


Florida Department of Environmental Protection  
Office of General Counsel

# Memo

**To:** Jonathan Holtom, Cleve Holladay, Trina Vielhauer, and OGC File  
**From:** Ronni Moore, Assistant General Counsel  
**Date:** December 15, 2009   
**Re:** Seminole Electric Cooperative, Inc. vs. DEP; DEP Permit No. 1070025-013-AV; OGC No. 09-3827

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On October 22, 2009, the Department issued a notice of intent to issue a Title V air operation renewal permit, permit no. 1070025-013-AV, to Seminole Electric Cooperative, Inc. (Seminole) for its Seminole Generating Station, in Putnam County, Florida. Seminole timely requested and was granted an extension of time to file a petition for hearing on the draft renewal permit through November 30, 2009. During this time extension Seminole filed written comments on the draft renewal permit. Seminole's time extension ran before the parties could reach resolution of the issues Seminole raised in its written comments and Seminole filed a second request for extension of time on November 30th.

Seminole, satisfied with the Department's consideration of Seminole's written comments, filed a withdrawal of its second request for extension on December 9, 2009. There being no further matters to consider, the Department's file in this matter is closed.

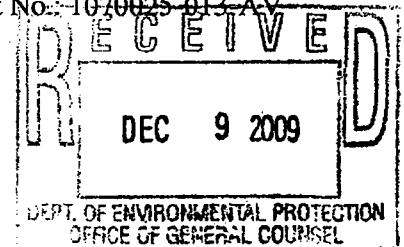
THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Permit by:

OGC CASE NO.: 09-3827

FDEP Draft Permit No.: 1070025-13-AV

Seminole Electric Cooperative, Inc.  
Seminole Generating Station  
Putnam County, Florida



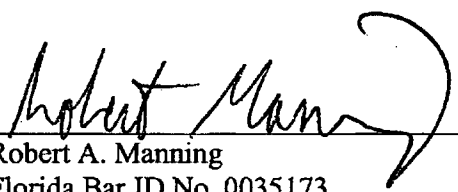
**NOTICE OF WITHDRAWAL OF SECOND REQUEST  
FOR ENLARGEMENT OF TIME**

Seminole Electric Cooperative, Inc. ("Seminole Electric"), by and through undersigned counsel, hereby conditionally withdraws its Second Request for Enlargement of Time to file a petition for formal administrative proceedings in accordance with Chapter 120, Florida Statutes, in response to the "Intent to Issue Title V Air Operation Permit Renewal" (Draft Renewal Permit No. 1070025-13-AV), located in Putnam County, Florida.

Seminole and the Department have agreed on a resolution of the issues involved in this Draft Permit, as reflected in *Composite Exhibit A*. Conditioned on the Department's issuance of a Final Permit in accordance with the agreement in *Composite Exhibit A*, Seminole hereby withdraws its Second Request for Enlargement of Time.

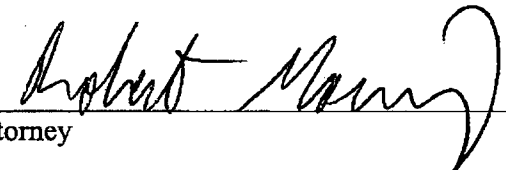
RESPECTFULLY SUBMITTED this 9th day of December, 2009.

By: \_\_\_\_\_

  
Robert A. Manning  
Florida Bar ID No. 0035173  
Hopping Green & Sams, P.A.  
119 South Monroe Street  
Post Office Box 6526  
Tallahassee, Florida 32314  
(850) 222-7500  
(850) 224-8551 Facsimile  
Attorneys for SEMINOLE ELECTRIC  
COOPERATIVE, INC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000, this 9th day of December, 2009.

  
\_\_\_\_\_  
Attorney

## FINAL DETERMINATION – PRE-DRAFT VERSION

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### PERMITTEE

Seminole Electric Cooperative, Inc.  
Post Office Box 272000  
Tampa, FL 33688-2000

### PERMITTING AUTHORITY

Florida Department of Environmental Protection (Department)  
Division of Air Resource Management  
Bureau of Air Regulation, Title V Section  
2600 Blair Stone Road, MS #5505  
Tallahassee, Florida 32399-2400

### PROJECT

Permit No. 1070025-013-AV  
Seminole Generating Station

The purpose of this project is to renew the Title V air operation permit for the above referenced facility.

### NOTICE AND PUBLICATION

The Department distributed a draft/proposed Title V Air Operation Permit Renewal package on October 22, 2009. The applicant published the Public Notice of Intent to Issue a Title V Air Operation Permit Renewal in the Palatka Daily News on October 31, 2009. The Department received the proof of publication on November 16, 2009. The thirty day public comment period ended on November 30, 2009.

### COMMENTS

#### Comments from the Applicant

The Department received comments from the applicant on November 24, 2009. These comments follow.

1. *Comment:* The Department's decision to change the permit formatting has made the review of specific revisions to this draft/proposed permit very difficult. Seminole understands that the only changes intended by the Department are those described expressly in the Statement of Basis.

*Response:* During a renewal, a Title V air operation permit must include relevant specific conditions from air construction permits, applicable rules and regulations, revised rules and regulations and limitations specifically requested by the applicant through the Title V process. The Statement of Basis identifies the primary applicable requirements.

2. *Condition FW1:* To clarify that there are portions of the Appendices with which Seminole is not required to comply (e.g., portions of the federal New Source Performance Standards(NSPS)), Seminole requests the following edits: "The permittee shall comply with the applicable portions of all documents identified in Section VI of the Appendices listed in Table of Contents ..."

*Response:* The Department will add this clarification.

3. *Condition FW4:* The heading to this section states that this condition applies "... facility-wide to all emissions units and activities." To be consistent with Appendix CR, which contains the identical condition, and because some units may be subject to a different visible emissions standard, Condition FW4 should clarify that the general visible emissions standard applies "... unless otherwise specified in the permit."

*Response:* The Department will add this clarification.

4. *Condition A.6:* Test Methods 101A and 108 should be deleted since these are not appropriate methods for measuring mercury emissions from coal-fired units. Additional language should be added to allow for "other

## FINAL DETERMINATION – PRE-DRAFT VERSION

approved methods.” Seminole requests clarification that mercury Continuous Emissions Monitoring Systems (CEMS) are not required for these units; rather, Seminole has the option of installing and utilizing CEMS for compliance. Specifically, Seminole requests the following edits:

~~“The permanent emissions cap for mercury shall be~~ Mercury emissions shall not exceed 0.059 tons per year (combined for Units 1, 2 ~~and any future emission units~~) based on annual stack tests conducted in accordance with EPA Method 30B, ~~or other approved method, 101A or 108~~ or by data collected from the CEMS (when operational and certified), ~~if Seminole chooses to install such CEMS.~~ The combined total shall be computed by measuring the lb/MMBtu emission rate on each unit, multiplying each unit’s emission rate by its annual heat input (MMBtu) and adding the total pounds emitted, divided by 2000. [Permit No. 1070025-004-AC].”

*Response:* The Department agrees that Methods 101A and 108 are not appropriate methods for measuring mercury emissions from coal-fired units. The condition will be revised to remove these methods, to add Method 29 and to add text allowing “... or other approved methods.” The Department notes that original air construction Permit No. 1070025-004-AC does not require the installation of a mercury CEMS. At that time, it was anticipated that the plant would install and operate a mercury CEMS in accordance with the Clean Air Mercury Rule. The Department will clarify the condition with the following permitting note, “Permit No. 1070025-004-AC does not require the installation of a mercury CEMS; however, if a mercury CEMS is installed because of a regulatory requirement or at the election of the plant, data collected from the CEMS should be used to demonstrate compliance with the annual emissions cap.”

5. *Conditions A.7, A.9, A.12 and A.13:* The emissions units are subject to NSPS Subpart Da. In addition to references for NSPS Subpart Da, some of the text in these conditions refers to NSPS Subpart Db. Replace these incorrect references with NSPS Subpart Da throughout. These references should be to Subpart Da.

*Response:* The Department will correct the references.

6. *Condition A.10:* For clarification and to delete obsolete language, Seminole requests that the first sentence of this condition be edited as follows: ~~“Once all upgrades are complete or by Beginning January 1, 2010, whichever is earlier,~~ the combined NO<sub>x</sub> emissions from Units 1 and 2 shall not exceed 0.07 lb/MMBtu based on a 12-month rolling average.”

*Response:* Since the permit will not be effective until January 1, 2010 or later, the Department will just delete the initial phrase, ~~“Once all upgrades are complete or by January 1, 2010, whichever is earlier, ...”~~

7. *Condition A.16:* For clarification, Seminole requests the following clarifications to this condition:

- a. ~~“The interim~~ Once the upgrades authorized by Permit No. 1070025-004-AC are complete, SO<sub>2</sub> emissions limit for Units 1 and 2 shall not exceed 0.67 lb/MMBtu (combined for Units 1 and 2) based upon a 24-hour block average, as determined by CEMS. ~~The “interim emissions limit” is effective once all upgrades are complete.”~~

*Response:* The Department agrees to this clarification.

- b. “As of the first monitoring period following the establishment of initial coal fires in SGS Unit 3 (proposed), ~~The permanent~~ SO<sub>2</sub> emissions limit shall ~~not exceed~~ be 0.38 lb/MMBtu (combined for Units 1 and 2), based upon a 24-hour block average, as determined by via CEMS. ~~As of the monitoring period following the establishment of initial coal fires in SGS Unit 3 (proposed), the “permanent emissions limit” is effective.”~~

*Response:* The Department agrees to this clarification.

8. *Condition A.17:* For clarification, Seminole requests the following clarifications to this condition:

- a. ~~“The interim~~ Once the upgrades authorized by Permit No. 1070025-004 AC are complete, SAM

## FINAL DETERMINATION – PRE-DRAFT VERSION

emissions from Unit 1 and 2 shall not exceed 0.096 lb/MMBtu (combined for Units 1 and 2) based upon an initial stack test (only) conducted in accordance with EPA Method 8 or 8A. ~~The “interim emissions limit” is effective once all upgrades are complete.”~~

*Response:* The Department agrees to this clarification.

- b. “As of the first monitoring period following the establishment of initial coal fires in SGS Unit 3 (proposed), the permanent SAM emissions shall not exceed limit is 0.031 lb/MMBtu (combined for Units 1 and 2) based on an annual stack test conducted in accordance with EPA Method 8 or 8A. As of the first monitoring period following the establishment of initial coal fires in SGS Unit 3 (proposed), the “permanent emissions limit” is effective.”

*Response:* The Department agrees to this clarification.

9. *Condition A.21:* As drafted, Condition A.21 states, “Excess emissions resulting from malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized, but in no case exceed two hours in any 24-hour period unless specifically authorized by the Department for longer duration.” Seminole requests that Condition A.20 from previous Title V air operation Permit No. 1070025-002-AV be added. This previous condition authorized operation in accordance with “Procedures for Startup and Shutdown” where applicable and where there was a conflict with the limitations on excess emissions allowed by draft Condition A.21.

*Response:* The Department notes that the requested additional text is not a rule requirement and is not included in any previous air construction permits. The Department notes that Condition 3 in Appendix CR of the draft/proposed permit allows similar excess emissions resulting from startup and shutdown, which is also authorized by Rule 62-210.700(1), F.A.C. Conditions A.5 through A.18 specify the applicable emissions standards for Units 1 and 2. Rule 62-210.700(1), F.A.C. does not apply to the emissions standards for the following reasons:

- a. *Federal Requirements:* As stated in the permit, “The Excess Emissions Rule at Rule 62-210.700, F.A.C., cannot vary any requirement of a NSPS, NESHAP, or Acid Rain program provision.” The NO<sub>x</sub> emissions standards in Conditions A.7, A.8 and A.9 are NSPS Subpart Da standards. The particulate emissions standards in Conditions A.11 and A.18 are NSPS Subpart Da standards. The SO<sub>2</sub> emissions standards in Conditions A.12, A.13, A.14 and A.15 are NSPS Subpart Da standards. In addition, the Conditions of Approval in the 1979 permit (Permit No. PSD-FL-018) issued by EPA for the Prevention of Significant Deterioration (PSD) of Air Quality specified the NSPS Subpart Da emissions limits.
- b. *Long-Term Emissions Standards:* Permit No. 1070025-004-AC specifies annual emission caps for carbon monoxide (Condition A.5) and mercury (Condition A.6). Permit No. 1070025-012-AC specifies an annual emissions limitations for NO<sub>x</sub> (Condition A.10). Such long-term emissions limitations include emissions from all periods of operation.
- c. *Condition A.16* specifies a 24-hour emissions limit for SO<sub>2</sub> based on CEMS, which includes emissions during startup and shutdown. Since each unit operates at low load levels during a startup and the flue gas desulfurization (FGD) unit is on line even before any coal is fired, there should not be any excess emissions resulting from a startup. The FGD system will remain on line until coal firing is discontinued to ensure that there will be no excess emissions resulting from shutdown.
- d. *Condition A.17* specifies a sulfuric acid mist (SAM) limit based on a stack test method. Since stack tests are conducted under steady-state conditions to provide repeatable and reliable results, SAM emissions will not be known during startup or shutdown. Nevertheless, each unit operates at low load levels during a startup and the flue gas desulfurization unit is on line before any coal is fired; therefore, there should not be any excess emissions resulting from a startup. The FGD system will remain on line until coal firing is discontinued to ensure that there will be no excess emissions resulting from shutdown.

10. *Condition A.24.b:* This sub-paragraph states, The permittee has installed a NO<sub>x</sub> CEMS according to the Acid Rain requirements of 40 CFR Part 75 and shall continue to meet the ongoing requirements of 40 CFR Part 75; however, the permittee shall also meet the requirements of 40 CFR 60.51Da. Data reported to meet the requirements of 40 CFR 60.51Da (or permit limits with an averaging period of less than 12-months) shall not include data substituted using the missing data procedures in Subpart D of 40 CFR Part 75, nor shall the data have been bias adjusted according to the procedures of 40 CFR Part 75. Data collected by the Acid Rain NO<sub>x</sub> CEMS shall be used to demonstrate compliance with the NO<sub>x</sub> standards.” This text has not appeared in any prior permit, or in any of the specific rules cited as authority for this provision and is not referenced in the Statement of Basis as a new requirement. Accordingly, Seminole requests that it be deleted.

*Response:* Actually, the condition cites NSPS Subpart Da as an underlying requirement and 40 CFR 60.40Da(c)(2) states, “If the owner or operator has installed a NO<sub>x</sub> emission rate CEMS to meet the requirements of part 75 of this chapter and is continuing to meet the ongoing requirements of part 75 of this chapter, that CEMS may be used to meet the requirements of this section, except that the owner or operator shall also meet the requirements of §60.51Da. Data reported to meet the requirements of §60.51Da shall not include data substituted using the missing data procedures in subpart D of part 75 of this chapter, nor shall the data have been bias adjusted according to the procedures of part 75 of this chapter.” This text is also included in Appendix NSDa of the permit. The Department also included the requirement in Subsection III.A to emphasize that Part 75 data substitution is appropriate for the Acid Rain provisions (annual emissions rates), but not appropriate for demonstrating compliance with NSPS Subpart Da or other short-term permit limits. No change was made.

11. *Conditions A.29 and A.31:* Similar to Seminole Comment No. 4 above, remove the references to test Methods 101A and 108 since these methods are not appropriate measuring mercury emissions from coal-fired units. Also, add, “... or other approved methods.”

*Response:* As previously discussed, the Department will make this correction.

12. *Conditions A.30, A.33, and A.34:* As stated in Seminole Comment No. 4 above, Seminole requests clarification that mercury CEMS are not required for these units; rather, Seminole has the option of installing and utilizing CEMS for compliance.

*Response:* No change was made. See Department’s response to Seminole Comment No. 4.

13. *Condition A.40:* For clarification and consistency with Appendix CP, Seminole requests that this condition be edited as follows: “Based on the application, these emissions units have not yet completed ~~were not in compliance with~~ some of the applicable requirements of Permit Nos. 1070025-004-AC and 1070025-012-AC at the time the application was submitted. Appendix CP of this permit, Compliance Plan, identifies and includes these remaining applicable requirements, which involve initial tests and notifications the applicable compliance schedule. Once these requirements in the Compliance Plan are complete, the Compliance Plan will be obsolete.”

*Response:* The Department agrees to clarify this condition as requested.

## CONCLUSION

The final action of the Department is to issue the permit with the changes noted by the Department above.

**Jennifer McNeill**

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**From:** Mike Roddy [WMRoddy@seminole-electric.com]  
**Sent:** Wednesday, December 09, 2009 12:10 PM  
**To:** Robert Manning  
**Subject:** Fwd: RE: Final Determination-Pre Draft Version

>>> "Koerner, Jeff" <Jeff.Koerner@dep.state.fl.us> 12/9/2009 11:44 AM >>>

Mike,

As we discussed, we can clarify the text in the permit that appears just before Condition A.20 to:

**State Excess Emissions**

Rule 62-210.700 (Excess Emissions), F.A.C. cannot vary any requirement of an NSPS, NESHAP or Acid Rain program provision. This rule only applies to emissions limits specified by state regulations or by state permits. Specifically, this rule does not apply to Conditions A.7, A.8, A.9, A.11, A.12, A.13, A.14, A.15 and A.18.

We can also add this note to Condition 3 in Appendix CR.

Just FYI, Conditions A.5, A.6 and A.10 are "annual" state missions limits, which should include emissions from all periods of operation. I also left out Conditions A.16 (SO2, 24-hour) and A.17 (SAM, test) since these are short-term state limits.

Let me know if you need more from me.

Thanks!

Jeff Koerner, New Source Review Section  
850/921-9536

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**From:** Mike Roddy [mailto:WMRoddy@seminole-electric.com]  
**Sent:** Tuesday, December 08, 2009 2:52 PM  
**To:** Koerner, Jeff  
**Subject:** Final Determination-Pre Draft Version

Jeff: Everything looks very good and we have only one minor addition that we would like to see added to Condition 3 of Appendix CR:

"Rule 62-210.200 (Excess Emissions), F.A.C., cannot vary or supersede any federal NSPS or NESHAP provision; therefore this rule does not apply to Conditions A.5 through A.18."

Please take a look and I'll call you in a little while. Thanks, Mike

Composite Exhibit  
"A"

12/9/2009



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<http://www.eset.com>

Composite Exhibit  
"A"

12/9/2009