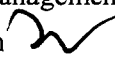




Florida Department of Environmental Protection

Memorandum

TO: Joseph Kahn, Division of Air Resource Management
THROUGH: Trina Vielhauer, Bureau of Air Regulation 
Jon Holtom, Title V Section 
FROM: Scott M. Sheplak, Title V Section 
DATE: January 27, 2009
SUBJECT: Final Permit No. 1270028-008-AV
Progress Energy Florida
DeBary Power Plant
Title V Air Operation Permit Revision - CAIR Part

The final permit for this project is attached for your approval and signature, which revises the Title V air operation permit to include the Clean Air Interstate Rule (CAIR) Part form as a new section added to the existing Title V air operation permit for the above referenced facility.

The attached final determination identifies issuance of the combined draft/proposed permit, summarizes the publication process, and provides the Department's response(s) to comment(s) (if any) on the draft permit. There are no pending petitions for administrative hearings or extensions of time to file a petition for an administrative hearing.

I recommend your approval of the attached final permit for this project.

TLV/jkh/sms

Attachments

NOTICE OF FINAL PERMIT

In the Matter of an
Application for Permit by:

Florida Power Corporation dba Progress Energy
P.O. Box 14042, IC-44
St. Petersburg, Florida 33733-4042

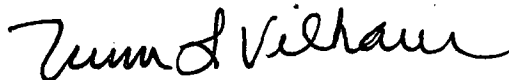
Final Permit No. 1270028-008-AV
DeBary Power Plant
Title V Air Operation Permit Revision - CAIR Part
Volusia County

Designated Representative:
Ms. Brenda Brickhouse
Director, Environmental Services Section

Enclosed is the final permit package to revise the Title V air operation permit for the DeBary Power Plant. This Title V air operation permit revision is being issued to incorporate the Clean Air Interstate Rule (CAIR) provisions into the Title V air operation permit No. 1270028-007-AV. **Only the changes made to the Title V air operation permit as a result of this revision are provided.** This existing facility is located at 788 West Highbanks Road, DeBary in Volusia County, Florida. This permit is issued pursuant to Chapter 403, Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000) 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 must be filed within 30-days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

TLV/jkh/sms

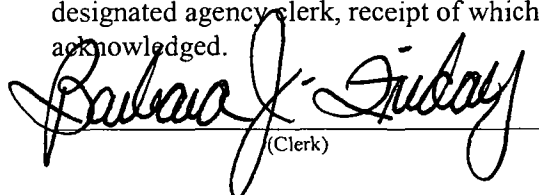
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit (including the Final Determination, the Statement of Basis and the Final Permit), or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested to the persons listed below:

- Ms. Brenda Brickhouse, Director, Environmental Services Section, Progress Energy
(Brenda.Brickhouse@pgnmail.com)
- Mr. Reginald D. Anderson, Plant Manager, Progress Energy (Reginald.Anderson@pgnmail.com)
- Ms. Katy R. Forney, U.S. EPA, Region 4 (Forney.Kathleen@epamail.epa.gov)
- Ms. Ana Oquendo, US EPA, Region 4 (oquendo.ana@epamail.epa.gov)
- Mr. Jim Bradner, P.E., DEP Central District Office (james.bradner@dep.state.fl.us)
- Ms. Barbara Friday, DEP BAR (Barbara.Friday@dep.state.fl.us) (for posting with U.S. EPA, Region 4)
- Ms. Victoria Gibson, DEP BAR (victoria.gibson@dep.state.fl.us) (for reading file)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date,
pursuant to Section 120.52(7), Florida Statutes, with the
designated agency clerk, receipt of which is hereby
acknowledged.


(Clerk)

1/30/09
(Date)

FINAL DETERMINATION

PERMITTEE

Florida Power Corporation dba Progress Energy
DeBary Power Plant

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

The purpose of this permit is for the revision of the Title V air operation permit to include the Clean Air Interstate Rule (CAIR) Part as an enforceable section of the permit.

This permit was processed using a parallel review.

PUBLIC NOTICE

A Written Notice of Intent to Issue a Title V Air Operation Permit to the Florida Power Corporation dba Progress Energy for the DeBary Power Plant located at 788 West Highbanks Road, DeBary in Volusia County, Florida, was clerked on June 4, 2008. The Public Notice of Intent to Issue a Title V Air Operation Permit was published in the Orlando Sentinel on June 28, 2008. The draft/proposed Title V air operation permit was available for public inspection at the permitting authority's office in Tallahassee. Proof of publication of the Public Notice of Intent to Issue a Title V Air Operation Permit was received on July 2, 2008.

COMMENTS

No comments on the draft/proposed permit were received from the US EPA Region 4 Office. No comments were received from the public during the 30-day public comment period. On July 21, 2008, a comment was received from the applicant concerning the July 11, 2008 D.C. Circuit Court issued remand & vacatur order. No changes to the permit are necessary based on the applicant's comment.

DEPARTMENT INITIATED CHANGES

Changes initiated by the Department were made in this final permit.

Statewide Format Changes

1. The effective date of the permit revision as shown on the placard page is changed from: January 1, 2009 to: January 28, 2009.
2. As a result of a recent rule change to Rule 62-213.420(1)(a)2., F.A.C., the Renewal Application Due Date for Permit No. 1270028-007-AV as shown on the placard page of the permit is changed from: July 5, 2009 to: May 20, 2009. {The rule change requires the renewal application to be submitted 225 days prior to expiration instead of the previous 180 days.}
3. A cover page and a Table of Contents is added to the final permit package.

CONCLUSION

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

STATEMENT OF BASIS

Progress Energy, DeBary Power Plant
Facility ID No. 1270028
Volusia County

Final Permit No. 1270028-008-AV

Title V Operation Permit Revision

CAIR Part

PROJECT DESCRIPTION

On April 28, 2008, the applicant submitted a CAIR Part Form in order to incorporate the Clean Air Interstate Rule provisions into Title V air operation permit No. 1270028-007-AV.

On July 11, 2008, the D.C. Circuit Court issued a remand & vacatur order of the CAIR regulations. Due to the vacatur status, the processing of the CAIR Part was stopped. On December 23, 2008 the D.C. Circuit Court issued a remand without vacatur order of the CAIR regulations. The processing of the revision request to incorporate the Clean Air Interstate Rule provisions into the Title V air operation permit is hereby resumed.

FACILITY DESCRIPTION

This existing facility consists of ten intermittent duty simple cycle combustion turbine-electrical generators, fuel oil storage tanks and ancillary equipment.

PROCESSING SCHEDULE AND RELATED DOCUMENTS

Application for a Title V Air Operation Permit Revision received on April 28, 2008.

Draft/Proposed Permit posted on web site on June 4, 2008.

Public Notice published on June 28, 2008.

Proof of Publication of Public Notice received on July 2, 2008.

Notification to U.S. EPA Region 4 of Publication of Public Notice on July 8, 2008.

PROJECT REVIEW

CAIR Part

- The identification numbers on the CAIR Part Form for the existing units were incorrect. The EPA unit identification numbers under the acid rain program for the existing units have already been established. The EPA unit identification numbers for the new units have yet to be established.
- On June 12, 2008, the applicant submitted a correction to page 1 of the CAIR Part Form. The corrected page is included in the final permit.
- The CAIR Part Form is now a part of this permit and has been incorporated as Section V., CAIR Part Form. This section identifies the units that must comply with the standard requirements and special provisions set forth in the CAIR Part Form

CONCLUSION

This project revises Title V air operation permit No. 1270028-007-AV, which was effective January 1, 2005. This Title V air operation permit revision is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210 and 62-213, F.A.C. In accordance with the terms and conditions of this permit, the above named permittee is hereby authorized to operate the facility as shown on the application and approved drawings, plans, and other documents, on file with the permitting authority.

Progress Energy Florida
DeBary Power Plant
Facility ID No. 1270028
Volusia County

Title V Air Operation Permit Revision

Final Permit No. 1270028-008-AV
(1st Revision of Title V Air Operation Permit No. 1270028-007-AV)

Permitting Authority

State of Florida
Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Title V Section

Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Telephone: 850/488-0114
Fax: 850/921-9533

Compliance Authority

State of Florida
Department of Environmental Protection
Central District Office

3319 Maguire Boulevard, Suite 232
Orlando, FL 32803-3767

Telephone: 407/894-7555
Fax: 407/897-2966

Title V Air Operation Permit Revision
Final Permit No. 1270028-008-AV

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IV. Acid Rain Part.	28 - 29
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Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Permittee:

Florida Power Corporation
dba Progress Energy Florida, Inc
DeBary Power Plant

Final Permit No. 1270028-008-AV
Facility ID No. 1270028
SIC No. 4911
Project: Title V Air Operation Permit Revision -
CAIR Part

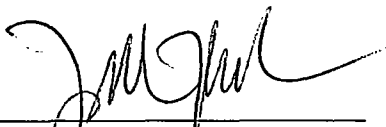
The purpose of this permit is for the revision of the Title V air operation permit to include the Clean Air Interstate Rule (CAIR) Part as an enforceable section of the permit. This existing facility is located at 788 West Highbanks Road, DeBary, Volusia County; UTM Coordinates: Zone 17, 467.5 km East and 3197.2 km North; Latitude: 28° 54' 17" North and Longitude: 81° 19' 55" West.

This Title V air operation permit revision is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210 and 62-213. The above named permittee is hereby authorized to operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Referenced attachments made a part of this permit:

Appendix I-1, List of Insignificant Emissions Units and/or Activities
Appendix H-1, Permit History
Appendix TV-4, TITLE V CONDITIONS (version dated 02/12/02)
Appendix GG, NSPS for Stationary Gas Turbines
APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)
Statement of Basis
TABLE 297.310-1, CALIBRATION SCHEDULE (version dated 10/07/96).
FIGURE 1 - SUMMARY REPORT-GASEOUS AND OPACITY EXCESS EMISSION
AND MONITORING SYSTEM PERFORMANCE REPORT (version dated 7/96).
Phase II Acid Rain Part Application Renewal, signed by the Designated Representative on
April 26, 2004.

1270028-007-AV Effective Date: January 1, 2005
Revision Effective Date: January 28, 2009
Renewal Application Due Date: May 20, 2009
Expiration Date: December 31, 2009



Joseph Kahn, Director
Division of Air Resource Management

JK/tlv/jkh/sms

SECTION V. CAIR PART FORM
CLEAN AIR INTERSTATE RULE PROVISIONS

Clean Air Interstate Rule (CAIR).

Operated by: Progress Energy
Plant Name: DeBary Power Plant
ORIS Code: 6046

The emissions units below are regulated under the Clean Air Interstate Rule.

E.U. ID No.	EPA Unit ID#	Brief Description
-003	TBE	Peaking Combustion Turbine Unit No. 1
-005	TBE	Peaking Combustion Turbine Unit No. 2
-007	TBE	Peaking Combustion Turbine Unit No. 3
-009	TBE	Peaking Combustion Turbine Unit No. 4
-011	TBE	Peaking Combustion Turbine Unit No. 5
-013	TBE	Peaking Combustion Turbine Unit No. 6
-015	07	Combustion Turbine Unit No. 7
-016	08	Combustion Turbine Unit No. 8
-017	09	Combustion Turbine Unit No. 9
-018	10	Combustion Turbine Unit No. 10

“TBE” - to be established

1. Clean Air Interstate Rule Application. The Clean Air Interstate Rule Part Form submitted for this facility is a part of this permit. The owners and operators of these CAIR units as identified in this form must comply with the standard requirements and special provisions set forth in the CAIR Part Form (DEP Form No. 62-210.900(1)(b) - Form, Effective: 3/16/08), which is attached at the end of this section. [Chapter 62-213, F.A.C. and Rule 62-210.200, F.A.C.]

SECTION V. CAIR PART FORM
CLEAN AIR INTERSTATE RULE PROVISIONS

DEBARY POWER PLANT

Plant Name (from STEP 1)

STEP 3

**Read the
standard
requirements.**

CAIR NO_x ANNUAL TRADING PROGRAM

CAIR Part Requirements.

- (1) The CAIR designated representative of each CAIR NO_x source and each CAIR NO_x unit at the source shall:
 - (i) Submit to the DEP a complete and certified CAIR Part form under 40 CFR 96.122 and Rule 62-296.470, F.A.C., in accordance with the deadlines specified in Rule 62-213.420, F.A.C.; and
 - (ii) [Reserved];
- (2) The owners and operators of each CAIR NO_x source and each CAIR NO_x unit at the source shall have a CAIR Part included in the Title V operating permit issued by the DEP under 40 CFR Part 96, Subpart CC, and operate the source and the unit in compliance with such CAIR Part.

Monitoring, Reporting, and Recordkeeping Requirements.

- (1) The owners and operators, and the CAIR designated representative, of each CAIR NO_x source and each CAIR NO_x unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR Part 96, Subpart HH, and Rule 62-296.470, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 96, Subpart HH, shall be used to determine compliance by each CAIR NO_x source with the following CAIR NO_x Emissions Requirements.

NO_x Emission Requirements.

- (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x source and each CAIR NO_x unit at the source shall hold, in the source's compliance account, CAIR NO_x allowances available for compliance deductions for the control period under 40 CFR 96.154(a) in an amount not less than the tons of total NO_x emissions for the control period from all CAIR NO_x units at the source, as determined in accordance with 40 CFR Part 96, Subpart HH.
- (2) A CAIR NO_x unit shall be subject to the requirements under paragraph (1) of the NO_x Requirements starting on the later of January 1, 2009, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 96.170(b)(1) or (2) and for each control period thereafter.
- (3) A CAIR NO_x allowance shall not be deducted, for compliance with the requirements under paragraph (1) of the NO_x Requirements, for a control period in a calendar year before the year for which the CAIR NO_x allowance was allocated.
- (4) CAIR NO_x allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Allowance Tracking System accounts in accordance with 40 CFR Part 96, Subparts FF and GG.
- (5) A CAIR NO_x allowance is a limited authorization to emit one ton of NO_x in accordance with the CAIR NO_x Annual Trading Program. No provision of the CAIR NO_x Annual Trading Program, the CAIR Part, or an exemption under 40 CFR 96.105 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.
- (6) A CAIR NO_x allowance does not constitute a property right.
- (7) Upon recordation by the Administrator under 40 CFR Part 96, Subpart EE, FF, or GG, every allocation, transfer, or deduction of a CAIR NO_x allowance to or from a CAIR NO_x unit's compliance account is incorporated automatically in any CAIR Part of the source that includes the CAIR NO_x unit.

Excess Emissions Requirements.

If a CAIR NO_x source emits NO_x during any control period in excess of the CAIR NO_x emissions limitation, then:

- (1) The owners and operators of the source and each CAIR NO_x unit at the source shall surrender the CAIR NO_x allowances required for deduction under 40 CFR 96.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable state law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 96, Subpart AA, the Clean Air Act, and applicable state law.

Recordkeeping and Reporting Requirements.

- (1) Unless otherwise provided, the owners and operators of the CAIR NO_x source and each CAIR NO_x unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the DEP or the Administrator.
 - (i) The certificate of representation under 40 CFR 96.113 for the CAIR designated representative for the source and each CAIR NO_x unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 40 CFR 96.113 changing the CAIR designated representative.
 - (ii) All emissions monitoring information, in accordance with 40 CFR Part 96, Subpart HH, of this part, provided that to the extent that 40 CFR Part 96, Subpart HH, provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO_x Annual Trading Program.
 - (iv) Copies of all documents used to complete a CAIR Part form and any other submission under the CAIR NO_x Annual Trading Program or to demonstrate compliance with the requirements of the CAIR NO_x Annual Trading Program.
- (2) The CAIR designated representative of a CAIR NO_x source and each CAIR NO_x unit at the source shall submit the reports required under the CAIR NO_x Annual Trading Program, including those under 40 CFR Part 96, Subpart HH.

SECTION V. CAIR PART FORM
CLEAN AIR INTERSTATE RULE PROVISIONS

DEBARY POWER PLANT

Plant Name (from STEP 1)

**STEP 3,
Continued**

Liability.

- (1) Each CAIR NO_x source and each CAIR NO_x unit shall meet the requirements of the CAIR NO_x Annual Trading Program.
- (2) Any provision of the CAIR NO_x Annual Trading Program that applies to a CAIR NO_x source or the CAIR designated representative of a CAIR NO_x source shall also apply to the owners and operators of such source and of the CAIR NO_x units at the source.
- (3) Any provision of the CAIR NO_x Annual Trading Program that applies to a CAIR NO_x unit or the CAIR designated representative of a CAIR NO_x unit shall also apply to the owners and operators of such unit.

Effect on Other Authorities.

No provision of the CAIR NO_x Annual Trading Program, a CAIR Part, or an exemption under 40 CFR 96.105 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO_x source or CAIR NO_x unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

CAIR SO₂ TRADING PROGRAM

CAIR Part Requirements.

- (1) The CAIR designated representative of each CAIR SO₂ source and each CAIR SO₂ unit at the source shall:
 - (i) Submit to the DEP a complete and certified CAIR Part form under 40 CFR 96.222 and Rule 62-296.470, F.A.C., in accordance with the deadlines specified in Rule 62-213.420, F.A.C.; and
 - (ii) [Reserved];
- (2) The owners and operators of each CAIR SO₂ source and each CAIR SO₂ unit at the source shall have a CAIR Part included in the Title V operating permit issued by the DEP under 40 CFR Part 96, Subpart CCC, for the source and operate the source and each CAIR unit in compliance with such CAIR Part.

Monitoring, Reporting, and Recordkeeping Requirements.

- (1) The owners and operators, and the CAIR designated representative, of each CAIR SO₂ source and each SO₂ CAIR unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR Part 96, Subpart HHH, and Rule 62-296.470, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 96, Subpart HHH, shall be used to determine compliance by each CAIR SO₂ source with the following CAIR SO₂ Emission Requirements.

SO₂ Emission Requirements.

- (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO₂ source and each CAIR SO₂ unit at the source shall hold, in the source's compliance account, a tonnage equivalent in CAIR SO₂ allowances available for compliance deductions for the control period, as determined in accordance with 40 CFR 96.254(a) and (b), not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO₂ units at the source, as determined in accordance with 40 CFR Part 96, Subpart HHH.
- (2) A CAIR SO₂ unit shall be subject to the requirements under paragraph (1) of the Sulfur Dioxide Emission Requirements starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 96.270(b)(1) or (2) and for each control period thereafter.
- (3) A CAIR SO₂ allowance shall not be deducted, for compliance with the requirements under paragraph (1) of the SO₂ Emission Requirements, for a control period in a calendar year before the year for which the CAIR SO₂ allowance was allocated.
- (4) CAIR SO₂ allowances shall be held in, deducted from, or transferred into or among CAIR SO₂ Allowance Tracking System accounts in accordance with 40 CFR Part 96, Subparts FFF and GGG.
- (5) A CAIR SO₂ allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO₂ Trading Program. No provision of the CAIR SO₂ Trading Program, the CAIR Part, or an exemption under 40 CFR 96.205 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.
- (6) A CAIR SO₂ allowance does not constitute a property right.
- (7) Upon recordation by the Administrator under 40 CFR Part 96, Subpart FFF or GGG, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from a CAIR SO₂ unit's compliance account is incorporated automatically in any CAIR Part of the source that includes the CAIR SO₂ unit.

Excess Emissions Requirements.

If a CAIR SO₂ source emits SO₂ during any control period in excess of the CAIR SO₂ emissions limitation, then:

- (1) The owners and operators of the source and each CAIR SO₂ unit at the source shall surrender the CAIR SO₂ allowances required for deduction under 40 CFR 96.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable state law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 96, Subpart AAA, the Clean Air Act, and applicable state law.

SECTION V. CAIR PART FORM
CLEAN AIR INTERSTATE RULE PROVISIONS

DEBARY POWER PLANT
Plant Name (from STEP 1)

**STEP 3,
Continued**

Recordkeeping and Reporting Requirements.

- (1) Unless otherwise provided, the owners and operators of the CAIR SO₂ source and each CAIR SO₂ unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Department or the Administrator.
- (i) The certificate of representation under 40 CFR 96.213 for the CAIR designated representative for the source and each CAIR SO₂ unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 40 CFR 96.213 changing the CAIR designated representative.
- (ii) All emissions monitoring information, in accordance with 40 CFR Part 96, Subpart HHH, of this part, provided that to the extent that 40 CFR Part 96, Subpart HHH, provides for a 3-year period for recordkeeping, the 3-year period shall apply.
- (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR SO₂ Trading Program.
- (iv) Copies of all documents used to complete a CAIR Part form and any other submission under the CAIR SO₂ Trading Program or to demonstrate compliance with the requirements of the CAIR SO₂ Trading Program.
- (2) The CAIR designated representative of a CAIR SO₂ source and each CAIR SO₂ unit at the source shall submit the reports required under the CAIR SO₂ Trading Program, including those under 40 CFR Part 96, Subpart HHH.

Liability.

- (1) Each CAIR SO₂ source and each CAIR SO₂ unit shall meet the requirements of the CAIR SO₂ Trading Program.
- (2) Any provision of the CAIR SO₂ Trading Program that applies to a CAIR SO₂ source or the CAIR designated representative of a CAIR SO₂ source shall also apply to the owners and operators of such source and of the CAIR SO₂ units at the source.
- (3) Any provision of the CAIR SO₂ Trading Program that applies to a CAIR SO₂ unit or the CAIR designated representative of a CAIR SO₂ unit shall also apply to the owners and operators of such unit.

Effect on Other Authorities.

No provision of the CAIR SO₂ Trading Program, a CAIR Part, or an exemption under 40 CFR 96.205 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR SO₂ source or CAIR SO₂ unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

CAIR NO_x OZONE SEASON TRADING PROGRAM

CAIR Part Requirements.

- (1) The CAIR designated representative of each CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall:
- (i) Submit to the DEP a complete and certified CAIR Part form under 40 CFR 96.322 and Rule 62-296.470, F.A.C., in accordance with the deadlines specified in Rule 62-213.420, F.A.C.; and
- (ii) [Reserved];
- (2) The owners and operators of each CAIR NO_x Ozone Season source required to have a Title V operating permit or air construction permit, and each CAIR NO_x Ozone Season unit required to have a Title V operating permit or air construction permit at the source shall have a CAIR Part included in the Title V operating permit or air construction permit issued by the DEP under 40 CFR Part 96, Subpart CCCC, for the source and operate the source and the unit in compliance with such CAIR Part.

Monitoring, Reporting, and Recordkeeping Requirements.

- (1) The owners and operators, and the CAIR designated representative, of each CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR Part 96, Subpart HHHH, and Rule 62-296.470, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 96, Subpart HHHH, shall be used to determine compliance by each CAIR NO_x Ozone Season source with the following CAIR NO_x Ozone Season Emissions Requirements.

NO_x Ozone Season Emission Requirements.

- (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO_x Ozone Season allowances available for compliance deductions for the control period under 40 CFR 96.354(a) in an amount not less than the tons of total NO_x emissions for the control period from all CAIR NO_x Ozone Season units at the source, as determined in accordance with 40 CFR Part 96, Subpart HHHH.
- (2) A CAIR NO_x Ozone Season unit shall be subject to the requirements under paragraph (1) of the NO_x Ozone Season Emission Requirements starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 96.370(b)(1),(2), or (3) and for each control period thereafter.
- (3) A CAIR NO_x Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (1) of the NO_x Ozone Season Emission Requirements, for a control period in a calendar year before the year for which the CAIR NO_x Ozone Season allowance was allocated.
- (4) CAIR NO_x Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Ozone Season Allowance Tracking System accounts in accordance with 40 CFR Part 96, Subparts FFFF and GGGG.
- (5) A CAIR NO_x Ozone Season allowance is a limited authorization to emit one ton of NO_x in accordance with the CAIR NO_x Ozone Season Trading Program. No provision of the CAIR NO_x Ozone Season Trading Program, the CAIR Part, or an exemption under 40 CFR 96.305 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.
- (6) A CAIR NO_x Ozone Season allowance does not constitute a property right.
- (7) Upon recordation by the Administrator under 40 CFR Part 96, Subpart EEEE, FFFF or GGGG, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from a CAIR NO_x Ozone Season unit's compliance account is incorporated automatically in any CAIR Part of the source that includes the CAIR NO_x Ozone Season unit.

DEP Form No. 62-210.900(1)(b) – Form
Effective: 3/16/08

4

SECTION V. CAIR PART FORM
CLEAN AIR INTERSTATE RULE PROVISIONS

DEBARY POWER PLANT
Plant Name (from STEP 1)

**STEP 3,
Continued**

Excess Emissions Requirements.

If a CAIR NO_x Ozone Season source emits NO_x during any control period in excess of the CAIR NO_x Ozone Season emissions limitation, then:
 (1) The owners and operators of the source and each CAIR NO_x Ozone Season unit at the source shall surrender the CAIR NO_x Ozone Season allowances required for deduction under 40 CFR 96.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable state law; and
 (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 96, Subpart AAAA, the Clean Air Act, and applicable state law.

Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the DEP or the Administrator.
 (i) The certificate of representation under 40 CFR 96.313 for the CAIR designated representative for the source and each CAIR NO_x Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 40 CFR 96.113 changing the CAIR designated representative.
 (ii) All emissions monitoring information, in accordance with 40 CFR Part 96, Subpart HHHH, of this part, provided that to the extent that 40 CFR Part 96, Subpart HHHH, provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO_x Ozone Season Trading Program.
 (iv) Copies of all documents used to complete a CAIR Part form and any other submission under the CAIR NO_x Ozone Season Trading Program or to demonstrate compliance with the requirements of the CAIR NO_x Ozone Season Trading Program.
 (2) The CAIR designated representative of a CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall submit the reports required under the CAIR NO_x Ozone Season Trading Program, including those under 40 CFR Part 96, Subpart HHHH.

Liability.

(1) Each CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit shall meet the requirements of the CAIR NO_x Ozone Season Trading Program.
 (2) Any provision of the CAIR NO_x Ozone Season Trading Program that applies to a CAIR NO_x Ozone Season source or the CAIR designated representative of a CAIR NO_x Ozone Season source shall also apply to the owners and operators of such source and of the CAIR NO_x Ozone Season units at the source.
 (3) Any provision of the CAIR NO_x Ozone Season Trading Program that applies to a CAIR NO_x Ozone Season unit or the CAIR designated representative of a CAIR NO_x Ozone Season unit shall also apply to the owners and operators of such unit.

Effect on Other Authorities.


No provision of the CAIR NO_x Ozone Season Trading Program, a CAIR Part, or an exemption under 40 CFR 96.305 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO_x Ozone Season source or CAIR NO_x Ozone Season unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

STEP 4

Certification (for designated representative or alternate designated representative only)

Read the certification statement; provide name, title, owner company name, phone, and e-mail address; sign, and date.

I am authorized to make this submission on behalf of the owners and operators of the CAIR source or CAIR units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name: Brenda Brickhouse	Title: Director, Environmental Services Section
Company Owner Name FLORIDA POWER CORPORATION DBA PROGRESS ENERGY FLORIDA, INC.	
Phone: 727.820.5153	E-mail Address: Brenda.Brickhouse@pgnmail.com
Signature 	Date 4/21/08

Friday, Barbara

To: Brickhouse, Brenda
Cc: Anderson, Reginald D.; Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Bradner, James; Gibson, Victoria; Sheplak, Scott; Holtom, Jonathan
Subject: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV
Attachments: 1270028-008-AVCAIRNoticeofFinalPermit.pdf

Dear Sir/ Madam:

Attached is the official **Notice of Final Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". **We must receive verification that you are able to access the documents.** Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1270028.008.AV.F_pdf.zip

Attention: Scott Sheplak

Owner/Company Name: FLORIDA POWER CORPORATION D/B/A PROGRESS

Facility Name: DEBARY FACILITY

Project Number: 1270028-008-AV

Permit Status: FINAL

Permit Activity: PERMIT REVISION

Facility County: VOLUSIA

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "*Air Permit Documents Search*" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

Permit project documents addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9524

Friday, Barbara

From: Brickhouse, Brenda [Brenda.Brickhouse@pgnmail.com]
To: Friday, Barbara
Sent: Friday, January 30, 2009 2:36 PM
Subject: Read: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV

Your message

To: Brenda.Brickhouse@pgnmail.com
Subject:

was read on 1/30/2009 2:36 PM.

Friday, Barbara

From: Mail Delivery System [MAILER-DAEMON@mseive01.rtp.epa.gov]
Sent: Friday, January 30, 2009 2:16 PM
To: Friday, Barbara
Subject: Successful Mail Delivery Report
Attachments: Delivery report; Message Headers

This is the mail system at host mseive01.rtp.epa.gov.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<Forney.Kathleen@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent 498351EC_22192_9051_1 34926444B8

<Oquendo.Ana@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent 498351EC_22192_9051_1 34926444B8

Friday, Barbara

From: Oquendo.Ana@epamail.epa.gov
Sent: Monday, February 02, 2009 9:34 AM
To: Friday, Barbara
Subject: Re: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV
Attachments: 1270028-008-AVCAIRNoticeofFinalPermit.pdf

Barbara,

I could access all files. Thanks.

Wishing you a great day!

Ana M. Oquendo
Air Permits Section
Air, Pesticides and Toxics Management Division U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

email. quendo.ana@epa.gov
phone. 404-562-9781
fax. 404-562-9019

Please consider the environment before printing this email.

"Friday,
Barbara"
<Barbara.Friday@
dep.state.fl.us>

01/30/2009 02:15
PM

To
"Brickhouse, Brenda"
<Brenda.Brickhouse@pgnmail.com>

cc
"Anderson, Reginald D."
<Reginald.Anderson@pgnmail.com>,
Kathleen Forney/R4/USEPA/US@EPA,
Ana Oquendo/R4/USEPA/US@EPA,
"Bradner, James"
<James.Bradner@dep.state.fl.us>,
"Gibson, Victoria"
<Victoria.Gibson@dep.state.fl.us>
, "Sheplak, Scott"
<Scott.Sheplak@dep.state.fl.us>,
"Holtom, Jonathan"
<Jonathan.Holtom@dep.state.fl.us>
Subject
PROGRESS ENERGY FLORIDA, INC. -
DEBARY FACILITY; 1270028-008-AV

Dear Sir/ Madam:

Attached is the official Notice of Final Permit for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document (s).

Click on the following link to access the permit project documents:

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1270028.008.AV.F_pdf.zip

Attention: Scott Sheplak

Owner/Company Name: FLORIDA POWER CORPORATION D/B/A PROGRESS Facility Name: DEBARY FACILITY
Project Number: 1270028-008-AV Permit Status: FINAL Permit Activity: PERMIT REVISION Facility
County: VOLUSIA The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "Air Permit Documents Search" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> .

Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)
(850)921-9524

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you

received. Simply click on this link to the DEP Customer Survey. Thank you in advance for completing the survey..(See attached file: 1270028-008-AVCAIRNoticeofFinalPermit.pdf)

Friday, Barbara

From: System Administrator
To: Bradner, James
Sent: Friday, January 30, 2009 2:16 PM
Subject: Delivered:PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV

Your message

To: Brickhouse, Brenda
Cc: Anderson, Reginald D.; Forney.Kathleen@epamail.epa.gov;
Oquendo.Ana@epamail.epa.gov; Bradner, James; Gibson, Victoria; Sheplak, Scott;
Holtom, Jonathan
Subject: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV
Sent: 1/30/2009 2:16 PM

was delivered to the following recipient(s):

Bradner, James on 1/30/2009 2:16 PM

Friday, Barbara

From: Bradner, James
To: Friday, Barbara
Sent: Friday, January 30, 2009 4:48 PM
Subject: Read: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV

Your message

To: Brickhouse, Brenda
Cc: Anderson, Reginald D.; Forney.Kathleen@epamail.epa.gov;
Oguendo.Ana@epamail.epa.gov; Bradner, James; Gibson, Victoria; Sheplak, Scott;
Holtom, Jonathan
Subject: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV
Sent: 1/30/2009 2:16 PM

was read on 1/30/2009 4:48 PM.

Friday, Barbara

From: System Administrator
To: Gibson, Victoria
Sent: Friday, January 30, 2009 2:16 PM
Subject: Delivered:PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV

Your message

To: Brickhouse, Brenda
Cc: Anderson, Reginald D.; Forney.Kathleen@epamail.epa.gov;
Oquendo.Ana@epamail.epa.gov; Bradner, James; Gibson, Victoria; Sheplak, Scott;
Holtom, Jonathan
Subject: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV
Sent: 1/30/2009 2:16 PM

was delivered to the following recipient(s):

Gibson, Victoria on 1/30/2009 2:16 PM

Friday, Barbara

From: Gibson, Victoria
To: Friday, Barbara
Sent: Friday, January 30, 2009 2:26 PM
Subject: Read: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV

Your message

To: Brickhouse, Brenda
Cc: Anderson, Reginald D.; Forney.Kathleen@epamail.epa.gov;
Oquendo.Ana@epamail.epa.gov; Bradner, James; Gibson, Victoria; Sheplak, Scott;
Holtom, Jonathan
Subject: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV
Sent: 1/30/2009 2:16 PM

was read on 1/30/2009 2:26 PM.

Friday, Barbara

From: System Administrator
To: Sheplak, Scott
Sent: Friday, January 30, 2009 2:16 PM
Subject: Delivered:PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV

Your message

To: Brickhouse, Brenda
Cc: Anderson, Reginald D.; Forney.Kathleen@epamail.epa.gov;
Oquendo.Ana@epamail.epa.gov; Bradner, James; Gibson, Victoria; Sheplak, Scott;
Holtom, Jonathan
Subject: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV
Sent: 1/30/2009 2:16 PM

was delivered to the following recipient(s):

Sheplak, Scott on 1/30/2009 2:16 PM

Friday, Barbara

From: Sheplak, Scott
To: Friday, Barbara
Sent: Friday, January 30, 2009 2:25 PM
Subject: Read: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV

Your message

To: Brickhouse, Brenda
Cc: Anderson, Reginald D.; Forney.Kathleen@epamail.epa.gov;
Oquendo.Ana@epamail.epa.gov; Bradner, James; Gibson, Victoria; Sheplak, Scott;
Holtom, Jonathan
Subject: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV
Sent: 1/30/2009 2:16 PM

was read on 1/30/2009 2:25 PM.

Friday, Barbara

From: System Administrator
To: Holtom, Jonathan
Sent: Friday, January 30, 2009 2:16 PM
Subject: Delivered:PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV

Your message

To: Brickhouse, Brenda
Cc: Anderson, Reginald D.; Forney.Kathleen@epamail.epa.gov;
Oquendo.Ana@epamail.epa.gov; Bradner, James; Gibson, Victoria; Sheplak, Scott;
Holtom, Jonathan
Subject: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV
Sent: 1/30/2009 2:16 PM

was delivered to the following recipient(s):

Holtom, Jonathan on 1/30/2009 2:16 PM

Friday, Barbara

From: Holtom, Jonathan
To: Friday, Barbara
Sent: Friday, January 30, 2009 2:21 PM
Subject: Read: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV

Your message

To: Brickhouse, Brenda
Cc: Anderson, Reginald D.; Forney.Kathleen@epamail.epa.gov;
Oquendo.Ana@epamail.epa.gov; Bradner, James; Gibson, Victoria; Sheplak, Scott;
Holtom, Jonathan
Subject: PROGRESS ENERGY FLORIDA, INC. - DEBARY FACILITY; 1270028-008-AV
Sent: 1/30/2009 2:16 PM

was read on 1/30/2009 2:21 PM.