

Vielhauer, Trina

From: Vielhauer, Trina
Sent: Tuesday, June 08, 2004 9:10 AM
To: 'page.lee@epa.gov'
Cc: Halpin, Mike; DeAngelo, Gregory
Subject: FW: Palm Beach Power document

Lee,
Good morning. I wanted to let you know that you may get a call from Robert Manning - an attorney representing Progress Energy Hines. We met with them Friday regarding "commencing construction" for purposes of YYYY.

They accepted a PSD permit [without comment] in September 2003 that contained a statement that they are a "new source" under YYYY and that they would not be commencing construction until after January 14, 2003.

We met with them last week and they are trying to argue that they have contracts in place so they have "commenced construction". We have indicated we do not agree with that assessment, that they did not have their PSD permit so they could not have "commenced construction". We referred to the background documents for Subpart A, PSD program documents discussing "commenced construction" as well as the Palm Beach Power situation which you and Mike Halpin discussed some time ago [see attached- only for your reference and was not provided to Hines].

When we told them we did not agree with their interpretation they asked for a name in Region 4 and we gave them yours. This is just a "heads up" that you might get a telephone call.

If you have any questions or need any additional information, please call me, Greg DeAngelo or Mike Halpin. You can reach all of us at 850/488-0114.

Trina Vielhauer

-----Original Message-----

From: Page.Lee@epamail.epa.gov [mailto:Page.Lee@epamail.epa.gov]
Sent: Tuesday, September 03, 2002 3:41 PM
To: Halpin, Mike
Cc: Little.James@epamail.epa.gov
Subject: Re: Palm Beach Power

Mike: 63.42(c) says that no person may "begin actual construction" or reconstruction of a major HAP source unless the source has been specifically regulated or exempted from regulation in section 112, or the permitting authority has made a final and effective case by case MACT determination - which is equivalent to the PSD requirement to have all necessary preconstruction approvals.

The definitions and interpretations in part 63 are always (we try) consistent and parallel with the PSD definitions and interpretations. Therefore, the PSD interpretation of commenced construction should apply to part 63 sources as well.

"Halpin, Mike"
<Mike.Halpin@dep.s
tate.fl.us>

To: Lee Page/R4/USEPA/US@EPA
cc: James Little/R4/USEPA/US@EPA
Subject: Palm Beach Power

09/03/2002 02:01
PM

Hello Lee -

I was hoping that you have had some time to think about my request concerning the applicability of New Source MACT (case by case) for the Palm Beach Power Project. As we had discussed with Jim Little, the issue appears to deal with whether the facility has commenced construction(?). I believe that concerning a PSD interpretation of that question, Jim has provided me with adequate guidance. Due to Florida regs, I am under a 30-day clock for determining whether the applicant has submitted a complete application (I'm on day 19). If you believe that it will take more time than this to draw your conclusion, please advise at your earliest convenience. I can be reached at 850-921-9519 if necessary.

Thanks

Mike Halpin (Florida)