at the January 30 meeting to learn of the agency's response.

any creditable evidence.

6. Quarterly Reports--The FCG understands that the Department may be interpreting the quarterly reporting requirements under Rule 62-296.405(1)(g), F.A.C., to apply regardless of whether continuous emissions monitors were required under the preceding Rule 62-296.405(1)(f), F.A.C. It is the FCG's position that quarterly reports are required under Rule 62-296.405(1)(g) only when continuous emissions monitors are required under the preceding paragraph (f). While this may not be entirely clear from the language of the rules, paragraphs (f) and (g) were originally included in a separate rule on "continuous emission monitoring requirements" where it was very clear that the requirements of paragraph (g) applied *only* if continuous emission monitoring was required under paragraph (f). Research indicates that Rule 17-2.710, F.A.C. (copy attached), where these provisions were originally located, was first transferred to Rule 17-297.500, F.A.C. (which later became Rule 62-297.500), later repealed in November of 1994, and ultimately replaced with what is now Rule 62-296.405(1)(f) and (g), F.A.C. To the extent that an emissions unit is not subject to Rule 62-296.405(1)(f) and is not required to install and operate continuous emissions monitors (e.g., oil- and gas-fired units), the quarterly reporting requirements of paragraph (g) should not apply.

7. Trivial Activities--As you may recall, in May of 1996, the FCG submitted to the Department a list of small, *de minimis* emissions units and activities that it considered to be "trivial," consistent with the list developed by EPA as part of the Title V "White Paper" and incorporated by reference by the Department in its March 15, 1996, guidance memorandum (DARM-PER/V-15-Revised). We never received a response from the Department and now understand that the Department may not have made a determination as to whether any of the emission units or activities on the list should qualify as "trivial." This is an important issue to the FCG because only "trivial" activities can be omitted from the Title V permit application and permit, and ultimately omitted from emission estimates in the annual air operation reports under Rule 62-210.370(3), F.A.C. The FCG remains hopeful that the Department will consider its request to determine that most, if not all, of the emission units and activities on the May, 1996, list to be "trivial." We would like to discuss a possible resolution of this issue with you and your staff at the January 30 meeting.

8. Permit Shield--The FCG continues to be concerned about the language in Conditions 5 and 20 of Appendix TV-1, Title V Conditions, which circumvents the permit shield provisions under Section 403.0872(15), Florida Statutes, and Rule 62-213.460, F.A.C. The FCG believes that these conditions should be deleted in their entirety. To the extent that the Department attempt to caveat the applicability of those conditions, the FCG believes that it is important to cite to not only the regulatory citation for the permit shield but the statutory citation as well.

Thank you again for considering the FCG's comments on the draft Title V permits. We very much appreciate the cooperation we have received from the Department throughout the

Title V implementation process, and we look forward to our meeting later this week. If you have any questions in the meantime, please call me at 561-625-7661.

Sincerely,

Rich Piper

Rich Piper, Chair
FCG Air Subcommittee

Enclosures

cc: Howard L. Rhodes, DEP
John Brown, DEP
Pat Comer, DEP OGC
Scott M. Sheplak, DEP
Edward Svec, DEP
FCG Air Subcommittee
Angela Morrison, HGSS

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12. The type, manufacturer and configuration of the sampling equipment used.

13. Data related to the required calibration of the test equipment.

14. Data on the identification, processing and weights of all filters used.

15. Data on the types and amounts of any chemical solutions used.

16. Data on the amount of pollutant collected from each; the sampling probe, the filters, and the impingers, are reported separately for the compliance test.

17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.

18. All measured and calculated data required to be determined by each applicable test procedure for each run.

19. The detailed calculations for one run that relate the collected data to the calculated emission rate.

20. The applicable emission standard, and the resulting maximum allowable emission rate for the source, plus the test result in the same form and unit of measure.

21. A certification that to the knowledge of the owner or his authorized agent, all data submitted is true and correct.

When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

Specific Authority: 403.061, F.S.
Law Implemented: 403.021, 403.031, 403.061, 403.087, F.S.
History: Formerly 17-2.07, 17-2.08, 17-2.121, 17-2.23, Revised 1-18-72, Amended 1-3-78, Amended and Renumbered 1-8-81, 11-1-81, Amended 1-12-81, 11-25-82, 9-21-84, 4-10-85, 4-23-85, 5-1-85, 10-20-86, 7-9-89, 8-30-89, 9-13-90, 12-31-91, 10-14-92.

17-2.710 Continuous Emission Monitoring Requirements.

(1) General Requirements for Fossil Fuel Steam Generators and Sulfuric Acid Plants. All owners or operators of an air pollutant source specified in Section 17-2.710(1) shall install, calibrate, operate and maintain a continuous

monitoring system for continuously monitoring the pollutants specified in Section 17-2.710(1) and (2). Complete installation and performance tests of continuous monitoring systems shall be completed no later than 18 months after adoption of this rule for existing sources. Sources issued construction permits after adoption of this rule shall have the systems installed prior to issuance of an operating permit. Installation may be completed at a later date if approved in writing by the Department. Performance specifications, location of monitor, data requirements, data reductions, reporting, and special considerations shall conform with the requirements in: C.F.R. 40, Part 51, Appendix P, July 1, 1976; C.F.R. Vol. 40 No. 194, October 6, 1975, and C.F.R. 40, Part 60, Appendix B, July 1, 1976, C.F.R. Vol. 40 No. 194, October 6, 1975, available from the Superintendent of Publications, U.S. Government Printing Office, Washington, D.C., and specifically incorporated as part of this rule, for existing sources and new sources. Any monitoring equipment purchased prior to adoption of this rule, is exempt from meeting test procedures specified in Appendix B. of Part 60 until October 1, 1981. Alternative procedures (as specified in 3.9, Appendix P, C.F.R. Vol. 40, No. 194, October 6, 1975) or Special Considerations (as specified in 6.0, Appendix P, C.F.R. Vol. 40, No. 194, October 6, 1975) may be approved in writing on a case-by-case basis by the Department. All of the above references which are available from the Superin tendent of Publications, U.S. Government Printing Office, Washington, D.C., are available for review at the District and Subdistrict Offices of this Department. For air pollutant and sources where the operator considers the operating procedures, location, or installation of continuous monitoring equipment to be impractical or impossible, any request for special consideration or alternate procedures shall be submitted within six (6) months from the adoption of this rule, to the District Office in which the source is located. The request must show that the requirements are impractical and/or impossible and that a proposed alternative will provide equivalent data. Sources scheduled to cease operations prior to January 1, 1984, shall be relieved from the requirements of this rule by providing evidence within eighteen (18) months from the adoption of this rule that the existing source will cease operations prior to January 1, 1984.

(a) Existing fossil fuel steam generators with more than 250 million BTU per hour heat input and with a capacity factor of greater than 30 percent for the latest year of record or as otherwise documented to the Department by the owner or operator, shall install continuous monitoring systems as set forth in Subsections 17-2.710(1)(a)1., 2., and 3. below. Any reactivated or previously exempted unit whose operated capacity factor for the previous six (6) months is greater than 30 percent must install continuous monitoring systems as set forth in Subsections (1)(a)1., 2., and 3. below, no later than twelve (12) months following the previous six (6) month period of achieving a capacity factor greater than 30 percent.

1. Opacity - All air pollutant sources as set forth in Subsection (1)(a) shall install continuous monitoring systems for monitoring opacity. Exempted are:

a. Sources burning only gas and/or oil which comply with the applicable state visible emission limiting standard without the use of

emission control equipment. This exemption may be voided by the Department when a facility has been found to be in violation of any visible emission limiting standard pursuant to administrative proceedings conducted pursuant to Chapter 120, Florida Statutes, or judicial proceedings after the effective date of this Rule. No later than ninety (90) days following the date an order establishing such violation becomes final and enforceable, the Department may require the owner or operator of such a source to submit a compliance schedule for installing continuous opacity monitoring systems. When such a schedule is approved by the Department, the source owner shall install the continuous monitoring systems in accordance with the schedule.

b. Any source of emission using a wet scrubber.

2. Sulfur dioxide – All air pollutant sources as set forth in Paragraph (1)(a) shall install sulfur dioxide continuous monitoring equipment on sources which have installed sulfur dioxide control equipment. Those sources not having an operating flue gas desulfurization device may monitor sulfur dioxide emissions by fuel sampling and analysis according to methods approved by EPA.

3. Nitrogen Oxides – All new air pollutant sources as set forth in Subsection (1)(a) with more than 100 million BTU per hour heat input shall during construction install continuous monitoring systems for monitoring nitrogen oxides.

4. Oxygen or carbon dioxide – A continuous monitoring system shall be installed at each air pollutant source, as set forth in Subsection (1)(a), where measurements of oxygen or carbon dioxide in the flue gas are utilized to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data to units of the emission limiting standards for proof of compliance as set forth in 17-2.600(5) and (6).

(b) Sulfuric Acid Plants – Plants greater than 300 tons per day production capacity, expressed as 100% acid, shall install continuous monitoring systems for the measurement of sulfur dioxide emissions for each sulfuric acid emission source.

(c) Where two or more sources as set forth in Subsection (1)(a) emit through a common stack, continuous monitoring systems, if required, shall be installed on each source prior to combination of the emission.

(2) Quarterly Reporting Requirements for Fossil Fuel Steam Generators and Sulfuric Acid Plants – The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Section 17-2.600(5) and (6) for each calendar quarter. The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of two (2) years.

(3) General Requirements – Kraft (Sulfate) Pulp Mills. Each owner or operator of a kraft (sulfate) pulp mill or tall oil plant shall install continuous monitoring systems for monitoring total reduced sulfur (TRS) emissions, or the performance of total reduced sulfur air pollution control systems as specified in this subsection.

(a) Straight kraft recovery furnaces, whether new or old design, cross recovery furnaces, lime kilns and calciners, shall be equipped with total reduced sulfur continuous emissions monitoring systems as specified in Rule 17-2.710(3)(b), F.A.C. All digester systems and multiple effect evaporator systems, shall be equipped with total reduced sulfur continuous emissions monitoring systems as specified in Rule 17-2.710(3)(b), FAC (Continuous Emission Monitoring), if a technology other than incineration is used.

(b) Continuous determination of total reduced sulfur emissions from stationary sources.

1. A total reduced sulfur continuous emissions monitoring system shall be installed, calibrated, certified and operated pursuant to all of the following provisions:

a. The continuous emissions monitoring system shall monitor and record the concentration of total reduced sulfur (TRS) emissions on a dry basis and the percentage of oxygen by volume on a dry basis.

b. The continuous emissions monitoring system shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

c. The continuous emissions monitoring system shall be located downstream of the control device such that representative measurements of process parameters can be obtained.

d. The continuous emissions monitoring system shall be located, installed and certified pursuant to the provisions of 40 CFR 60, Appendix B, Performance Specification 2 and Performance Specification 3, 48 FR 23610, May 25, 1983; and 40 CFR 60, Appendix B, Performance Specification 5, 48 FR 32986, July 20, 1983 which are adopted by reference. The exception is that the phrase "or other approved alternative" in 3.2 of Performance Specification 5 is not adopted. For the purposes of compliance testing and certification of continuous emissions monitoring systems, 40 CFR 60, Appendix A, Reference Method 16, July 1, 1983, and Method 16A, 50 FR 09579 (03/08/85) are adopted by reference.

e. The continuous emissions monitoring system shall be in continuous operation, except when the source is not operating, or during system breakdowns, repairs, calibration checks, and zero and span adjustments.

f. During any initial compliance tests conducted pursuant to Rule 17-2.700, F.A.C., or within 30 days thereafter, and at such times as may be required by the Department, the owner or operator of any affected source shall conduct continuous monitoring system performance evaluations and furnish the Department within sixty days thereof two, or more if requested, copies of a written report of the results of such tests. These continuous emissions monitoring systems performance evaluations shall be conducted in accordance with the requirements and procedures contained in Rule 17-2.710(3)(b)1.d., F.A.C.

g. The continuous emissions monitoring system shall have a maximum span value not to exceed:

(i) A total reduced sulfur concentration of 30 ppm for the total reduced sulfur continuous emissions monitoring system on any new design direct-fired kraft recovery furnace that is not a new design direct-fired suspension-burning kraft recovery furnace, incinerator, digester system or multiple effect evaporator system.

(ii) A total reduced sulfur concentration of 50 ppm for the total reduced sulfur continuous emissions monitoring system on any old design kraft recovery furnace, new design kraft recovery furnace that is not direct-fired, new design direct-fired suspension-burning kraft recovery furnace, cross recovery furnace, lime kiln or calciner.

(iii) 20 percent oxygen for the continuous oxygen monitoring system.

h. The continuous emissions monitoring system shall be checked by the owner or operator in accordance with a written procedure at least once daily and after any maintenance to the system. The owner or operator shall check the zero (or low level value between 0 and 20 percent of span value) and span (90 to 100 percent of span value) calibration drifts. The zero and span shall be adjusted, as a minimum, whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications referenced in Rule 17-2.710(3)(b)1.d., F.A.C. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified.

2. The owner or operator of any source of total reduced sulfur emissions who is required to install a total reduced sulfur continuous emissions monitoring system pursuant to Rule 17-2.710(3)(a), F.A.C., shall:

a. Reduce all data to one-hour averages for each 60-minute period beginning on the hour. One-hour averages shall be computed from a minimum of four data points equally spaced over each one-hour period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the computation. Either an arithmetic or integrated average shall be

used. The data output of the continuous emissions monitoring system may, at the owner's or operator's option, include a numerical format showing individual numerical readings and averages in addition to the required strip chart format with legible ink tracings and calibration information. All data output shall be clearly and properly identified by the operator. All system breakdowns, repairs, calibration checks, span adjustments and periods of excess emissions shall legibly appear on all data output.

b. Calculate and record on a daily basis the 12-hour average total reduced sulfur concentrations for two consecutive 12-hour periods of each operating day. Each 12-hour average shall be determined as the arithmetic mean of the appropriate 12 contiguous one-hour average total reduced sulfur concentrations provided by the continuous emissions monitoring system.

c. Calculate and record on a daily basis 12-hour average oxygen concentrations for two consecutive 12-hour periods of each operating day. These 12-hour averages shall correspond to the 12-hour average total reduced sulfur concentrations from Rule 17-2.710(3)(b)2.b., F.A.C., and shall be determined as an arithmetic mean of the appropriate 12 contiguous one-hour average oxygen concentrations provided by each continuous emissions monitoring system.

d. Correct all 12-hour average total reduced sulfur (TRS) concentrations using the following equation:

$$C_{corr} = C_{meas} (21 - X)/(21 - Y)$$

where:

C_{corr} = the TRS concentration corrected for oxygen.
C_{meas} = the TRS concentration uncorrected for oxygen.
X = the volumetric oxygen concentration in percentage that the measured TRS concentration is to be corrected to (8 percent for all recovery furnaces and 10 percent for all lime kilns, incinerators or other devices, except those sources subject to Rule 17-2.600(4)(c)1.b., F.A.C., and Rule 17-2.600(4)(c)2., F.A.C., which shall be corrected to the actual oxygen content of the untreated flue gas stream).
Y = the measured 12-hour average volumetric oxygen concentration.

e. The data shall be rounded to the same number of significant digits as the standard.

(c) Incinerators subject to Rule 17-2.600(4)(c)6., F.A.C., shall be equipped with devices to continuously monitor temperature at the point of combustion and oxygen. The temperature devices shall be certified by the manufacturer

to be accurate to within +1 percent of the temperature being measured. The oxygen monitors shall be certified by the manufacturer to be accurate to within 0.1 percent oxygen by volume.

(d) The owner or operator of any kraft pulp mill shall provide the Department with a list of physical and chemical parameters for each regulated source of total reduced sulfur emissions that is not required to be equipped with a total reduced sulfur continuous emissions monitor, which will be regularly monitored to demonstrate that the source is being operated in a manner that can reasonably be expected to result in compliance with the applicable total reduced sulfur emission limiting standards. The owner or operator shall provide information showing the correlation between the specific magnitudes of the specific surrogate parameters and the associated emissions of total reduced sulfur. The owner or operator shall recommend the frequency and method of monitoring for each parameter. The Department shall issue notice to the company pursuant to Rule 17-103, F.A.C., that specifies the parameters that are to be monitored, the frequency of monitoring, and the parameter limits that must be maintained. The parameters, parameter limits and frequency of monitoring shall become a modification to the permit for each affected source. Excess emissions shall be deemed to occur if the parameters exceed the parameter limits specified in the permit.

Such parameter limits may be in the form of the applicable total reduced sulfur emission standard, if an equation is used that estimates the 12-hour average total reduced sulfur emission rate based on the surrogate parameter values during each 12-hour averaging period; or the parameter limits may be in the form of specific parameter values that are not to be exceeded (or dropped below) more often than a specified period of time during each 12-hour averaging period.

(4) Quarterly Reporting Requirements - Kraft (Sulfate) Pulp Mills. The owner or operator of any digester system, multiple effect evaporator system, condensate stripper system, tall oil plant, kraft recovery furnace, lime kiln, calciner or other source subject to the provisions of Rule 17-2.710, F.A.C. (Continuous Monitoring Requirements), shall submit a written total reduced sulfur emissions and surrogate parameter data report to the Department postmarked by the 30th day following the end of each calendar quarter.

(a) The report shall include the following information:

1. The magnitude of excess emissions and the date and time of commencement and completion of each time period in which excess emissions occurred.

2. Specific identification of each period of excess emissions that occurs including startups, shutdowns, and malfunctions of the affected facility. An explanation of the cause of each period of excess emissions, and any corrective action taken or preventive measures adopted. Excess emissions shall be all 12-hour periods for which the appropriate surrogate parameter data or total reduced sulfur continuous emissions

monitoring data indicates that an applicable 12-hour average total reduced sulfur emission limiting standard for the source was exceeded.

3. The date and time identifying each period during which each continuous emissions monitoring system used to measure total reduced sulfur emissions or surrogate parameters was inoperative except for zero and span checks, and the nature of the system repairs or adjustments.

4. When no excess emissions have occurred or the continuous emissions monitoring system(s) have not been operative, or have been repaired or adjusted, such information shall be stated in the report.

(b) Any owner or operator subject to the provisions of Rule 17-2.710(3) and (4), F.A.C., shall maintain a complete file of all measurements, including continuous emissions monitoring system, monitoring device, and performance testing measurements; all continuous emissions monitoring system performance evaluations; all continuous emissions monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required, recorded in a permanent legible form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports and records.

(c) Evaluation of Excess Emissions. The Department shall consider periods of excess emissions from any kraft recovery furnace, lime kiln, calciner or any other regulated TRS emitting source to be evidence of improper operation and maintenance of the monitored source provided that:

1. For kraft recovery furnaces subject to the emissions limits of Rule 17-2.600(4)(c)3., F.A.C., the excess emissions occur during more than one percent of the total number of possible contiguous 12-hour periods of excess emissions in a calendar quarter rounded to the nearest whole number (excluding only the actual 12-hour periods during which a startup, shutdown or malfunction of the kraft recovery furnace occurred and only the actual 12-hour periods when the kraft recovery furnace was not operating), or

2. For lime kilns and calciners subject to the emissions limits of Rule 17-2.600(4)(c)5., F.A.C., the excess emissions occur during more than two percent of the total number of possible contiguous 12-hour periods of excess emissions in a calendar quarter rounded to the nearest whole number (excluding only the actual 12-hour periods during which a startup, shutdown or malfunction of the lime kiln, calciner, or their control equipment occurred and only the actual 12-hour periods when the lime kiln or calciner was not operating), or

3. For other regulated non-NSPS total reduced sulfur emitting sources, the excess emissions as indicated by the appropriate surrogate parameters occur during more than one percent of the total number of possible contiguous 12-hour periods of excess emissions in a calendar quarter rounded to the nearest whole number (excluding only the actual 12-hour periods

during which a startup, shutdown, or malfunction of the source or its control equipment occurred and only the actual 12-hour periods when the source was not operating), and

4. The Department determines that the affected facility, including air pollution control equipment, is not maintained and operated in a manner which is consistent with good air pollution control practice for minimizing emissions. Such determination may be based on the failure of the owner or operator of the facility to provide adequate explanation of the exceedances together with the appropriate records for maintenance and operation of the source and related equipment. Good air pollution control practices shall include, but not necessarily be limited to:

a. Operation of all equipment within permit limits for loading rates and other process parameters,

b. An adequate preventive maintenance program based on manufacturer's recommendations or other accepted industry practices,

c. Appropriate training of personnel in the operation and maintenance of equipment, and

d. Visual and instrument inspections of equipment on a regular basis, and

e. Maintenance of an adequate on-site, or readily available, supply of equipment for routine repairs.

(d) The owner or operator of any kraft pulp mill or tall oil plant shall notify the Department in writing within fourteen days of the date on which periods of excess emissions exceed the percentages allowed by Rule 17-2.710(4)(b)1.-3., F.A.C.

(5) General Requirements - Biological Waste Incineration Facilities. Each owner or operator of a biological waste incineration facility shall install, operate, and maintain in accordance with the manufacturer's instructions continuous emission monitoring equipment.

(a) The monitors shall record the following operating parameters.

1. Secondary (or last) combustion chamber exit temperature.

2. Oxygen (for facilities with a capacity greater than 500 pounds per hour).

(b) Any owner or operator subject to the provisions of Rule 17-2.710(5), F.A.C., shall maintain a complete file of all measurements, including continuous emissions monitoring system, monitoring device, and performance testing measurements; all continuous emissions monitoring system performance evaluations; all continuous emissions monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required, recorded in a permanent

legible form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports and records.

Specific Authority: 403.061, F.S.
Law Implemented: 403.021, 403.031, 403.061, 403.087, F.S.
History: Formerly 17-2.08, New 11-1-81, Amended 8-26-81, 4-10-85, 10-20-86, 7-9-89, 8-30-89.

17-2.753 DER Ambient Test Methods.

(1) (Reserved).

(2) DER Reference Method for Monitoring the Deposition of Sulfur Particulate.

(a) Principle. A modified Nipher Gauge is placed at the monitoring site. The amount of deposited elemental sulfur is determined monthly using a standard turbidimetric or colormetric method.

(b) Apparatus.

1. A modified Nipher Gauge constructed to the dimensions shown in Figure 753-1 equipped with a bird ring.

2. For the turbidimetric method, an instrument to measure turbidity.

3. For the colormetric method, the apparatus specified in EPA Method 375.2 and AOAC Method 2.162.

(c) Reagents.

1. For the turbidimetric method:

a. Reagent grade acetone.

b. Reagent grade phosphorus pentoxide.

c. Reagent grade potassium hydroxide.

d. Reagent grade recrystallized sulfur.

e. Reagent grade pyrogallol.

2. For the colormetric method:

a. Reagent grade phosphorus pentoxide.

FLORIDA ELECTRIC POWER COORDINATING GROUP, INC. (FCG)
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TAMPA, FLORIDA 33609-1094

December 4, 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: Appendix TV-1, Title V Conditions (Version Dated 8/15/96)
"Canned Conditions" Developed from DEP's "Title V Core List"

Dear Mr. Fancy:

As you know, the Florida Electric Power Coordinating Group, Inc. (FCG) has followed the implementation of the Title V air operation permitting program in Florida from the development of the initial implementing legislation, through the numerous rulemaking efforts, and eventually the permit application process. The FCG, which is made up of 37 utilities owned by investors, municipalities, and cooperatives, is now monitoring the issuance of the first draft Title V permits by the Department of Environmental Protection. Specifically, we have reviewed the "canned" Title V conditions that were apparently developed from the Department's "core list" of applicable requirements (version dated August 15, 1996).

Because the FCG understands that the Department plans to issue the same canned conditions with every Title V permit, and nearly all of the FCG members have Title V sources, we are making general comments through the FCG on behalf of all of these member utilities. By addressing these issues as a group while the first permits are being processed by the Department, we hope to resolve many of these issues without the need to duplicate the effort for each draft Title V permit that is eventually issued. The FCG's specific comments are attached.

One of the FCG's primary concerns is draft Condition 5 which states that issuance of the permit does not relieve any person from complying with the requirements of Chapter 403 of the Florida Statutes, or the Department's rules. This draft condition effectively eliminates any benefit from the permit shield included in Condition 54. The permit shield, which is established in Section 403.0872(15), Florida Statutes, governs, and the language in draft Condition 5 should be deleted.

In general, the FCG is concerned that the canned conditions appear to contain significant quotations from the Department's rules and are not tailored in any way for individual Title V facilities. While it is preferable to quote verbatim from the rule rather than paraphrasing from the rule, to the extent that rule language is *inapplicable* to a source or unit, the language should not be included in the Title V permit conditions. As one example, several of the conditions quote rule language regarding construction permit processing. Because these rules generally do

not apply until a modification occurs, the rules could be deleted or replaced with general language that states when a modification occurs, the provisions of Chapters 62-4 and 62-212, Florida Administrative Code, apply. Otherwise, the inclusion of these provisions is cumbersome and confusing.

While not included in the canned conditions, the FCG also remains concerned about the Department's position that all permit conditions in a Title V permit are federally enforceable, even where there is no federally enforceable basis. As we have stated in earlier correspondence to the Department (letter dated October 11, 1996), while most of the Title V permit conditions are enforceable by the U.S. Environmental Protection Agency and citizens, 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).) Consistent with the federal rules and guidance, Title V permits should not include a condition indicating that *all* conditions are federally enforceable.

While individual Title V sources may have more specific comments, the FCG has attempted to address issues that apply to all sources and that are important to FCG members. Once you and your Title V staff have had an opportunity to review the FCG's comments, including those listed in the attachment, we would like to set up a meeting to discuss these issues in an attempt to resolve them prior to further issuance of draft permits. We would like to schedule this meeting within the next few weeks, if possible. We look forward to working with you and your staff in this phase of the permitting process. If you have any questions in the meantime, please do not hesitate to call me at (561) 625-7661.

Sincerely,

Rich Piper/arm

Rich Piper, Chair
Air Subcommittee

cc: John Brown, DEP
Pat Comer, DEP OGC
Scott Sheplak, DEP
FCG Air Subcommittee
Angela Morrison, HGSS

86375

FLORIDA ELECTRIC POWER COORDINATING GROUP, INC.
Comments on Draft Title V Permit Conditions

December 4, 1996

General Comments

1. *Federal Enforceability*--Based on the Department of Environmental Protection's guidance memorandum DARM-PER/V-18, the Department apparently intends for all terms and conditions of the Title V permit to be enforceable by EPA and citizens under the Clean Air Act. While this is appropriate for most permit conditions, conditions that have no federally enforceable basis are not *federally enforceable* simply by inclusion in the Title V permit. For example, local ordinances that have not been incorporated as part of the State Implementation Plan have no federally enforceable basis and do not become federally enforceable simply by inclusion in a Title V permit. This position is supported by both the federal Title V rules and U.S. Environmental Protection Agency (EPA) guidance. (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).) EPA allowed states the flexibility of having a single permit program that would include not only the federally enforceable requirements (which 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, and this has been confirmed by representatives from Region IV.

We understand that the Department's guidance document may be based in part on the Department's definition of "federally enforceable" in Rule 62-210.200(126), F.A.C. This definition states that "federally enforceable" "pertains" to limitations and conditions "which are enforceable by the Administrator," including any requirements established pursuant to Title V permits. Again, only certain conditions under a Title V permit are enforceable by EPA--those with a federally enforceable basis and those requested by the permit applicant to be made federally enforceable. To the extent that the Department's definition can be misinterpreted to mean that *all* Title V permit conditions are federally enforceable, it should be revised to be consistent with federal law and guidance. The FCG therefore respectfully requests that the Department revise its guidance to be consistent with federal law and to revise its definition of "federally enforceable" to clarify that all Title V conditions are not necessarily enforceable by EPA.

Appendix TV-1, Title V Conditions

2. 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.

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

4. Condition 5. should be deleted because it contravenes and effectively nullifies the permit shield provision in Condition 54. and as provided under Section 403.0872(15), Florida Statutes, and Rule 62-213.460, F.A.C.

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

6. 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.

7. 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 . . ."

8. The content of paragraph (13) of Rule 62-4.160, F.A.C. (quoted in Condition 14.) should be included in emission unit sections of a permit to the extent the unit constitutes compliance with New Source Performance Standards, Best Available Control Technology, etc.

9. Because Title V permits are typically issued for existing facilities, Conditions 15. and 16. should be included only if necessary.

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

11. 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.

12. Condition 20. should also be revised to more accurately address the facility being permitted. 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.

13. 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 exempt under Title V.

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

15. 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.

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

17. 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 the issuance of a Title V permit and should therefore be deleted.

18. Paragraph (2) under Condition 25. contains no requirement that applies to permittees and should therefore be deleted.

19. Paragraph (3)(b) under Condition 25. should be revised to clarify that reports for this permit are to be submitted to a particular district or local office or deleted.

20. Condition 26. should be revised to clarify that it applies only to emissions units with pollution control equipment.

21. Paragraph (2) through (4) under Condition 27. could be deleted since they do not apply to Title V facilities.

22. 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.

23. 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: . . ."

24. 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., . . ."

25. 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 . . ."

26. 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.

27. 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.

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

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

30. Condition 56. should be combined with the open burning provisions under Condition 59.

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

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

Appendix SS-1, Stack Sampling Facilities

33. Language should be included to clarify the emission units to which this appendix applies.

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

86165

TO: Jim McDonald, SW District
FROM: Scott Sheplak, Title V Section
DATE: December 20, 1996

SUBJECT: Title V Permitting Formats

This message is in reply to your memo dated October 15, 1996, and our telephone conversation on the same date. Your comments are appreciated.

The Title V permitting format "Form No. AV-2, PROPOSED PERMIT DETERMINATION" cites two other documents: 1) a "Title V Permit Application Summary Form" and 2) a "Permit Review Strategy Checklist." I discussed these draft documents at the recent annual air meeting in Daytona Beach. A guidance memo is formally distribute these two documents. The guidance addresses exchanging Title V permits and associated data.

Your comment #1.:

A 'circumvention' condition is in the APPENDIX TV -1, TITLE V CONDITIONS (see condition number 26.). An "excess emissions" condition was not put into the same appendix because it does not apply to all Title V Sources.

Your comment #2.:

All 'exempt' emissions units are required to be shown in the TV application and the TV permit. The only types of emissions units that are not required to be in the TV application and the TV permit are 'trivial' emissions units. Appendix E-1, List of Exempt Emissions Units and/or Activities is the format you can use should you have any of these activities that the applicant requests to be exempt. (See Rule 62-213.440(1), F.A.C., Permit Content)

Your comment #3.

Very good comment. I discussed this one with John Brown. All of the requirements from 40 CFR 70.7(f), Reopening for Cause, are not explicitly in Rule 62-213, F.A.C. These may be the only requirements from Part 70 that are not in our Rule 62-213, F.A.C. As you indicated they are however adopted and incorporated by reference in Rule 62-213.430(4), F.A.C. John indicated that EPA had accepted Rule 62-4.080, F.A.C., which covers in general 'reopening for cause'. {See condition number 6. in APPENDIX TV-1, TITLE V CONDITIONS}. 'Permit reopenings' are usually done on a case-by-case basis. Routinely compliance schedules are established within rules for new requirements. This is the case with NSPS and NESHAPS. Also, Florida has committed to EPA to quarterly adopt NSPS and NESHAPS. We will evaluate whether or not we need to include the 40 CFR 70.7(f) requirements explicitly in APPENDIX TV-1, TITLE V CONDITIONS.

SS/sk
formatssw.1

info copy to: John Brown & Bruce Mitchell

MEMORANDUM

TO: Scott Sheplak

FROM: Jim McDonald JM

DATE: October 15, 1996

SUBJECT: Title V Info

After reviewing the Title V documents on the common drive, I have the following comments:

1. Should document "APPENDIX TV-1, TITLE V CONDITIONS (version dated 08/15/96)" under Chapter 62-210, F.A.C. also address "Circumvention" Rule 62-210.650, F.A.C. and "Excess Emissions" Rule 62-210.700, F.A.C.?

2. Is it correct that exempt emission units per Rule 62-210.300(3), F.A.C. will not show up on the application or Title V permit (e.g., Appendix E-1, List of exempt Emission Units and/or Activities)?

3. The last sentence of Rule 62-213.430(4), F.A.C., states, "The Department shall require permit revision in accordance with the provisions of Rule 62-4.080, F.A.C. and 40 C.F.R. 70.7(f), whenever any source becomes subject to any condition listed at 40 C.F.R. 70.7(f)(1), hereby adopted and incorporated by reference."

   40 C.F.R. 70.7(f)(1) requires each issued permit to include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit (**see attachment**).

   Where in the Title V documents are these provisions addressed?

(f) Reopening for cause.

(1) Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:

(i) Additional applicable requirements under the Act become applicable to a major part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 70.4 (b)(10) (i) or (ii) of this part.

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(iii) The permitting authority or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(iv) The Administrator or the permitting authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(3) Reopenings under paragraph (f)(1) of this section shall not be initiated before a notice of such intent is provided to the part 70 source by the permitting authority at least 30 days in advance of the date that the permit is to be reopened, except that the permitting authority may provide a shorter time period in the case of an emergency.

(g) Reopenings for cause by EPA.

4L(2)

FLORIDA ELECTRIC POWER COORDINATING GROUP, INC. (FCG)
405 REO STREET, SUITE 100 • (813) 289-5644 • FAX (813) 289-5646
TAMPA, FLORIDA 33609-1004

MAY 16 1996

May 15, 1996

VIA HAND DELIVERY

RECEIVED
MAY 15 1996
BUREAU OF
AIR REGULATION

Howard Rhodes, Director
Division of Air Resources Management
Florida Department of Environmental Protection
Magnolia Park Courtyard
Tallahassee, FL 32301

RE: Categorizing Trivial Activities

Dear Howard:

The Florida Electric Power Coordinating Group, Inc. (FCG) is submitting this letter to convey its understanding and intent regarding the categorizing of "trivial activities" at air emission facilities. As you know, the FCG is a nonprofit association of 36 investor-owned, municipally-owned, and cooperatively-owned electric utilities engaged in the business of providing a great majority of electric power to the public in the state of Florida. The FCG appreciates the Department of Environmental Protection's (DEP) issuance of guidance on this topic -- DARM-PER/V-15 -- which adopted EPA's July 10 "White Paper" list of trivial activities and stated that "these activities are [to be] treated as if they emit no air pollutants." Because EPA specifically described its White Paper list as a "starter list," the FCG understands that there are other activities that are appropriate for categorization as trivial and intends to not include such activities in Title V applications based on this categorization.

In previous comment letters, the FCG requested that the concept of trivial activities (as well as a specific list of such activities) be incorporated into Florida's regulations. Because DEP had reservations about this approach, however, the FCG agreed that guidance could be issued to accomplish basically the same goal, as long as either a comprehensive list of trivial activities was included in the guidance, or common sense could be used to exclude similar activities. DEP included only the limited EPA "starter list" in DARM-PER/V-15. Rather than specifically request the addition of numerous other activities to DEP's list, and burden DEP and industry with continually updating it, the FCG is simply conveying its intention to exclude additional trivial activities from the Title V process, based on a reasonable interpretation of what constitutes a trivial activity -- e.g., activities with no unit-specific applicable requirements and very minimal, if any, regulated air pollutant emissions. DEP representatives specifically affirmed this understanding and approach at the "Phase V" Permit Simplification workshop on March 26, 1996. For purposes of illustration, the FCG is including a non-exclusive list of activities it considers to be "trivial" and thus excludable from Title V applications, that are not included in DEP's list. (Attachment A). As you can see from the attached list, while it is

possible that minute quantities of regulated air pollutants, such as PM or VOCs, could be emitted from such activities, the quantities would be extremely small, and likely unquantifiable.

Because the FCG understands that this is a reasonable and previously agreed upon approach regarding a common sense issue, specific rule amendments should not be necessary, although clarification of DARM-PER/V-15 would certainly be acceptable to the FCG. To the extent an emissions unit or activity cannot be categorized as trivial, either because it is not included in DEP's guidance or has potential emissions exceeding a reasonable understanding of trivial, such units and activities will be included in the Title V process as exempt, unregulated, or regulated.

Similarly, because trivial activities are treated as if they have no air emissions, such activities should be excluded from all state air permitting requirements, not just Title V. DARM-PER/V-15 is currently limited to Title V permitting, although when DEP establishes a *de minimis* emission threshold for emissions units and activities below which state permitting would not be required, in accordance with its expressed intention, this issue should be moot. Therefore, as long as DEP incorporates an appropriate *de minimis* exemption into Florida's rules during "Phase V" of the Permit Simplification rulemaking proceeding, the FCG does not feel compelled to pursue this issue in the context of DARM-PER/V-15.

Thank you for your attention to this matter. As always, the FCG appreciates DEP's cooperation regarding the implementation of Florida's air rules. If you have any questions or wish to discuss this letter further, please contact me at (904) 632-6247.

Sincerely,

Robert Manning

for Bert Gianazza, Chair
FCG Air Subcommittee

cc: Clair Fancy, DEP
Pat Comer, Esq., DEP
John Brown, DEP
Larry George, DEP
FCG Air Subcommittee
Robert Manning, HGSS

76186

ATTACHMENT A

EXAMPLES OF TRIVIAL ACTIVITIES THAT ARE NOT INCLUDED IN DARMPER/V-15 INCLUDE:

(a) Freshwater/reuse water cooling towers.
(b) Cooling ponds.
(c) Coal pile runoff ponds.
(d) Venting for storage rooms, transformer vaults and buildings, maintenance and welding buildings, operating equipment, degasifiers, dearators, decarbonators, air blowers, evacuators, air locks, feedwater heaters, generators and turbine cooling.
(f) Maintenance of transformers, switches, switchgear processing, and venting (including cleaning and changing).
(g) Nitrogen caps used during steam generator boiler shutdown.
(h) Transfer sumps.
(i) Firefighting training facilities.
(j) Waste accumulation and consolidation in 55-gallon drums (or smaller) that are closed when not in use.
(k) Nuclear gauges used for the purpose of process monitoring.
(l) Oil/water separators.
(m) Storage and use of chemicals solely for water/wastewater treatment.
(n) Neutralization basins/ponds, ash pits/ponds, totally enclosed treatment facilities, ENU, percolation ponds.
(o) Storage of materials in sealed containers.
(p) Residual oil tanks and piping system vents and relief valves.
(q) Lube oil tanks and piping system vents and relief valves.
(r) Steam system vents.
(s) Boiler water treatment chemical systems.
(t) Water treatment equipment and chemicals.
(u) Wastewater treatment equipment and basins.
(v) Instrument air system vents and relief valves.
(w) Service water system vents and relief valves.

Florida Department of
Environmental Protection

Memorandum

DARM-EM-05

TO: District Air Program Administrators /
County Air Program Administrators

FROM: Howard L. Rhodes, Director
Division of Air Resources Management

DATE: November 22, 1995

SUBJECT: Guidance on Rate of Operation During Compliance Testing for Combustion Turbines

This memo is to provide guidance on determining the rate of operation during compliance testing for combustion turbines (CTs).

The mass throughput rate of combustion turbines is inversely proportional to temperature and humidity measured at the CT inlet as a result of the changing air densities encountered. Inlet air temperature is the predominant factor; therefore, higher temperatures will result in a lower heat input rate (MMBtu/hr) and vice versa. The temperature is referenced to the CT inlet temperature rather than ambient temperature, as some CTs are equipped with inlet air conditioning systems (e.g., chillers or evaporative coolers) to maintain optimum operating temperature. Inlet air temperature and ambient temperature are equivalent in cases where no conditioning systems are used. Variations of heat input (capacity) are to be expected due to the range of ambient temperatures and humidities encountered in Florida. Over the usual operating ranges, the CT operating curve (capacity vs. inlet air temperature) is essentially a straight line. An owner or operator of a CT may use these curves in determining the maximum heat input rate for the unit.

The determination of the rate of CT operation during compliance testing is illustrated in the following example. The heat input limit is often referenced to 59°F, and in this example, corresponds to 750 MMBtu/hr (Point A). On the date that compliance testing is conducted, the average ambient (or conditioned) air temperature during the test period is determined to be 80°F. According to the attached curve, the maximum design heat input rate achievable is 700 MMBtu/hr (Point B). The CT has successfully achieved 90 percent of its maximum permitted capacity for this temperature if it is determined to be operating at 630 MMBtu/hr or more (Point C). In this example, the dashed line represents 90 percent of the maximum heat input value achievable over a range of inlet air temperatures. Heat input may vary depending on CT characteristics; therefore, manufacturer's curves for correction to other temperatures shall be provided to the Department, if a source intends to use the curves for compliance purposes. At the request of a permittee,

Florida Department of
Environmental Protection

Memorandum

DARM-EM-05

TO: District Air Program Administrators /
County Air Program Administrators

FROM: Howard L. Rhodes, Director
Division of Air Resources Management

DATE: November 22, 1995

SUBJECT: Guidance on Rate of Operation During Compliance Testing for Combustion Turbines

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The determination of the rate of CT operation during compliance testing is illustrated in the following example. The heat input limit is often referenced to 59°F, and in this example, corresponds to 750 MMBtu/hr (Point A). On the date that compliance testing is conducted, the average ambient (or conditioned) air temperature during the test period is determined to be 80°F. According to the attached curve, the maximum design heat input rate achievable is 700 MMBtu/hr (Point B). The CT has successfully achieved 90 percent of its maximum permitted capacity for this temperature if it is determined to be operating at 630 MMBtu/hr or more (Point C). In this example, the dashed line represents 90 percent of the maximum heat input value achievable over a range of inlet air temperatures. Heat input may vary depending on CT characteristics; therefore, manufacturer's curves for correction to other temperatures shall be provided to the Department, if a source intends to use the curves for compliance purposes. At the request of a permittee,

the following condition shall be incorporated into the construction and corresponding operating permits:

"Testing of emissions shall be conducted with the source operating at capacity. Capacity is defined as 95-100 percent of the manufacturer's rated heat input achievable for the average ambient (or conditioned) air temperature during the test. If it is impracticable to test at capacity, then sources may be tested at less than capacity. In such cases, the entire heat input vs. inlet temperature curve will be adjusted by the increment equal to the difference between the design heat input value and 105 percent of the value reached during the test. Data, curves, and calculations necessary to demonstrate the heat input rate correction at both design and test conditions shall be submitted to the Department with the compliance test report."

To demonstrate compliance with federal new source performance standard Subpart GG - Standards of Performance for Stationary Gas Turbines, an initial test shall be conducted at four load points and corrected to ISO conditions for comparison to the NSPS allowable. Subsequent annual compliance tests conducted to establish compliance with NO_x limits that are more stringent than the NSPS standard shall not require an ISO correction or testing at four load points; rather, the testing shall be done at capacity, as defined above. However, when testing shows that NO_x emissions exceed the standard when operating at capacity, the company shall recalibrate the NOx emission control system using emission testing at four loads as required in Subpart GG.

HLR/chf/h

Attachment

John Brown

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
100 ALABAMA STREET, S.W.
ATLANTA, GEORGIA 30303-3104

DEC 05 1996

4APT-ARB

Mr. C. H. Fancy, P.E., Chief
Bureau of Air Regulation
Division of Air Resources Management
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida, 32399-2400

SUBJ: Draft Title V Permit
Charles Larsen Memorial Power Plant
Permit no. 1050003-004-AV

Dear Mr. Fancy:

We have reviewed the draft title V permit for the above referenced facility and are hereby submitting the following comments.

A. General Comments

1. The draft permit refers in several parts to activities "exempted from permitting." (See conditions C.9-10., E.1.(a)10.) Exempting activities from permitting is inconsistent with part 70. Part 70 allows sources subject to title V to avoid description of EPA-approved insignificant activities in the permit application. However, to exempt activities from permitting goes beyond the scope of the exemption contemplated by 40 CFR 70.5(c).

2. The draft permit contains a specific section that describes "excess emissions." (See conditions A.7-10., B.8-10, C.5-6, and D.13-14.) We believe that these conditions are based on SIP requirements, which are established to ensure attainment and maintenance of the NAAQS. Since these limitations are not technology-based, any emissions in excess of the emission limitations constitute a violation under Section 113 of the Clean Air Act. However, if a source demonstrates that the period of excess emissions was "unavoidable" and otherwise complies with the reporting and recordkeeping requirements of the excess emissions rule, the violation can be excused from penalty. The conditions included in the draft permit approve beforehand excess emissions resulting from start-up or shutdown. However, conditions A.21 and B.20, clearly

state that the owner or operator could be liable for any violations. We believe that these conditions are confusing for the permittee and may interfere with the ability of the State and EPA to enforce the underlying SIP requirements. The State should change the conditions to only include the reporting and recordkeeping requirements needed to verify whether the source followed best operational practices during the excess emissions incident.

3. Section II, conditions 1, 3, and 10, need to be revisited in lieu of a comment previously included in the enclosed letter sent to Mr. Howard L. Rhodes, dated November 27, 1996. Please see comment # 1 in that letter.

B. Specific Comments

1. Section III, conditions A.14, and B.14, are labeled as not having a Federally enforceable basis. However, the conditions describe the sampling and analysis program that the facility will use to demonstrate compliance with a permit requirement in lieu of an EPA method. EPA deems these conditions to be Federally enforceable.

2. The first sentence of condition D.18 appears incomplete. Please verify.

3. Condition E.1.(a) appears to be missing items 1 and 2. Please verify.

C. Acid Rain

1. Although not required as part of an Acid Rain permit, it would be helpful to add a section on the first page of the Acid Rain portion of the permit or in the initial part of the title V permit that describes the action being taken by the permitting authority (i.e., "final Acid Rain Part, including compliance plan, finalized and issued"), and a section that describes any previous actions taken (i.e., "Draft Acid Rain Part, including compliance plan issued for public comment"). Inclusion of such sections, whether they be located in the initial part of the title V permit or located in a specific part, would provide a record of the actions/changes to the permit or a specific "part" of the permit, as they occur.

2. Subsection A of section IV references the emissions Units (E.U.) ID No. -004 and -008, however, the allowance allocation portion of this "part" identifies

the Units as ID No. 7 and 8. Subsection B of the Title V draft permit describes unit -004 as "fossil fuel fired steam generator #7." The permit application portion of this "Acid Rain Part" and the attached "compliance plan" do not reference any unit as E.U. No. -004. After consulting the "Inventory of Power Plants in the United States 1994", the list of affected sources in the "Acid Rain Permit Writer's Guide", the attached Phase II permit application, and the "compliance plan", it appears that the original reference to the emission Unit "-004" is incorrect. Unit No. 4 is not indicated as an "operable generating unit" in the "Inventory of Power Plants in the United States 1994", however, Unit No. 7 is referenced as a "steam turbine" in this publication. References to the emission units should be consistent throughout the "Acid Rain Part" and be identified as affected units in the Acid Rain Program.

We appreciate the opportunity to review this draft title V permit. If you have any questions or need additional information, please contact Gracy R. Danois at 404/562-9119.

Sincerely,

Carlé E. Pierce

for R. Douglas Neeley
Chief
Air and Radiation
Technology Branch

w/o Enclosure
12/06/96

xc: John Brown
Bruce Mitchell
Ed Svec

Pat Comer

Jerry Kissel, SWD

KBN
A GOLDER ASSOCIATES COMPANY

Letter of Transmittal

RECEIVED
JUN 27 1996
BUREAU OF AIR REGULATION

Date: 06/25/96

Project No.: 14262-0900

To: Clair Fancy
Florida Dept. of Environmental Prot.
2600 Blair Stone Road
Tallahassee, Florida 32399

Re: Lakeland Electric & Water Utilities
Title V: Charles Larsen Power Plant

The following items are being sent to you: ☒ *with this letter* ☐ *under separate cover*

Copies	*Description*
1	Page 1 of Form hardcopy for verification
4	Air Operating Permit Application (Electronic Submittal ELSA 1.3b)

These are transmitted:

☐ *As requested*
☐ *For approval*
☐ *For review*
☐ *For your information*
☐ *For review and comment*
☒ *For Electronic Submittal*

Remarks: This is an electronic submittal of the permit application represented by page 1 of the form (attached). As indicated by the bulletin accompanying the previously submitted hard copy, original signature pages are not enclosed. They were provided with the hardcopy submittal. These disks were created using the submittal program included in ELSA 1.3b. If you have any questions, please contact Teresa Franklin or Jane Burnette.

Sender: Teresa Franklin for Ken Kosky

cc: Farzie Shelton, File(2)

6241 Northwest 23rd Street, Suite 500, Gainesville, Florida 32653-1500, 352-336-5600 FAX 352-336-6603
5405 West Cypress Street, Suite 215, Tampa, Florida 33607, 813-287-1717 FAX 813-287-1716
1801 Clint Moore Road, Suite 105, Boca Raton, Florida 33487, 407-994-9910 FAX 407-994-9393
7785 Baymeadows Way, Suite 105, Jacksonville, Florida 32256, 904-739-5600 FAX 904-739-7777
1616 'P' Street NW, Suite 350, Washington, DC 20036, 202-462-1100 FAX 202-462-2270

(FOR INTERNAL USE ONLY)

State of Florida summary checklist for initial Title V permit applications for 'existing' Title V Sources

Facility Owner/Operator Name: Lakeland Electric & Water Utilities
Facility ID No.: 1050003 Site Name: Charles Larsen Memorial Power Plant
County: Polk
application receipt date 6/14/96

I. Preliminary scanning of application submitted.

a. Was application submitted to correct permitting authority? Y ✓✓ N____
b. Was an application filed? Y* ✓✓ N____
c. Was the application filed timely? Y* ✓✓ N____

d. Application format filed [check one].
Hard copy of official version of form? ✓✓ ELSA? No Rec'd 6/27/97
A facsimile of official version of form? ____ Some combination? ____

e. 4 copies (paper/electronic) submitted? Y ✓✓ N____

f. Electronic diskettes protected/virus scanned/marked? Y ✓ N____ N/A ✓
by YKZ date 6/27/96

g. Entire hard copy of Section I. provided (Pages 1-8 of form)? Y ✓✓ N____
Facility identified (Page 1)? [if not complete a Page 1] Y* ✓✓ [Attached____]
R.O. certification signed and dated (Page 2)? Y* ✓✓ N____
P.E. certification signed and dated (Page 7)? Y* ✓✓ N____

h. Any confidential information submitted? Y____ N ✓✓
If yes, R.O. provided hard copy to us and EPA? Y*____ N____
If yes, hard copy locked up and note filed with application? Y*____ N____

i. Type of application filed:
TV application for 'existing' Title V Source only? Y ✓✓ N____
Any units subject to acid rain? Y ✓ N ✓ EU004 & 008 Acid Rain units

---

Note(s): [*] = mandatory.

Comment(s): No Elsa submittal due to problems. ELSA submittal received 6/27/96 (Version 1.3b). Emission units 004 & 008 (units 2 & 3 on application) were identified as acid rain units.

Reviewer's initials RM date 6/17/96 Concurrence initials [illegible] date 6/28/96

II. Application logging.
ARMS Permit Number assigned 1050003-004-AV
logged into ARMS by initials ____ date __/__/__

III. Initial distribution of application.

a. Disposition of 4 paper/electronic copies submitted:
1- Clean originals to file? Y____ N____
1- ____ District Y____ N____
1- _____ County [affected local program]? Y____ N____
1- Permit engineer(s) _____, _____

b. Disposition of electronic files submitted:
copy placed onto PC? Y____ N____

c. Disposition of ELSA submitted:
version used [circle]: 1.0 1.1 1.2.1 1.3 1.3a 1.3b
Uploaded to EARS? Y____ N____
by _____ date __/__/__

d. Electronic information submitted previewed? Y____ N____ N/A____

Comment(s):_____

{this checklist was developed from Rule 62-213.420(1)(b)2., F.A.C. and DARM policy}

6/11/96
:\t5opgen\0_check\iapcheck.doc