



# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

November 17, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Florida Power Corporation  
3201 34th Street South  
St. Petersburg, FL 33733

RECEIVED

NOV 19 1997

Environmental Protection  
SOUTHWEST DISTRICT

Re: DEP File No. 1050223-007-AC (PSD-FL-190)  
Tiger Bay Power Plant - 258 MW Cogen Unit  
Extension of NOx Emission Limit Applicability Date

Dear Mr. Pardue:

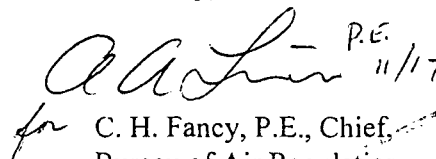
Enclosed is one copy of the Draft Air Construction Permit Modification for the cogeneration facility located near Ft. Meade, Polk County. The Department's Intent to Issue Air Construction Permit Modification and the "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" must be published within 30 (thirty) days of receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification.

Please note that the draft permit includes a condition requiring lower NOx emissions if Selective Catalytic Reduction is used in lieu of the Dry Low NOx option. This matter was discussed with your staff before submittal of this request.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Mrs. Teresa Heron or Mr. Linero at 850/488-1344.

Sincerely,

  
for C. H. Fancy, P.E., Chief,  
Bureau of Air Regulation

CHF/aal/th

Enclosures

In the Matter of an  
Application for Permit Modification by:

Mr. W. Jeffrey Pardue, CEP, Director  
Environmental Services Department  
Florida Power Corporation  
3201 34th Street South  
St. Petersburg, Florida 33733

DEP File No. 1050223-007-AC  
AC-53-214903 (PSD-FL-190)  
Tiger Bay Cogen Facility  
Polk County

### INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification (copy of DRAFT Permit modification attached) for the proposed project, as detailed in the application specified above, for the reasons stated below.

The applicant, Florida Power Corporation, applied on October 30, 1997 to the Department for an air construction permit modification for its Tiger Bay Cogen Combined Cycle Unit located five miles west of Ft. Meade, Polk County. The requested permit modification is to defer the applicability date by one year for Specific Condition No. 15 relating to nitrogen oxides emission limits. The revised date will be December 31, 1999.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit modification is required to continue operations at the described facility.

The Department intends to issue this air construction permit modification based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION". The notice shall be published one time only within 30 (thirty) days in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-1344; Fax 850/ 922-6979) within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification pursuant to Rule 62-103.150 (6), F.A.C.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the enclosed DRAFT Permit Modification unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION." Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue the permit modification with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. The procedures for petitioning for a hearing are set forth below. Mediation is not available for this action.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 850/488-9730, fax: 850/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

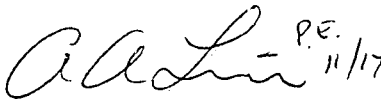
In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.

*for*  <sup>P.E.</sup> 11/17  
C. H. Fancy, P.E., Chief  
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION (including the PUBLIC NOTICE, and DRAFT permit modification) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 11-17-97 to the person(s) listed:

- Mr. W. Jeffrey Pardue, FPC\*
- Mr. Brian Beals, EPA Region 4
- Mr. John Bunyak, NPS
- Mr. Bill Thomas, SWD
- Mr. Roy Harwood, Polk County

Clerk Stamp

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

Kuni Jober  
(Clerk)

11-17-97  
(Date)

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

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No.1050223-007-AC

Florida Power Corporation  
Tiger Bay Power Plant-258 MW Cogen Unit  
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Florida Power Corporation (FPC) to defer the applicability date of a lower nitrogen oxides emission limit at its 258 megawatt cogeneration facility located five miles west of Fort Meade, Polk County. A Best Available Control Technology (BACT) determination was not required pursuant to Rules 62-212.400 and 410, F.A.C., Prevention of Significant Deterioration (PSD). The permit modification will not cause a violation of any state or federal ambient air quality standards or increments. The applicant's name and address are: Florida Power Corporation, 3201 34th Street South, St. Petersburg, Florida 33733.

At present, the unit is in compliance with a nitrogen oxide (NOx) limit of 25 parts per million (ppm). Conditions in original Permit No. AC-53-214903 (PSD-FL-190) were modified on January 8, 1997. These require that the unit achieve a nitrogen oxide (NOx) emission limit of 15 parts per million (ppm) while burning natural gas not later than December 31, 1998 using appropriate combustion technology improvements or selective catalytic reduction (SCR). DESTEC (former owner) indicated to the Department at the time the conditions were modified that SCR would be installed by the December 31, 1998 date. DESTEC asserted that the cost of retrofitting this system with the Dry Low NOx combustors would be significantly greater than that of SCR. General Electric (manufacturer) and FPC have since agreed upon terms that will make the DLN system cost-effective.

This modification will further defer the applicability date of the lower limit given in the permit from December 31, 1998 to December 31, 1999 for the installation of DLN. DLN will achieve the limits specified in the permit without requiring storage, use, or emissions of ammonia. If SCR is chosen as the control technology, the maximum NOx emission limits will be lowered to 64.8 pounds per hour (equivalent to 10 ppm @ 15 % O<sub>2</sub>) and made effective on the deferred date.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the DRAFT Permit Modification unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Modification with the conditions of the DRAFT Permit Modification unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. The procedures for petitioning for a hearing are set forth below. Mediation is not available for this action.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 850/488-9370, fax: 850/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection  
Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619-8218  
Telephone: 850/744-6100  
Fax: 850/744-6084

Department of Environmental Protection  
Bureau of Air Regulation  
111 South Magnolia Drive, Suite 4  
Tallahassee, Florida, 32301  
Telephone: 850/488-1344  
Fax: 850/922-6979

The complete project file includes the Draft Permit Modification, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-1344, for additional information.

**DRAFT**

December XX, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Florida Power Corporation  
3201 34th Street South  
St. Petersburg, FL 33733

Re: DEP File No. 1050223-007-AC  
Tiger Bay Power Plant - 258 MW Cogen Unit

Dear Mr. Pardue:

The Department has reviewed your October 30, 1997 letter requesting a modification of construction permit No. AC-53-214903 (PSD-FL-190) to extend the compliance date for achievement of the 15 parts per million nitrogen oxides (15 ppm NOx) emission limit. This request is acceptable and the permit (previously modified on January 8, 1997) is hereby modified as follows:

SPECIFIC CONDITION 15(a)

The NOx maximum emission limit of 97.2 pounds per hour (equivalent to 15 ppm @ 15% O2) firing gas/326 pounds per hour (equivalent to 42 ppm @ 15 % O2) firing distillate fuel oil will be achieved not later than 12/31/98 99 using appropriate combustion technology improvements or SCR. If SCR is chosen as the control technology, the maximum NOx emission limits will be changed to 64.8 pounds per hour (equivalent to 10 ppm @ 15 % O2) and made effective the same date.

TABLE 1, FOOTNOTE B

The NOx maximum emission limit of 97.2 pounds per hour (equivalent to 15 ppm @ 15% O2) firing gas/326 pounds per hour (equivalent to 42 ppm @ 15 % O2) firing distillate fuel oil will be achieved not later than 12/31/98 99 using appropriate combustion technology improvements or SCR. If SCR is chosen as the control technology, the maximum NOx emission limits will be changed to 64.8 pounds per hour (equivalent to 10 ppm @ 15 % O2) and made effective the same date.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permit modification is issued pursuant to Chapter 403, Florida Statutes. Any party to this order (permit modification) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

**DRAFT**

Executed in Tallahassee, Florida.

Sincerely,

Howard L. Rhodes, Director  
Division of Air Resources  
Management

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMIT MODIFICATION (including the FINAL permit modification) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on \_\_\_\_\_ to the person(s) listed:

Mr. W. Jeffrey Pardue, FPC\*  
Mr. Brian Beals, EPA Region 4  
Mr. John Bunyak, NPS  
Mr. Bill Thomas, SWD  
Mr. Roy Harwood, Polk County

Clerk Stamp

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

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Date)

HLR/th