

Date: 4/7/98 10:06  
From: Ed Svec TAL  
Subject: Re: Title V : Seminole Electric  
To: Mike Roddy

Ed: Robert Manning indicated to me that in a recent conversation he had

with Scott Sheplak that the only remaining issues with our permit appears to be with ambient air monitoring and the MW load vs. heat input.

Based on Mannings conversation with Sheplak and the Departments response

to EPA's objection to the FPL permits we have put together some language

to be added to the "Brief Description" section and also as a permitting

note under condition A.1. I think this should work for both of us.

Please review and let me know what you think and keep me posted on what's going on with the ambient monitoring issue. Thanks Mike Roddy.

Mike:

We thank you for the suggestion. However, it is our opinion after dealing with the EPA objections to the FPL permits that the MMBtu/hr heat input limitations must remain in the permit and be monitored because:

1. The heat input limits the capacity of the unit.
2. The heat input sets the emissions limits in pounds per hour and tons per year.
3. Heat input is the basis of the emissions limits in the NSPS.
4. The EPA requires demonstration of continuing compliance. In this case the would require compliance on a 3-hour average because that is the stack testing duration.

Is there not some reasonable method that the heat input could be estimated by using, say, the Btu content supplied by the vendor and the usage rate? Let us know what you think.

Ed Svec

Date: 4/3/98 6:28:28 PM  
From: Mike Roddy  
Subject: Title V : Seminole Electric  
To: svec\_e

Ed: Robert Manning indicated to me that in a recent conversation he had with Scott Sheplak that the only remaining issues with our permit appears to be with ambient air monitoring and the MW load vs.heat input. Based on Mannings conversation with Sheplak and the Departments response to EPA's objection to the FPL permits we have put together some language to be added to the "Brief Description" section and also as a permitting note under condition A.1. I think this should work for both of us. Please review and let me know what you think and keep me posted on what's going on with the ambient monitoring issue. Thanks Mike Roddy.

### **Section III. Emissions Unit(s) and Conditions**

#### **Subsection A.**

##### **Brief Description**

Steam Electric Generator Nos. 1 and 2 are coal fired utility, dry bottom wall-fired, each having a generator nameplate rating of 714.6 megawatts, electric. The maximum heat input to each emissions unit is 7,172 million Btu per hour. This heat input number is placed in this permit to identify the capacity of units 1 and 2 for purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 of the test load). Regular record keeping is not required for heat input. The permittee is only required to determine heat input whenever emissions testing is required, to demonstrate at what percentage of the rated capacity that the unit was tested. Such heat input determination may be based on measurements of fuel consumption by various methods including the determination of megawatts generated, and the heat value of the fuel determined by the fuel vendor or the permittee. Steam Electric Generator Nos. 1 and 2 are each equipped with an electrostatic precipitator (ESP) to control particulate matter, a wet limestone flue gas desulfurization (FGD) unit to control sulfur dioxide, and low NO<sub>x</sub> burners, and low excess-air firing to control nitrogen oxides.

##### **(Permitting Note For Condition A.1)**

This heat input number is placed in this permit to identify the capacity of units 1 and 2 for purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 of the test load). Regular record keeping is not required for heat input. The permittee is only required to determine heat input whenever emissions testing is required, to demonstrate at what percentage of the rated capacity that the unit was tested. Such heat input determination may be based on measurements of fuel consumption by various methods including the determination of megawatts generated, and the heat value of the fuel determined by the fuel vendor or the permittee.

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**HOPPING GREEN SAMS & SMITH**

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February 3, 1998

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**BY HAND-DELIVERY**

Scott Sheplak

Department of Environmental Protection

Division of Air Resources Management

2600 Blair Stone Road, MS 5505

Tallahassee, FL 32399-2400

Re: Supplemental Comments on the Seminole Draft Title V Permit  
Permit No. 1070025-001-AV

Dear Mr. Sheplak:

On behalf of Seminole Electric Cooperative, Inc. (Seminole), this letter is written to provide supplemental comments on Seminole's Draft Title V Permit, specifically Conditions A.21 and A.22 relating to excess emissions. Seminole appreciates the Department's continued cooperation in processing its Title V permit. After you have reviewed the information in this letter, please contact either Mike Roddy at Seminole at (813) 963-0994 or myself at the number listed above at your earliest convenience.

On pages 5 and 6 of Seminole's October 15, 1997 comment letter, Seminole requested that the excess emissions provisions in Conditions A.21 and A.22 (derived from Rule 62-210.700, Fla. Admin. Code) be deleted and that the applicable excess emissions provisions from 40 CFR Part 60 be moved to this section of the Title V permit. In the Department's written response and subsequent meeting on December 9, 1997, we understood the Department to take the position that the excess emission provisions under 40 CFR Part 60 do not apply to Seminole's facility because Seminole's facility is already in operation, i.e., the NSPS provisions only apply up until the facility completes its initial performance testing, and from that point forward, the rules under 62-210.700, Fla. Admin. Code govern the continuing operation of the facility.

After reviewing the pertinent regulations, Seminole respectfully disagrees with the Department's position and reiterates its request that the excess emission provisions under 40 CFR Part 60 be clarified to apply to Units 1 and 2, and that the excess emissions provisions derived from Rule 62-210.700, Fla.

**RECEIVED**

FEB 03 1998

**BUREAU OF  
AIR REGULATION**

Scott Sheplak  
February 3, 1998  
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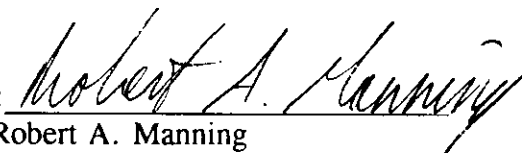
Admin. Code be deleted from its Title V permit. Seminole's conclusion and request is based upon the express provisions under 40 CFR Part 60, and the fact that the Department has incorporated these provisions into its rules in Rule 62-204.800, F.A.C. Specifically, Section 60.11(a) states that "compliance with standards in this part . . . shall be determined only by performance tests established by § 60.8." The "standards" referenced in this section that are applicable to Seminole's Units 1 and 2 (i.e., Subpart Da) apply "on and after the date on which the performance test required to be conducted by 60.8 is completed." See 40 CFR §§60.42a(a), 60.43a(a), 60.44a(a) (emphasis added). Because these standards expressly apply after the initial performance test and Section 60.11 says that compliance with these standards shall be determined in accordance with Section 60.8, then the excess emission provisions under Section 60.8 necessarily must apply to Seminole's Units 1 and 2.

Moreover, DEP's incorporation by reference into Florida's rules of each of the referenced provisions (i.e., Sections 60.8, 60.11 and the provisions under Subpart Da) make the federal excess emission provisions applicable requirements for Seminole as a matter of state law. Even if both Rule 62-204.800, Fla. Admin. Code and Rule 62-210.700, Fla. Admin. Code could be applicable to Seminole's facility, the more specific provision must apply. This is a basic tenant of regulatory construction. McKendry v. State, 641 So. 2d 45 (Fla. 1994); 42 FLA. JUR. 2d *Statutes* § 182 (1984). Because Seminole's Units 1 and 2 must comply with the requirements under NSPS Subpart Da, and the provisions under Rule 62-210.700, Fla. Admin. Code apply generally to emissions units in Florida, the NSPS excess emissions provisions more specifically apply and therefore must govern Seminole's operation. In fact, all of these NSPS provisions are already contained in other sections of the draft Title V permit in a manner that makes them applicable to Units 1 and 2. Accordingly, Seminole reiterates its request that Conditions A.21 and A.22 be deleted from the permit and that the federal excess emissions provisions in 40 CFR 60.8(c), 60.11(c), 60.11(d), 60.46a(c), and 60.46a(d)(1) & (2) be included to this area of the permit.

Thank you again for your consideration of our comments. We look forward to discussing this issue with you in the near future.

Sincerely,

HOPPING GREEN SAMS & SMITH, P.A.

By:   
Robert A. Manning

ATTORNEYS FOR SEMINOLE  
ELECTRIC COOPERATIVE, INC.

Scott Sheplak  
February 3, 1998  
Page 3

RAM/clh

cc: Clair Fancy, DEP  
Pat Comer, DEP OGC  
Ed Svec, DEP  
Mike Roddy, Seminole

2/4/98 cc: Scott Sheplak

Date: 1/7/98 2:19:27 PM  
From: Mike Roddy  
Subject: Permit Notes  
To: SVEC\_E

Ed: Attached are permit notes for the railcar maintenance, coal storage yard, and limestone and FGD areas. Please note that the specific emission points listed in C.9 and D.9 are slightly different than we proposed originally. The change is based on my understanding that you are mainly concerned with VE testing at points with dust controls ( baghouses, panel filters ). Do you have an Idea when we might receive your next permit rework ? Please give me a call after you get a chance to look at these notes. Thanks.



**PERMITTING NOTES FOR RAILCAR MAINTENANCE, COAL STORAGE YARD,  
AND LIMESTONE AND FGD SLUDGE HANDLING AND STORAGE SYSTEM**

**RAILCAR MAINTENANCE FACILITY**

**Monitoring of Operations**

- B.5 (Permitting Note: Emission limiting standards for the railcar maintenance emission unit consist only of visible emissions (VE) and volatile organic compounds (VOC). A determination of compliance with either emission limiting standard is through product constituents and use and is not dependent on the use of instruments or equipment to determine process variables.)

**Test Methods and Procedures**

- B.8 (Permitting Note: EPA Method 9 has been previously specified as the applicable opacity test method. Potential PM emissions are less than 100 tpy.)

## **PERMITTING NOTES FOR RAILCAR MAINTENANCE, COAL STORAGE YARD, AND LIMESTONE AND FGD SLUDGE HANDLING AND STORAGE SYSTEM**

### **COAL STORAGE YARD**

#### **Monitoring of Operations**

- C.5 (Permitting Note: Emission limiting standards for the coal handling and storage emission unit consist only of visible emissions (VE). Compliance with the VE standard is determined using EPA Method 9. A determination of compliance with the VE emission limiting standard is not dependent on the use of instruments or equipment to determine process variables.)

#### **Test Methods and Procedures**

- C.7 (Permitting Note: The permitted capacity of the coal handling and storage emission unit is based on conveyor belt capacity. Conveyor belt speed is set and does not vary during normal operation. However, feeder belts which supply coal to the conveyor belts are variable speed. Bins, crushers, and silos are filled on a batch process basis by the conveyor belts which are either on or off. The period at which the highest opacity emissions can reasonably be expected to occur at the emission points subject to the standard i.e. (CH-002, CH-011, and CH-012 a and b) will be when the conveyor belts are on during normal operation. Therefore the period during which the conveyor belts are on during normal operation shall represent permitted capacity of this emission unit for purposes of compliance testing.
- C.8 (Permitting Note: EPA Method 9 has been previously specified as the applicable opacity test method.)
- C.9 (Permitting Note: The individual coal handling and storage emission points requiring an annual VE test are those containing baghouse controls. These baghouse locations are emission points CH-002, CH-011, and CH-012 a and b.)

**PERMITTING NOTES FOR RAILCAR MAINTENANCE, COAL STORAGE YARD,  
AND LIMESTONE AND FGD SLUDGE HANDLING AND STORAGE SYSTEM**

**LIMESTONE AND FGD SLUDGE HANDLING AND STORAGE SYSTEM**

**Monitoring of Operations**

- D.5 (Permitting Note: Emission limiting standards for the limestone and FGD sludge handling and storage emission unit consist only of visible emissions (VE). Compliance with the VE standard is determined using EPA Method 9, which is not dependent on the use of instruments or equipment to determine process variables.)

**Test Methods and Procedures**

- D.7 (Permitting Note: The permitted capacity of the limestone handling and storage emission unit is based on trucks per hour. Trucks per hour has no bearing on determining the period at which the highest opacity emissions can reasonably be expected to occur at emission point L-001. Normal operating conditions when trucks are delivering/unloading constitute the appropriate time period for VE testing. Therefore such periods shall represent permitted capacity for compliance testing.)
- D.8 (Permitting Note: EPA Method 9 has been previously specified as the applicable opacity test method.)
- D.9 (Permitting Note: The individual limestone and FGD sludge handling points requiring an annual VE test are those containing filter and wet scrubber equipment. These locations are emission points L-001, FGD-001 or FGD-002, FGD-003 or FGD-004, FGD-005 or FGD-006, FGD-007 or FGD-008, and FGD-009 or FGD-010.)

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