



September 10, 1998

RECEIVED

SEP 17 1998

BUREAU OF  
AIR REGULATION

Mr. Lennon Anderson  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Rd.  
Tallahassee, Florida 32399-2400

Dear Mr. Anderson:

Re: FPC's DeBary Facility  
DRAFT Title V Permit No. 1270028-001-AV

In order to allow further processing of the above-referenced Title V permit, the Department has requested additional information from Florida Power Corporation (FPC). Specifically, this letter confirms that the two boilers referenced in FPC's Title V application under unregulated emission units (Attachment DB-E03-B6), no longer exist. Therefore, the Title V permit issued for the DeBary facility should not include these units.

If you should have any questions concerning the above, please do not hesitate to contact me at (727) 826-4258.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott H. Osbourn", is written over a horizontal line.

Scott H. Osbourn  
Senior Environmental Engineer

Attachment

**Attachment DB-E03-B6**  
 General Emissions Unit Information for Unregulated Emissions Unit

Table 1. FPC, DeBary Plant, Unregulated Emissions Unit

Area	Emission Unit Description	Status
	Electric motors (5)	TR
	Air compressor	TR
Boiler house	No existing operations performed	TR
	✓ Boilers (2)- not hooked up	UR
Combustion turbine peaking units (6)- P1 to P6	Lube oil vent w/ demister	UR
	Lube oil storage tank- 2700 gal	UR
	Surge tank - 500 gal (+small tank)	UR
	Overboard tank	UR
	Electric pumps	TR
	Air compressor	TR
	Hydrogen venting & purge	TR
	CO2 tank (liquid)/ purge	TR
	Fire System	ER/TR
Substation	Transformers and associated equipment	TR
Oil Storage Area	Fuel oil tank- 316,000 bbl	UR
	Truck delivery	UR
Water storage tanks	Water tanks (3) (formerly oil storage) (25,000; 50,000; 300,000 bbl)	TR
Black start diesel	Diesel/ Caterpillar 3500/ 2520 hp/ 1879 kw	UR/ER
	Fuel tank - 500 gal	UR
Water treatment building	sulfuric acid, caustic, sodium sulfide storage	TR

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**FLORIDA POWER CORPORATION'S DEBARY FACILITY  
A PROFESSIONAL OPINION REGARDING SPECIFIC  
TITLE V PERMIT CONDITIONS  
AT ISSUE**

**Issue**

Florida Power Corporation (FPC) is in the process of negotiating the Title V permit conditions for the DeBary Facility. At issue are several conditions which limit both the emissions on a lb/hr/unit basis and the hours of operation on an hours per year per unit basis. This type of limitation does not allow for the flexibility that is needed on a unit basis and is not acceptable to FPC. FPC has worked with the Florida Department of Environmental Protection (FDEP) for several months to resolve this issue to no avail. This has resulted in FPC petitioning for a formal administrative hearing. FPC would still like to resolve this issue without having to go to a hearing, if possible, and has requested Barry Andrews' (an air consultant with ENSR Consulting and Engineering) assistance to help negotiate this issue with FDEP. Mr. Andrews, a former employee with DER (presently DEP) was the author of the Best Available Control Technology (BACT) determination that has been relied upon to establish the Title V permit conditions. Mr. Andrews is providing this professional opinion based on what was the original intent of the BACT.

**Background**

The application for FPC's DeBary Facility to obtain a PSD permit to construct was received by DER on December 31, 1990. At that time, the Bureau of Air Regulation (BAR) was processing an unprecedented number of PSD applications (22 PSD permit applications received in 1990 and 12 PSD permit applications received in 1<sup>st</sup> Quarter of 1991) and was also involved with other major controversial projects (biological waste combustion rule and two commercial hazardous waste incinerators).

The DeBary Facility PSD application was one of several applications that were received for power production facilities utilizing gas and/or oil-fired turbines. At the time that the DeBary application was received, BAR was processing PSD/Power Plant Siting Applications for Tampa Electric Company's Hardee Power Station and for two Florida Power and Light (FP&L) projects (Lauderdale Repowering and Martin Coal Gasification). Other projects included the City of Vero Beach, Ft. Pierce Utilities Authority, and City of Lakeland. During the time that the DeBary application was being processed, other applications for gas/oil turbine power producing facilities were received, including Orlando Utilities Commission's Brevard Facility and two independent power production facilities (Lake Cogen and Pasco Cogen).

## History of BACTs

The large influx of PSD permit applications for gas/oil fired turbines (some combined cycle and others simple cycle; some gas/oil fired and some oil fired only) created new challenges for BAR. BAR had become accustomed with the issues associated with waste-to-energy facilities (many applications processed in mid to late 1980's), but was inexperienced with the issues associated with these combustion turbines for which applications were being received at an astonishing rate.

## Intent of BACTs

BAR's objective with regard to the BACT process was to always provide as much flexibility to the permittee as possible as long as compliance with air regulations was demonstrated and the quality of Florida's air was maintained. A review of the BACTs and permits prepared for the combustion turbine facilities mentioned above indicate that the main objective was to limit operations on a facility-wide and not unit basis. Examples of this are the permit for FP&L's Martin facility (issued on May 31, 1991) which limited oil-firing to an annual aggregate of 2,000 hours for the four combustion turbines (see Specific Condition 4 of PSD-FL-146). In addition, this concept is repeated in Specific Condition 2 for FP&L's Lauderdale Repowering Project (PSD-FL-145, issued on March 14, 1991) which states:

Each of four CTs may operate continuously, i.e., 8,760 hrs/year provided that the total (four turbines) annual heat input attributed to light distillate fuel oil firing does not exceed 14,426,844 MMBtu (@ 75°F) and the total heat input for all four turbines and the duct burners does not exceed 54,129,421 MMBtu.

## DeBary Facility

Although the construction permit for the DeBary Facility did not specify that the units could operate 8,760 hours per year, yet be limited on a facility-wide basis as was the case with FP&L's Martin facility, a review of the permit and BACT indicate the intent of doing so was there. This explains why, in Specific Condition No. 4 (PSD-FL-167), the annual SO<sub>2</sub> emission limitation of 2,888 tons per year is based on six (only four constructed) turbines. No annual pollutant emission limitations are unit based. Also, annual fuel usage is limited to 159,200,000 for 6 turbines (i.e., no annual fuel limit on a unit basis). This intent is also demonstrated on the BACT in Table 1 by the careful use of the word "equivalent."

Stated as equivalent to 3,390 hours per year for 6 units, not 3,390 hours per unit per year.

**Conclusion**

In hindsight, this contention with regard to Title V permit conditions would never have become an issue if the construction permit would have been written in the same manner as was done for FP&L's Martin Facility. I'm convinced that our heavy permit load at the time was a factor in not being consistent from permit to permit although the intent was the same. It is interesting that history has demonstrated that providing flexibility on a unit basis while limiting operation and emissions on a facility-wide basis was a logical decision for combustion turbines. What I am referring to is the episodes that Florida Gas Transmission (FGT) experienced with unexpected turbine failure. These would have been disastrous for FGT had they not been able to compensate due to permitting which allowed unlimited operation on a unit basis.

*Barry D. Andrews*

*Florida P.E. # 36024*

*8/28/98*

DEP ROUTING AND TRANSMITTAL SLIP

TO: (NAME, OFFICE, LOCATION)

3. \_\_\_\_\_

1. Doug Benson, OGC

4. \_\_\_\_\_

2. MS #35

5. \_\_\_\_\_

PLEASE PREPARE REPLY FOR:

\_\_\_\_ SECRETARY'S SIGNATURE

\_\_\_\_ DIV/DIST DIR SIGNATURE

\_\_\_\_ MY SIGNATURE

\_\_\_\_ YOUR SIGNATURE

\_\_\_\_ DUE DATE \_\_\_\_\_

ACTION/DISPOSITION

\_\_\_\_ DISCUSS WITH ME

\_\_\_\_ COMMENTS/ADVISE

\_\_\_\_ REVIEW AND RETURN

\_\_\_\_ SET UP MEETING

\_\_\_\_ FOR YOUR INFORMATION

\_\_\_\_ HANDLE APPROPRIATELY

\_\_\_\_ INITIAL AND FORWARD

\_\_\_\_ SHARE WITH STAFF

\_\_\_\_ FOR YOUR FILES

COMMENTS:

Re: APC-DeBary

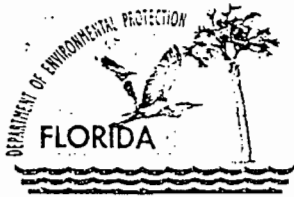
DRAFT Permit No. 1270028-001-AU

I did not grant extensions of time beyond 11/4/97.

FROM: Scott Shepard

DATE: 1/12/18

PHONE: \_\_\_\_\_



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

October 31, 1997

Mr. Scott H. Osbourn  
Senior Environmental Engineer  
Florida Power Corporation (FPC)  
3201 Thirty-fourth Street South  
St. Petersburg, FL 33733

Re: Florida Power Corporation, DeBary Facility  
Draft Title V Permit No. 1270028-001-AV.

Dear Mr. Osbourn:

The Department received your comments on the Draft Title V permit for the DeBary Facility on August 20, 1997. A written response addressing 37 comments was provided to you on October 2, 1997 via fax. FPC responded back with seven comments on October 14, 1997 via teleconference. On October 21, 1997 the Department provided a written response via fax to the seven comments.

The most important unresolved issues are the changes requested that were denied due to the BACT Determination dated October 18, 1991 and permit number AC64-191015, issued on October 18, 1991 and modified on May 6, 1997. The Department researched the files on FPC's proposal regarding aggregate limits and flexibility with hours of operation beyond 3390 hours per year for combustion turbines (CT) 7, 8, 9 and 10. We have determined that 3390 hours/year/unit is the maximum hours allowed without any kind of operational flexibility. As a result, each CT has a ton per year limit. From our files, we found the following:

- In the initial air construction application, dated December 27, 1990, FPC requested that the emission units operate 8760. In FPC's April 16, 1991 letter, the Department responded by stating that it will adhere to NESCAUM guidelines which would limit the CTs to 2500 hours/year. FPC then requested 3500 hours/year as a minimum. FPC, however, was granted a maximum hours of operation of 3390 hours/year/unit in the BACT Determination dated October 18, 1991.
- The in-house draft for BACT did not include 3390 hours/year/unit; however, the final BACT had 3390 hours/year/unit. Based on this information, the permit writer intended that each turbine shall operate up to 3390 hours per year.

Mr. Scott Osbourn

October 31, 1997

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- The initial draft permit had TPY/unit, but FPC objected in its July 8, 1991 letter and TPY/unit was deleted leaving TPY/6 CT. This, however, did not eliminate TPY/unit because each CT was limited to 3390 hours/year by the BACT. The TPY/6 CT is simply the addition of the pollutants from each turbine operating up to 3390 hours per year. TPY/6 CT does not give the flexibility of allowing one or more turbine to exceed 3390 hour per year.
- The initial draft also had 2190 hours/year/unit and FPC objected in its July 8, 1991 letter. The final permit did not include it and there was no condition given to allow any CT to exceed 3390 hours/year. The BACT still prevails.
- The maximum hours of operation according to FPC's September 24, 1991 letter to Tom Rogers regarding modeling is 3390 hours per year. The letter also states that the hours of operation for the CTs are limited by permit.
- The final determination addressed how the permit significantly limits the hours of operation. Furthermore, page 3 of the BACT states that the applicant will control SO<sub>2</sub> by limiting operating hours to 3400/year/unit. Condition 6 of the PSD permit states that if there are any changes in the method of operation, etc., it should be submitted to the Department.
- The Title V Application states that the four CTs are limited in hours of operation on pages 9 (under Facility Information) and 18 (under Emissions Unit, Section B). Page 18 states, "each turbine is permitted to operate up to 3390 hours/year."
- For the modification requested on November 8, 1996, (see section 5, permit modification request of the Technical Evaluation) it states that no increase in hours of operation was requested. (see also section 3, source description, of the Technical Evaluation) The source description states that annual hours of operation are limited to 3390 or less based on a sliding scale related to the fuel sulfur content.
- The air construction application for the modification has on pages 9 and 18 that the four CTs are limited in hours of operation. Page 18 states, "each turbine is permitted to operate up to 3390 hours/year."
- On March 5, 1997, the Department requested additional information on why synthetically limited was checked for the following pollutants: SO<sub>2</sub>, NO<sub>x</sub>, PM, CO, VOC and SAM. FPC responded by stating that the CTs are limited in hours of operation.
- The annual emissions fee forms dating back to 1993 were checked for the maximum allowable hours reported for Combustion Turbines 7, 8, 9 and 10. On page B of the fee form, Section III has "Operating conditions- Maximum allowed by permit per year". In column (f) of this section, FPC listed the maximum hours of operation for each combustion turbines at 3390 hours.

As indicated to Mr. Robert Manning during a telephone conversation on October 30, the changes made are final and no more extensions will be granted beyond November 4, 1997.



Mr. Scott Osbourn  
October 31, 1997  
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Please advise us so that we may proceed to the proposed permit stage. If you should have any questions, please call Lennon Anderson or me at 850/488-1344.

Sincerely,



Scott M. Sheplak, P.E.  
Administrator  
Title V Section

SMS/la

Copy to:

Robert Manning, HGSS  
Michael Kennedy, FPC  
Kennard Kosky, GA

Florida Department of  
**Environmental Protection**

**Memorandum**

---

TO: Howard Rhodes

FROM: Clair Fancy

DATE: December 12, 1997

SUBJECT: Amendment to AC 64-191015/PSD-FL-167(A) Permit  
NSPS Custom Fuel Monitoring Schedule  
Florida Power Corporation  
Debary Facility

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Attached for your approval and signature is an amendment to a construction permit prepared by the Bureau of Air Regulation for the FPC Debary Facility. The purpose of this amendment is to specify a custom fuel monitoring schedule for sulfur dioxide and nitrogen oxides in natural gas used as fuel at this facility. As per 40 CFR 60.334(b)(2), the request for a custom fuel monitoring schedule, with data which demonstrated consistent compliance with all the conditions of this permit and 40 CFR 60, Subpart GG, was approved by the Administrator of the U.S. EPA. This amendment will not cause an increase in annual allowable emission limits or result in any equipment change.

This amendment is recommended for your approval and signature.

CF/CSL

Attachment

12/15/97

cc: Charles Logan  
Serron Anderson  
Reading File



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

December 12, 1997

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. W. Jeffrey Pardue, C.E.P.  
Director of Environmental Services  
Florida Power Corporation  
3201 34th Street South  
St. Petersburg, Florida 33711

RE: Amendment to AC 64-191015/PSD-FL-167(A) Permit  
NSPS Custom Fuel Monitoring Schedule  
Florida Power Corporation  
Debary Facility

Dear Mr. Pardue:

The Department has reviewed your September 10, 1997 letter requesting an NSPS Custom Fuel Monitoring Schedule, which was submitted to EPA, and natural gas analysis data received by the Department on December 5, 1997. The schedule would only apply to a monitoring schedule for sulfur dioxide (SO<sub>2</sub>) and nitrogen oxide (NO<sub>x</sub>) when natural gas is being fired at the subject facility (Refer to Attachments Nos. 1 & 4). The facility is required by the permit to comply with Subpart GG of the New Source Performance Standards (NSPS) 40 CFR 60. For sources utilizing pipeline quality natural gas, 40 CFR 60.334(b) and 60.334(b)(2) state that a custom fuel monitoring schedule, if supported by data which demonstrates compliance with NSPS emission limits, may be approved by the Administrator of EPA. This authority has been delegated to EPA's regional offices and, EPA Region IV will provide their determination of this request to the Department. The Department received a letter, dated October 25, 1997, from EPA on November 3, 1997, stating that a custom fuel monitoring schedule for this facility was acceptable, since it complied with all items of the attachment to the custom fuel monitoring guidance memo issued by EPA Headquarters on August 14, 1987 (Refer to Attachments Nos. 2 & 3). The results from a minimum of one sampling event each quarter for six quarters were

Mr. W. Jeffrey Pardue  
AC 64-191015/PSD-FL-167(A)  
Debary Facility Permit Amendment  
December 12, 1997  
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provided by the permittee, which demonstrated consistent compliance with the allowable SO<sub>2</sub> emissions limits specified under 40 CFR 60.333 and this permit. Therefore, upon issuance of the amended permit, the permittee shall begin monitoring the sulfur content of natural gas as specified in 2.c. of the Custom Fuel Monitoring Schedule for Natural Gas. In accordance with the EPA and Department determination, the permit specific condition will be amended as follows:

**I. Specific Condition Number;**

**From**

16. Sulfur, nitrogen content and lower heating value of the fuel being fired in the combustion turbines shall be based on a weighted 12 month rolling average from fuel delivery receipts. The records of fuel oil usage shall be kept by the company for a two-year period for regulatory agency inspection purposes.

**To**

**16. The permittee shall monitor sulfur content and nitrogen content of the new No. 2 fuel oil and sulfur content of natural gas. These values may be provided by the vendor and the sulfur content, for compliance purposes, shall be based on a weighted 12 month rolling average from fuel delivery receipts. The frequency of determinations of these values shall be as follows:**

**A. New No. 2 Fuel Oil**

**The values, sulfur and nitrogen content, shall be determined on each occasion that fuel is transferred to the storage tanks from any other source. The sulfur content of the fuel oil shall be based on a weighted 12 month rolling average and shall not exceed 0.3 %. The maximum weighted sulfur content of the fuel oil shall not exceed 0.5 % at any time. Records of these values shall be kept by the facility for a five year period for regulatory agency inspection purposes.**

**B. Natural Gas**

**Pursuant to 40 CFR 60.334(b)(2), a custom fuel monitoring schedule for the determination of these values shall be followed for the natural gas fired at this facility and shall be as follows:**

Mr. W. Jeffrey Pardue  
AC 64-191015/PSD-FL-167(A)  
Debary Facility Permit Amendment  
December 12, 1997  
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Custom Fuel Monitoring Schedule for Natural Gas (NG)

1. Monitoring of fuel nitrogen content shall not be required if NG is the only fuel being fired in the gas turbines.
  
2. Sulfur Monitoring
  - a. Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternative method. The reference methods are ASTM D1072-80, ASTM D3031-81, ASTM D3246-81, and ASTM D4084-82 as referenced in 40 CFR 60.335(b)(2), or the latest edition(s).
  
  - b. This custom fuel monitoring schedule shall become effective on the date this permit becomes valid. Effective the date of this custom schedule, sulfur monitoring shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel sulfur content, and indicates consistent compliance with 40 CFR 60.333 and the conditions of this permit, then sulfur monitoring shall be conducted once per quarter for six quarters. If monitoring data is provided by the applicant which demonstrates consistent compliance with the requirements herein the applicant may begin monitoring as per the requirements of 2.c.
  
  - c. If after the monitoring required in item 2.b. above, or herein, the sulfur content of the fuel shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR 60.333 and the conditions of this permit, sample analysis shall be conducted twice per annum. This monitoring shall be conducted during the first and third quarters of each calendar year.
  
  - d. Should any sulfur analysis as required in items 2.b. or 2.c. above indicate noncompliance with 40 CFR 60.333 and the conditions of this permit, the owner or operator shall notify the Department of such excess emissions and the custom schedule shall be re-examined by the Environmental Protection

Mr. W. Jeffrey Pardue  
AC 64-191015/PSD-FL-167(A)  
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**Agency. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.**

- 3. If there is a change in fuel supply, the owner or operator must notify the Department of such change for re-examination of this custom schedule. A substantial change in fuel quality shall be considered as a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.**
- 4. Records of sample analysis and fuel supply pertinent to this custom schedule shall be retained for a period of five years, and be available for inspection by personnel of federal, state, and local air pollution control agencies.**

## **II. Attachments to be Incorporated;**

- FPC letter dated September 10, 1997
- EPA letter dated August 14, 1987
- EPA letter dated October 25, 1997
- Natural Gas Analysis Data received December 5, 1997

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes (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 of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the applicant of the amendment request/application and the parties listed below must be filed within 14 days of receipt of this amendment. Petitions filed by other persons must be filed within 14 days of the amendment issuance or within 14 days of their receipt of this amendment, whichever occurs first. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

Mr. W. Jeffrey Pardue  
AC 64-191015/PSD-FL-167(A)  
Debary Facility Permit Amendment  
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The Petition shall contain the following information:

- (a) The name, address and telephone number of each petitioner, the applicant's name and address, the Department 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 facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action;
- (g) A statement of the relief sought by petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this amendment. Persons whose substantial interests will be affected by any decision of the Department with regard to the request/application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this amendment in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, Florida Administrative Code.

Mr. W. Jeffery Pardue  
AC 64-191015/PSD-FL-167(A)  
Debary Facility Permit Amendment  
December 12, 1997  
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This letter amendment must be attached to AC 64-191015/PSD-FL-167(A) Permit and shall become part of the permit.

Sincerely,



for Howard L. Rhodes, Director  
Division of Air Resources  
Management

HLR/CSL

Attachments

cc: L. Kozlov, CD            K. Kosky, P.E., Golder Associates, Inc.  
    A. Linero, DEP            S. Osbourn, FPC

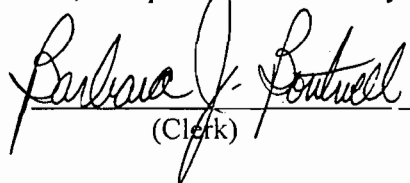
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this AMENDMENT was sent by certified mail to the person(s) listed below and all copies were sent by U.S. mail to the person(s) listed above before the close of business on 12/15/97 :

Mr. W. Jeffrey Pardue, C.E.P., FPC

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.

 12/15/97  
(Clerk) (Date)



**Attachment No. 1**

Amendment to AC 64-191015/PSD-FL-167(A) Permit  
NSPS Custom Fuel Monitoring Schedule  
Florida Power Corporation  
Debary Facility



September 10, 1997

bcc: J. M. Kennedy  
J. L. Tillman  
D. W. Sorrick  
W. B. Hicks  
M. V. Westbrook

File: DeBary/Air/Corresp.  
Int. City/Air/Corresp.  
Suwannee/Air/Corresp.

Mr. Clair Fancy, Chief  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
111 South Magnolia Drive, Suite 4  
Magnolia Park Courtyard  
Tallahassee, Florida 32301

Dear Mr. Fancy:

Re: Florida Power Corporation's Intercession City, DeBary and Suwannee Facilities  
Customized Fuel Monitoring Schedules

Florida Power Corporation (FPC) has been permitted for the use of natural gas at the above-referenced three sites. Specifically, natural gas conversions have been permitted for DeBary combustion turbines (CTs) 7, 8, 9 and 10; Intercession City CTs 7, 8, 9, 10 and 11; and Suwannee CTs 1, 2 and 3. These CTs are subject to New Source Performance Standards (NSPS 40 CFR 60, Subpart GG). 40 CFR 60.334(b) requires the owner/operator of any CT to monitor the sulfur and nitrogen content of the fuel as follows: 1) If the turbine fuel is supplied by a bulk storage tank, then the sulfur and nitrogen content are to be determined whenever new fuel is transferred into the bulk storage tank, and 2) If the turbine fuel is supplied without an intermediate bulk storage tank, then daily monitoring of the sulfur and nitrogen content of the fuel is required.

Since the natural gas used by the CTs does not pass through an intermediate bulk storage tank, FPC is hereby requesting a customized fuel monitoring schedule as allowed by 40 CFR 60.334(b)(2). While firing natural gas, FPC requests the following customized fuel monitoring schedule which was developed based on an EPA guidance memorandum (Attachment A):

1. Monitoring of natural gas nitrogen content shall not be required in accordance with page 2 of the EPA guidance memorandum attached.
2. Sulfur Monitoring
  - a. Analysis for sulfur content of the natural gas shall be conducted using one of the EPA-approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternate method. The reference methods are: ASTM D1072-80; ASTM D3031-81; ASTM D3245-81; and ASTM D4048-82 as referenced in 40 CFR 60.335(b)(2).

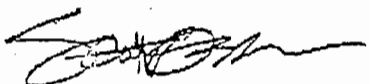
Mr. Fancy  
September 10, 1997  
Page 2

- b. Effective on the approval date of the customized fuel monitoring schedule, sulfur monitoring shall be conducted twice a month for six months. If this monitoring shows little variability in the sulfur content and indicates consistent compliance with 40 CFR 60.333, then sulfur monitoring shall be conducted once per quarter for six quarters.
  - c. If the monitoring required by 2(b) above, of the sulfur content of the natural gas shows little variability and the calculated sulfur dioxide emissions represent consistent compliance with the sulfur dioxide emission limits specified under 40 CFR 60.333, sample analysis shall be conducted twice per year. This monitoring shall be conducted during the first and third quarters of each calendar year.
  - d. Should any sulfur analysis, as required by items 2(b) or 2(c) above, indicate noncompliance with 40 CFR 60.333, FPC will notify the Department of Environmental Protection (DEP) of such excess emission and the customized fuel monitoring schedule shall be reexamined. The sulfur content of the natural gas shall be monitored weekly during the interim period while this schedule is being reexamined.
3. FPC will notify the DEP of any change in natural gas supply for reexamination of this monitoring schedule. A substantial change in natural gas quality (i.e., sulfur content varying by more than 10 grains/1000 of gas) shall be considered as a change in natural gas supply. Sulfur content of the natural gas will be monitored weekly during the interim period when this monitoring schedule is being reexamined.
  4. Records of sample analysis and natural gas supply pertinent to this monitoring schedule shall be retained by FPC for a period of three years, and be available for inspection by appropriate regulatory personnel.
  5. FPC will obtain the sulfur content of the natural gas from Florida Gas Transmission Company at its Brooker Lab.

Data from natural gas at the Brooker Lab site is considered representative of the sulfur content of the natural gas at these three FPC sites (DeBary, Intercassion City and Suwannee), since there is no additional entry point for sulfur or other elements/compounds which may affect the quality of the natural gas.

If you or your staff have any questions about this request, please do not hesitate to contact me at (813) 866-5158.

Sincerely,



Scott H. Osbourn  
Senior Environmental Engineer

Attachments

cc/attach: Mike Harley, DEP  
David McNeal, EPA Region IV  
Ken Kosky, P.E., Golder Associates

**Attachment No. 2**

Amendment to AC 64-191015/PSD-FL-167(A) Permit  
NSPS Custom Fuel Monitoring Schedule  
Florida Power Corporation  
Debary Facility

05 07-92 11:45AM . FROM EPA FPS/SSCD



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 14 1992

OFFICE OF  
AIR AND WATERMEMORANDUM

SUBJECT: Authority for Approval of Custom Fuel Monitoring  
Schedules Under NSPS Subpart GG

FROM: John B. Rasnic, Chief *John B. Rasnic*  
Compliance Monitoring Branch

TO: Air Compliance Branch Chiefs  
Regions II, III, IV, V, VI and IX

Air Programs Branch Chiefs  
Regions I-X

The NSPS for Stationary Gas Turbines (Subpart GG) at 40 CFR 60.334(b)(2) allows for the development of custom fuel monitoring schedules as an alternative to daily monitoring of the sulfur and nitrogen content of fuel fired in the turbines. Regional Offices have been forwarding custom fuel monitoring schedules to the Stationary Source Compliance Division (SSCD) for consideration since it was understood that authority for approval of these schedules was not delegated to the Regions. However, in consultation with the Emission Standards and Engineering Division, it has been determined that the Regional Offices do have the authority to approve Subpart GG custom fuel monitoring schedules. Therefore it is no longer necessary to forward these requests to Headquarters for approval.

Over the past few years, SSCD has issued over twenty custom schedules for sources using pipeline quality natural gas. In order to maintain national consistency, we recommend that any schedules Regional Offices issue for natural gas be no less stringent than the following: sulfur monitoring should

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be bimonthly, followed by quarterly, then semiannual, given at least six months of data demonstrating little variability in sulfur content and compliance with §60.133 at each monitoring frequency; nitrogen monitoring can be waived for pipeline quality natural gas, since there is no fuel-bound nitrogen and since the free nitrogen does not contribute appreciably to NO<sub>x</sub> emissions. Please see the attached sample custom schedule for details. Given the increasing trend in the use of pipeline quality natural gas, we are investigating the possibility of amending Subpart GG to allow for less frequent sulfur monitoring and a waiver of nitrogen monitoring requirements where natural gas is used.

Where sources using oil request custom fuel monitoring schedules, Regional Offices are encouraged to contact SSCD for consultation on the appropriate fuel monitoring schedule. However, Regions are not required to send the request itself to SSCD for approval.

If you have any questions, please contact Sally M. Farrell at FTS 382-2675.

Attachment

cc: John Crenshaw  
George Walsh  
Robert Ajax  
Earl Salo

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05-07-92 11:45AM FROM EPA FPS/SSCD

TO 89195413470

P007/007

Enclosure

Conditions for Custom Fuel Sampling Schedule for Stationary Gas Turbines

1. Monitoring of fuel nitrogen content shall not be required while natural gas is the only fuel fired in the gas turbine.
2. Sulfur Monitoring
  - a. Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternative method. The reference methods are: ASTM D1072-80; ASTM D3031-81; ASTM D3246-81; and ASTM D4084-82 as referenced in 40 CFR 60.335(b)(2).
  - b. Effective the date of this custom schedule, sulfur monitoring shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel sulfur content, and indicates consistent compliance with 40 CFR 60.333, then sulfur monitoring shall be conducted once per quarter for six quarters.
  - c. If after the monitoring required in item 2(b) above, or herein, the sulfur content of the fuel shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR 60.333, sample analysis shall be conducted twice per annum. This monitoring shall be conducted during the first and third quarters of each calendar year.
  - d. Should any sulfur analysis as required in items 2(b) or 2(c) above indicate noncompliance with 40 CFR 60.333, the owner or operator shall notify the State Air Control Board of such excess emissions and the custom schedule shall be re-examined by the Environmental Protection Agency. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.
3. If there is a change in fuel supply, the owner or operator must notify the State of such change for re-examination of this custom schedule. A substantial change in fuel quality shall be considered as a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.
4. Records of sample analysis and fuel supply pertinent to this custom schedule shall be retained for a period of three years, and be available for inspection by personnel of federal, state, and local air pollution control agencies.

**Attachment No. 3**

Amendment to AC 64-191015/PSD-FL-167(A) Permit  
NSPS Custom Fuel Monitoring Schedule  
Florida Power Corporation  
Debary Facility





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
100 ALABAMA STREET, S.W.  
ATLANTA, GEORGIA 30303-3104

OCT 23 1997

4APT-ARB

**RECEIVED**

NOV 03 1997

BUREAU OF  
AIR REGULATION

Mr. Michael M. Harley, P.E., DEE  
P.E. Administrator  
Emissions Monitoring Section  
Bureau of Air Monitoring and Mobile Sources  
Air Resources Management Division  
Florida Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

SUBJECT: Custom Fuel Monitoring Schedule Proposed for  
Stationary Gas Turbines at the Florida Power  
Corporation Intercession City, DeBary, and Suwannee  
Power Plants

Dear Mr. Harley:

This letter is in response to your September 26, 1997,  
request for a determination regarding a custom fuel monitoring  
schedule proposed for the following combustion turbines (CTs) at  
the referenced power plants:

Intercession City: CTs 7, 8, 9, and 10

DeBary: CTs 7, 8, 9, and 10

Suwannee: CTs 1, 2, and 3

The natural gas fired turbines listed above are subject to  
40 C.F.R. Part 60, Subpart GG (Standards of Performance for  
Stationary Gas Turbines), and Region 4 has concluded that the  
proposed custom fuel monitoring schedule is acceptable because it  
is consistent with guidance that the U.S. Environmental  
Protection Agency (EPA) previously issued regarding such  
schedules. In addition, the Florida Power Corporation proposal  
to use fuel analysis results from sampling conducted at the  
Florida Gas Transmission Company Brooker Lab for all three plants  
is acceptable since there are no additional entry points for  
natural gas or other sulfur containing streams between the  
proposed sampling site and the three plants in question.

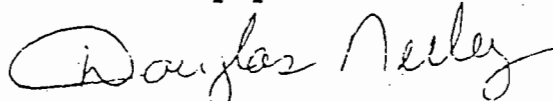
According to 40 C.F.R. §60.334(b)(2), owners and operators  
of stationary gas turbines subject to Subpart GG are required to  
monitor fuel nitrogen and sulfur content on a daily basis if a  
company does not have intermediate bulk storage for its fuel.  
40 C.F.R. §60.334(b)(2) also contains provisions allowing owners  
and operators of turbines that do not have intermediate bulk  
storage for their fuel to request approval of custom fuel

monitoring schedules that allow for less frequent monitoring of fuel nitrogen and sulfur content. In a memorandum dated August 14, 1987, the EPA Compliance Monitoring Branch provided guidance regarding acceptable custom fuel monitoring provisions for natural gas fired turbines, and this memorandum also gave EPA regional offices the authority to approve custom fuel monitoring schedules for Subpart GG turbines.

Under the EPA guidance issued in 1987, the requirement to monitor the nitrogen content of pipeline quality natural gas was waived entirely since the Agency determined that this type of fuel does not contain any fuel-bound nitrogen that can cause NO<sub>x</sub> emissions. As an alternative to daily sulfur monitoring, the 1987 policy describes a three stage process under which owners and operators of natural gas fired turbines can obtain approval to conduct sampling on a semiannual basis. In the first step of this process the sulfur content of the fuel must be monitored on a bimonthly basis for at least six months. If the results of this bimonthly monitoring verify compliance with the applicable sulfur limit and indicate little variability in the sulfur content of the fuel, the fuel sampling and analysis frequency can be reduced from a bimonthly to a quarterly basis. If six quarters of fuel monitoring data verify compliance with the applicable sulfur standard and indicate little variability in the sulfur content of the fuel, the sampling and analysis frequency can be reduced to a semiannual basis. Since the custom fuel monitoring approach proposed by the Florida Power Corporation for the natural gas fired turbines at the Intercession City, DeBary, and Suwannee Plants is identical to that outlined in the policy issued by EPA in 1987, it is acceptable to Region 4.

If you have any questions about the determination provided in this letter, please contact Mr. David McNeal of my staff at 404/562-9102.

Sincerely yours,



R. Douglas Neeley  
Chief  
Air and Radiation Technology  
Branch  
Air, Pesticides and Toxics  
Management Division

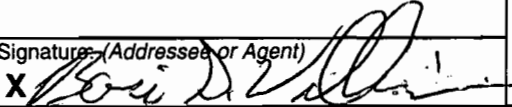
cc: Charles Logan, FL DEP

**Attachment No. 4**

Amendment to AC 64-191015/PSD-FL-167(A) Permit  
NSPS Custom Fuel Monitoring Schedule  
Florida Power Corporation  
Debary Facility

**Note:** The analysis of the natural gas fired at this facility is too voluminous to be attached. The analysis indicated consistent compliance with NSPS, the conditions of this permit, and is available for review upon request.

Is your RETURN ADDRESS completed on the reverse side?

<b>SENDER:</b> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Mr. W. Jeffrey Pardue, C.E.P. Director of Environmental Services Florida Power Corporation 3201 34th Street South St. Petersburg, Florida 33711		4a. Article Number P 263 584 651	
5. Received By: (Print Name)		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
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Mr. W. Jeffrey Pardue, C.E.P.	
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St. Petersburg, FL 33711	
Postage	\$
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Permit Amendment	
AC64-191015/PSD-FL-167(A)	

PS Form 3800, April 1995

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**RECEIVED**

DEC 11 1997

BUREAU OF  
AIR REGULATION

FLORIDA POWER CORPORATION,

Petitioner,

vs.

DEP OGC Case No. 97-\_\_\_\_\_

STATE OF FLORIDA, DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

\_\_\_\_\_ /

**PETITION FOR FORMAL ADMINISTRATIVE HEARING**

Petitioner Florida Power Corporation ("FPC") hereby petitions for a formal administrative hearing in opposition to certain permit conditions, specified below, in the "Intent to Issue Title V Air Operation Permit" and draft Title V permit (Permit No. 1270028-001-AV) for the DeBary Facility, as issued by the Department of Environmental Protection ("Department" or "DEP") on or about July 23, 1997 in response to an application for Title V air operation permit previously submitted by FPC. This Petition is filed pursuant to Sections 120.569, 120.57, and 403.0872(5), Florida Statutes and Florida Administrative Code Rules 62-103.155 and 28-106.201. In support of this Petition, FPC states:

**Identification of Petitioner**

1. The name, address, and telephone number of the Petitioner, the Department file number, and the county in which the project is located are as follows:

Florida Power Corporation  
ATTN: W. Jeffrey Pardue, Director  
Environmental Services Department  
3201 34th Street, South  
St. Petersburg, Florida 33711  
813/866-4387  
DEP File No. [Permit No. 1270028-01-AV]  
Volusia County, Florida

2. The Respondent State of Florida, Department of Environmental Protection, is an agency authorized by Florida Statutes to administer permitting and regulatory programs governing activities reasonably expected to be sources of air pollution, including facilities subject to Florida's "Operation permits for major sources of air pollution" program under Section 403.0872, Florida Statutes. Under this statutory provision, DEP administers the Title V air operation permit program mandated under the federal Clean Air Act. 42 U.S.C. § 7661 et seq. DEP maintains offices at 2600 Blair Stone Road, Tallahassee, Florida 32399, and 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. DEP's Division of Air Resource Management has offices at 111 S. Magnolia, Tallahassee, FL 32399.

#### Notice

3. FPC received the Intent to Issue Title V Air Operation Permit and draft Title V permit for the DeBary facility on July 28, 1997, by U.S. Mail. The Intent to Issue Title V Air Operation Permit stated that the permit applicant could file a petition within 14 days of receipt. FPC thereafter timely filed a series of requests for extension of time, which tolled the deadline for initiating administrative proceedings while various permit condition issues were negotiated. By letter dated October 31, 1997, DEP informed FPC that "no more extensions will be granted beyond November 4, 1997." (This letter is included as Attachment A.)

### Substantial Interests Affected

4. FPC owns and operates the DeBary Facility, which is an electrical generating plant consisting in part of four combustion turbine "peaking" units (Units 7, 8, 9 and 10), which were collectively permitted by DEP in a 1991 construction permit (Permit No. AC64-191015; PSD-FL-167). Peaking units are electric power generating units that are intended to be operated primarily during periods of high consumer demand for electricity. On August 20, 1997, FPC submitted a "comment letter" to DEP (Attachment B) that set forth several concerns and requested adjustments to the conditions in the draft Title V air operation permit. Through negotiations between DEP and FPC, and as reflected in DEP letters dated October 2, 1997, and October 21, 1997, agreement has been achieved on all issues, except for Conditions III B.5 and B.7 - B.12. These conditions, as set forth in the draft Title V permit, are inconsistent with and in fact contradict the conditions in DEP's 1991 air construction permit governing the DeBary Facility. DEP's changes to these longstanding permit conditions are not mandated or otherwise justified under any requirements of Chapter 403, Florida Statutes or the federal Clean Air Act. Nor is there an environmental rationale that justifies deviation from the previous permit conditions. These Title V permit conditions, upon becoming final, would have a substantial and detrimental impact on FPC by impermissibly restraining operational flexibility at the DeBary Facility without benefitting the environment or fulfilling the text or intention of any statute or regulation.

### Statement of Material Facts Disputed by Petitioner

5. The permit conditions that FPC contests in this proceeding provide, in their

entirety, as follows:<sup>1</sup>

**B.5. Hours of Operation.** The hours of operation for each CT shall not exceed 3,390 hours/year at 38.7% capacity factor.  
[Rules 62-210.200(PTE) and 62-4.160(2), F.A.C.]

**B.7. Nitrogen Oxides.** NO<sub>x</sub> emissions shall not exceed 42 ppmvd @ 15% O<sub>2</sub> (182 lb/hr/unit and 308.5 TPY/unit).  
[AC64-191015 and BACT Determination dated October 16, 1991]

**B.8. Sulfur Dioxide.** The No. 2 fuel oil's sulfur content by weight shall not exceed 0.30 percent, based upon a weighted 12 month rolling average, and 0.5 percent maximum (555 lb/hr/unit and 481.25 TPY/unit).  
[AC64-191015 and BACT Determination dated October 16, 1991]

**B.9. Particulate Matter.** PM/PM<sub>10</sub> emissions shall not exceed 0.015 lb/MMBtu (17.2 lb/hr/unit and 29.15 TPY/unit)  
[AC64-191015 and BACT Determination dated October 16, 1991]

**B.10. Volatile Organic Compound.** VOC emissions shall not exceed 5 lb/hr/unit and 8.5 TPY/unit.  
[AC64-191015 and BACT Determination dated October 16, 1991]

**B.11. Carbon Monoxide.** CO emissions shall not exceed 54 lb/hr/unit and 91.25 TPY/unit.  
[AC64-191015 and BACT Determination dated October 16, 1991]

**B.12. Sulfuric Acid Mist.** The sulfur content by weight shall not exceed 0.30 percent, based upon a weighted 12 month rolling average, and 0.5 percent maximum (69 lb/hr/unit and 117.25 TPY/unit).  
[AC64-191015 and BACT Determination dated October 16, 1991]

6. These conditions, which apply exclusively to Units 7, 8, 9, and 10 (the peaking units), are inappropriate and incorrect for two principal reasons:

a. Regarding Condition B.5, Units 7, 8, 9, and 10 should not have specific hours of operation limits "for each "CT." The construction permit operational limitation

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<sup>1</sup> The bracketed language, which is DEP's (as set forth in the draft Title V permit), purports to set forth DEP's basis for each permit condition.



applicable to these units provides that "the maximum capacity factor shall be limited to 38.7%." This construction permit operational limitation by its own terms applies collectively to all of the peaking units. Insofar as DEP undertakes to use that capacity factor limitation to impose hours of operation limitations, such limitations similarly must be applied collectively to the peaking units.

b. Regarding Conditions B.7 - B.12, these units should not be subject to individual tons per year emission limitations. The tons per year limitation listed in Table 1 of DEP's construction permit (copy included as Attachment C) clearly is stated as an "aggregate" number: the TPY limitations expressly apply to "Total 6 Units." Moreover, footnote (c) to that table speaks of a "Total TPY CAP" and states that if less than six units are installed, the "annual emission limit" will be "prorated for actual number units." The individual units' air emissions were individually limited only in pounds per hour. Accordingly, in the tons per year (TPY) limitations for NO<sub>x</sub>, SO<sub>2</sub>, PM/PM<sub>10</sub>, VOC, CO, and SAM in Conditions B.7. - B.12, the reference to "unit" should be deleted and an aggregate limit for all four units (respectively for each of these pollutants, as previously established by DEP) should be inserted.

7. The initial draft of the referenced DEP PSD permit limited annual air emissions in TPY per unit. In response to an FPC letter dated July 8, 1991, these references to "unit" were deleted and the annual emission limitations were characterized as TPY for the entire array of combustion turbines (i.e., "total units"). Similarly, the initial draft of the referenced PSD permit limited hours of operation to each unit, but based on an objection filed by FPC, DEP deleted the unit specific requirement and applied the operational limit collectively to the "gas

turbines."<sup>2</sup> In both instances, the changes made to the initial construction permit conditions, as reflected in the final construction permit conditions, denoted that DEP was imposing aggregate emission limitations and operational limitations for the entire group of peaking units.

8. Title V permits are required by law to reflect pre-existing applicable requirements. Rule 62-213.440, Florida Administrative Code. "Applicable requirements" include conditions in air construction permits. Rule 62-210.200(30), Florida Administrative Code. DEP is not authorized to unilaterally alter applicable requirements in issuing Title V permits.

9. There is no applicable requirement governing the DeBary Facility that limits the annual air emissions or hours of operation relative to each specific unit. The plain language of the air construction permit confirms that annual emissions and annual operational restrictions apply collectively. The initial inclusion, then deletion, of unit specific requirements in the air construction permit clearly demonstrates that DEP's air construction permit did not apply those limits on an individual unit basis. If DEP wishes to revisit and change the longstanding final air construction permit language, it must initiate a modification to the construction permit under Rule 62-4.080, Florida Administrative Code, and in doing so bear the burden of proof to justify a change to the current applicable requirements.

10. Requiring FPC to meet the hours of operation on TPY air emission limits individually for each unit, instead of in the aggregate, will hamper operating flexibility without benefitting the environment. DEP's proposed "per unit" re-write of these applicable requirements would hamper FPC's ability to generate and dispatch electricity from this plant

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<sup>2</sup> The DEP construction permit limited the DeBary peaking units (six were permitted, but only four were installed) to a 38% capacity factor, which on an annual basis equates to 3,390 hours per year (8,760 [hours per year] x 38% = 3,390 hours). The permitted tons per year emission limitations similarly were based on the assumption that the peaking units would not exceed an aggregated equivalent of 3,390 operating hours annually.

during an energy emergency. For example, if a high demand period occurred while Unit 7 was undergoing repairs, and Units 8, 9 and 10 already had expended their 3,390 hours of annual operating time, under DEP's change none of the operational units would be authorized to operate additional hours, even though doing so would be in conformance with all applicable ambient air quality requirements. There is no rational basis for unilaterally depriving FPC of this operating flexibility.

11. The cover page of DEP's permit refers to the peaking units collectively as "the source...." DEP's justification in this matter apparently relies upon a written "BACT Determination" document that was issued at approximately the time that the 1991 air construction permit was issued. That document specifies BACT limitations in "lbs/hr/unit" but nowhere suggests that the annual limits set forth in the PSD permit were imposed on a "per unit" instead of facility wide basis. This document does not indicate, as claimed by DEP, that annual hours of operation are required as part of the BACT analysis. Moreover, the BACT Determination is not incorporated on the cover page as an "Attachment" to the permit, nor in any other manner is indicated to be part of the permit.

#### Ultimate Facts and Laws Entitling Relief

12. The draft Title V permit issued by DEP for FPC's DeBary facility contains conditions which modify and contradict existing requirements applicable to the DeBary facility, in a manner which significantly and unnecessarily limits FPC's operational flexibility.

13. DEP does not have the authority to unilaterally modify or contradict existing applicable requirements when issuing a Title V permit. To do so violates Chapters 403 and 120,

Fla Stat., as well as Florida Administrative Code Chapters 62-4, 62-210, 62-212, and 62-213.

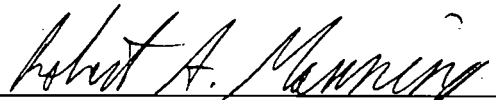
Request for Relief

FPC respectfully requests that the Department:

- a. Refer this matter to the Division of Administrative Hearings pursuant to Sections 120.569 and 120.57, Florida Statutes;
- b. Issue the referenced permit with appropriate conditions, as explained above, that accurately describes the applicable requirements for Units 7, 8, 9, and 10 relating to operating restrictions and annual emission limitations; and
- c. Provide such other relief as may be appropriate.

Respectfully submitted,

HOPPING GREEN SAMS & SMITH, P.A.


By: 

James S. Alves  
Robert A. Manning  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500

Attorneys for FLORIDA POWER  
CORPORATION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed to W. Douglas Beason, Esquire, Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, this 4th day of November, 1997.

  
\_\_\_\_\_  
ATTORNEY

101265



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# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

October 31, 1997

Mr. Scott H. Osbourn  
Senior Environmental Engineer  
Florida Power Corporation (FPC)  
3201 Thirty-fourth Street South  
St. Petersburg, FL 33733

**RECEIVED**  
NOV 4 1997

Hopping, Green, Serna & Smith, P.A.

Re: Florida Power Corporation, DeBary Facility  
Draft Title V Permit No. 1270028-001-AV.

Dear Mr. Osbourn:

The Department received your comments on the Draft Title V permit for the DeBary Facility on August 20, 1997. A written response addressing 37 comments was provided to you on October 2, 1997 via fax. FPC responded back with seven comments on October 14, 1997 via teleconference. On October 21, 1997 the Department provided a written response via fax to the seven comments.

The most important unresolved issues are the changes requested that were denied due to the BACT Determination dated October 18, 1991 and permit number AC64-191015, issued on October 18, 1991 and modified on May 6, 1997. The Department researched the files on FPC's proposal regarding aggregate limits and flexibility with hours of operation beyond 3390 hours per year for combustion turbines (CT) 7, 8, 9 and 10. We have determined that 3390 hours/year/unit is the maximum hours allowed without any kind of operational flexibility. As a result, each CT has a ton per year limit. From our files, we found the following:

- In the initial air construction application, dated December 27, 1990, FPC requested that the emission units operate 8760. In FPC's April 16, 1991 letter, the Department responded by stating that it will adhere to NESCAUM guidelines which would limit the CTs to 2500 hours/year. FPC then requested 3500 hours/year as a minimum. FPC, however, was granted a maximum hours of operation of 3390 hours/year/unit in the BACT Determination dated October 18, 1991.
- The in-house draft for BACT did not include 3390 hours/year/unit; however, the final BACT had 3390 hours/year/unit. Based on this information, the permit writer intended that each turbine shall operate up to 3390 hours per year.

— Attachment "A" —

Mr. Scott Osbourn  
October 31, 1997  
Page 2

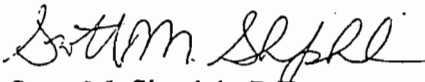
- The initial draft permit had TPY/unit, but FPC objected in its July 8, 1991 letter and TPY/unit was deleted leaving TPY/6 CT. This, however, did not eliminate TPY/unit because each CT was limited to 3390 hours/year by the BACT. The TPY/6 CT is simply the addition of the pollutants from each turbine operating up to 3390 hours per year. TPY/6 CT does not give the flexibility of allowing one or more turbine to exceed 3390 hour per year.
- The initial draft also had 2190 hours/year/unit and FPC objected in its July 8, 1991 letter. The final permit did not include it and there was no condition given to allow any CT to exceed 3390 hours/year. The BACT still prevails.
- The maximum hours of operation according to FPC's September 24, 1991 letter to Tom Rogers regarding modeling is 3390 hours per year. The letter also states that the hours of operation for the CTs are limited by permit.
- The final determination addressed how the permit significantly limits the hours of operation. Furthermore, page 3 of the BACT states that the applicant will control SO<sub>2</sub> by limiting operating hours to 3400/year/unit. Condition 6 of the PSD permit states that if there are any changes in the method of operation, etc., it should be submitted to the Department.
- The Title V Application states that the four CTs are limited in hours of operation on pages 9 (under Facility Information) and 18 (under Emissions Unit, Section B). Page 18 states, "each turbine is permitted to operate up to 3390 hours/year."
- For the modification requested on November 8, 1996, (see section 5, permit modification request of the Technical Evaluation) it states that no increase in hours of operation was requested. (see also section 3, source description, of the Technical Evaluation) The source description states that annual hours of operation are limited to 3390 or less based on a sliding scale related to the fuel sulfur content.
- The air construction application for the modification has on pages 9 and 18 that the four CTs are limited in hours of operation. Page 18 states, "each turbine is permitted to operate up to 3390 hours/year."
- On March 5, 1997, the Department requested additional information on why synthetically limited was checked for the following pollutants: SO<sub>2</sub>, NO<sub>x</sub>, PM, CO, VOC and SAM. FPC responded by stating that the CTs are limited in hours of operation.
- The annual emissions fee forms dating back to 1993 were checked for the maximum allowable hours reported for Combustion Turbines 7, 8, 9 and 10. On page B of the fee form, Section III has "Operating conditions- Maximum allowed by permit per year". In column (f) of this section, FPC listed the maximum hours of operation for each combustion turbines at 3390 hours.

As indicated to Mr. Robert Manning during a telephone conversation on October 30, the changes made are final and no more extensions will be granted beyond November 4, 1997.

Mr. Scott Osbourn  
October 31, 1997  
Page 3

Please advise us so that we may proceed to the proposed permit stage. If you should have any questions, please call Lennon Anderson or me at 850/488-1344.

Sincerely,



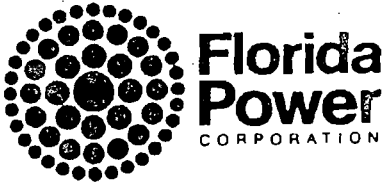
Scott M. Sheplak, P.E.  
Administrator  
Title V Section

SMS/la

Copy to:

Robert Manning, HGSS  
Michael Kennedy, FPC  
Kennard Kosky, GA





RECEIVED

AUG 25 1997

Hopping, Green,  
Sams & Smith P.A.

August 20, 1997

Mr. Scott M. Sheplak, P.E.  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
111 South Magnolia Drive, Suite 4  
Magnolia Park Courtyard  
Tallahassee, FL 32301

Re: Florida Power Corporation, DeBary Facility  
DRAFT Title V Permit No. 1270028-001-AV

Dear Mr. Sheplak:

On behalf of Florida Power Corporation (FPC), attached are comments regarding the DRAFT Title V permit for the DeBary Facility as identified above. FPC appreciates the Department's efforts in processing this permit and understands the need to resolve these issues in as timely a manner as possible. In this regard, DEP granted FPC's Request for an Extension of Time until August 25, 1997. If we are unable to reach a resolution of these comments by this Friday, August 22, 1997, at 5:00 p.m., we would appreciate the opportunity to file a second Request for Extension of Time. Accordingly, please contact me at (813) 866-5158 as soon as you have had a chance to review these comments in order that we may discuss available options. Thank you again for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott H. Osbourn", written in a cursive style.

Scott H. Osbourn,  
Senior Environmental Engineer

cc: Ken Kosky, P.E., Golder Associates  
✓ Robert Manning, HGSS

FLORIDA POWER CORPORATION  
COMMENTS ON DRAFT TITLE V PERMIT  
DEBARY FACILITY

General Comments

1. FPC understands that Appendix TV-1, Title V Conditions, is being revised. FPC request that its Title V permit reflect the most up-to-date version of this Appendix.

Section I., Facility Information, Subsection A.

1. The facility description should be changed to read "...and four combustion turbines which are fired with No. 2 fuel oil and natural gas...".

2. The description states that the FPC's Title V application for the DeBary facility was received on "June 28, 1996." The correct submittal date was "June 14, 1996."

Section II., Facility-wide Conditions.

1. Condition 2. The word "not" was apparently inadvertently added, and should be deleted from the second line of this Condition.

2. Condition 3. For clarity and to make this Condition specific to FPC's DeBary facility, FPC requests that Condition 2. be edited as follows:

**~~Except as otherwise provided in this permit for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause . . . .~~**

Also, because the reference to Chapter 62-297 in the last sentence of Condition 2. appears to be misplaced, FPC requests Condition 2. be edited as follows: **"EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C."**

3. Condition 5. In the context of this permit, how does DEP intend to respond to EPA's comments regarding the need to change the phrase "exempt" to "insignificant"?

4. Condition 6. For clarity, FPC requests that the first sentence of this Condition be edited as follows: **"The permittee shall not allow no person to store, pump, . . . ."**

5. Condition 7. FPC requests that all of the language from Rule 62-296.320(4)(c)1., F.A.C. be included in this Condition. Also, FPC included two additional specific activities that it may conduct to prevent such emissions, and these activities should be included in the permit: "(1) Mr.

Maintenance of paved roads as needed, and (2) Regular mowing of grass and care of vegetation."

6. Condition 8. FPC's DeBary facility is not located in Orange County (but rather in Volusia), and therefore FPC requests that all compliance related information required to be submitted should be sent to DEP's Central District office.

### Section III. Subsection A.

1. FPC requests that the following sentence be deleted from the description: "Emissions are controlled by water injection and high-efficiency combustion systems." There are no NO<sub>x</sub> limits on these units and therefore water injection and high-efficiency combustion are not needed for control.

Also, based on representations in the application, Unit 6 began commercial operation on April 30, 1975, not 1976.

2. Condition A.1. The following language should be added to the heat input limits listed: "The heat input and fuel consumption can vary with ambient temperature in accordance with the design curves. The heat input rates shall be verified using the design curves that were made part of the application."

3. Condition A.6. For clarity, FPC requests that this condition include the following clause to indicate that Subsection C. also contains provisions applicable to visible emissions: "Visible emissions from each PCT unit shall not be greater than 20 percent opacity, except as provided in Subsection C."

4. Condition A.9. The ASTM methods should be updated as follows to reflect the current methods: "... ASTM D2622-92 94, ASTM D4292-90 (1995), or both ASTM D4057-88 and ASTM D 129-91 95."

5. Condition A.12. FPC requests that the annual visible emissions testing deadline be "within 60 days prior to March 1 ~~January 17~~."

6. Condition A.13. For clarity, the first clause in this condition ("When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method") should be deleted because the permit specifies EPA Method 9, pursuant to Condition A.10. Also, the rule authority citation for Condition A.13. should be edited as follows: "[Rule 62-297.310(4)(a)2., F.A.C.]."

7. Condition A.14. Because there is an applicable standard for visible emissions, paragraph (a)4.a. should be edited as follows: "Visible emissions, ~~if there is an applicable standard.~~" Also, paragraph (a)4.b. should be deleted because these pollutants do contain an applicable emission limiting standard.

**Section III. Subsection B.**

1. Condition B.1. The maximum heat input listed is for oil. The maximum heat input while firing natural gas at 20 °F is 1,159 MMBtu/hr (LHV).

2. Condition B.2. In accordance with the attached Permit to Construct and supplemental segment pages, FPC requests that this Condition be revised as follows: **"The permittee shall fire No. 2 fuel oil or natural gas only."**

3. Condition B. 3. In our original application, FPC requested that the gal/hr limit be removed, as an hourly heat input limit is already in effect and an additional fuel flow limit is unnecessary.

4. Condition B.5. Units 7, 8, 9, and 10 should not have specific individual limits for hours of operation per year. Each individual CT should be allowed to operate up to 8,760 hours/year, as long as the aggregate capacity factor limit is not exceeded. The explanation in the application on Page 18, field 6 should be considered in the following recommended wording: **"Based on the aggregate limits established for CTs 7 through 10, each of the four CTs can operate up to the equivalent of 3,390 hrs/yr at peak load or other lesser loads and 38.7 % annual capacity factor. However, any of the four CTs may operate individually up to 8,760 hr/yr."** (For clarification, the capacity factor should be listed as an "annual" factor.) Note that Table 1-1 should be revised in the same manner.

5. Conditions B.7. - B.12. These units should not be subject to individual tons per year emission limitations. The tons per year number listed in Table 1 of the PSD permit was an "aggregate" number; individual units' annual emissions were limited only by the fact that they could not emit, in combination with the other three CT's, emissions in excess of the aggregate annual limits. Accordingly, the individual tpy limits for NO<sub>x</sub>, SO<sub>2</sub>, PM/PM<sub>10</sub>, VOC, CO, and SAM in Conditions B.7. - B.12. should be deleted and an aggregate limit for all four units for each of these pollutants should be inserted. Note that Table 1-1 should be revised in the same manner.

6. Condition B.14. For clarification, the phrase **"As required in this permit,"** should be inserted at the beginning of this Condition.

7. Condition B.16. The ASTM method for fuel analysis should be updated to "D4294 (90) (1995)." ASTM D2880-96 should be deleted.

8. Condition B.17. In accordance with the test methods allowed under Condition B.18., Condition B.17. should be revised as follows: **"The test method for PM/PM<sub>10</sub> shall be EPA Method 5 or Method 17."**

9. Condition B. 22. The ASTM method for fuel analysis should be updated to "D4294 (90) (1995)." ASTM D2880-96 should be deleted.

10. Condition B.32. For clarity, the first clause in subparagraph (a)(2) ("When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method") should be deleted because the permit specifies EPA Method 9, pursuant to Condition B.21.

11. Condition B.39. The rule authority citation for this Condition appears to contain a typo; it should be "Rule 62-204.800" instead of "Rule 62-296.800."

12. Condition B.43. Because there does not appear to be a reasonable basis for this condition and it is unusual that it be included, FPC requests that it be deleted.

### Section III. Subsection C.

1. Condition C.1. In accordance with Rule 62-210.700(1), F.A.C., this Condition should provide that "**Excess emissions resulting from startup, shutdown, or malfunction are permitted . . . .**"

2. Condition C.3. This language needs to be revised so that it reflects the use of heat input vs. inlet temperature curves, which were made part of the application.

3. Condition C.5. The first sentence should read "**The owner or ef operator . . . .**"

4. Condition C.7. FPC requests that this Condition be deleted because it provides the agency unlimited discretion for the establishment of additional permit conditions and there is no reasonable basis for its inclusion. Further, "fuel flow rate and heat input rate" are already limited by other specific conditions in this permit and, therefore, this condition is at a minimum duplicative, and moreover, could result in conflicting permit conditions.

### Appendix E-1, List of Exempt Emissions Units and/or Activities

1. The second activity listed ("internal combustion engines - mobile sources") should be deleted because mobile sources are not governed by the Title V program.

2. The following activities are listed in this Appendix that do not occur at the DeBary facility: (1) vacuum pumps for labs, (2) steam cleaning equipment, (3) bakery equipment, and (4) laundry dryers.

3. The following activities were listed in the application as "exempt" and are not included in Appendix E-1: (1) petroleum lubrication systems, (2) vehicle refueling and associated fuel storage, and (3) non-halogenated solvent storage and cleaning operations.

### Table 1-1, Summary of Air Pollutant Standards and Terms

1. This Table should be edited in accordance with the specific comments made above. For example, for Units 7-10, the hours of operation per year limitation (per unit) should be deleted,

Mr. Sheplak  
August 20, 1997  
Page 6

and the tons per year emission limits should be listed as an aggregate tons per year limit, and not an individual unit tons per year limit.

**Table 2-1, Summary of Compliance Requirements**

1. This Table should be edited in accordance with the specific comments made above. for example, the updated ASTM methods should be inserted and the specific requirements regarding PM and VOC testing should be included.

TABLE 1  
ALLOWABLE EMISSION LIMITS  
Simple Cycle Combustion Turbine

Pollutant	Standard Oil Firing	Each Unit lb/hr <sup>(a)</sup>	Total 6 Units T/yr	Basis
NO <sub>x</sub>	42 ppm at 15% oxygen-dry basis	182	1851 <sup>(b)</sup>	BACT
SO <sub>2</sub>	No. 2 fuel oil with 0.3% avg. and 0.5% max. sulfur	555	2888 <sup>(c)</sup>	BACT
PM/PM <sub>10</sub>	0.025 lb/MMBtu	15	153 <sup>(b)</sup>	BACT
VOC	-	5	51 <sup>(b)</sup>	BACT
CO	-	54	547 <sup>(b)</sup>	BACT
Sulfuric Acid Mist	No. 2 fuel oil with 0.3% avg. and 0.5% max. sulfur	76	773 <sup>(b)</sup>	BACT
Fluorides (FR)	-	$1.67 \times 10^{-5}$	0.34	Application
Mercury (Hg)	$3.0 \times 10^{-6}$ lbs/MMBtu	$1.54 \times 10^{-6}$	0.031 <sup>(b)</sup>	Application
Lead (Pb)	$2.8 \times 10^{-5}$ lbs/MMBtu	$4.6 \times 10^{-6}$	0.093 <sup>(b)</sup>	Application
Inorganic Arsenic	-	$2.1 \times 10^{-6}$	0.4 <sup>(b)</sup>	BACT
Beryllium (be)	$2.5 \times 10^{-3}$ lbs/MMBtu	$1.3 \times 10^{-6}$	0.026 <sup>(b)</sup>	BACT

(a) Emission rates based on 59°F and 15% O<sub>2</sub>.

(b) Equivalent to 3390 hours per year at peak load and 38.7% capacity factor. If less than 6 units are constructed annual emissions prorated for actual number units constructed (i.e., if 4 units constructed, the annual NO<sub>x</sub> emission limit is 1851 TPY \* (4/6) = 1234 TPY).

(c) Total TPY CAP for SO<sub>2</sub> assumes 33% capacity factor and fuel sulfur content of 0.30% avg. If less than 6 units constructed annual emission limit prorated for actual number units (4/6) = 1925 TPY.

DEP ROUTING AND TRANSMITTAL SLIP

TO: (NAME, OFFICE, LOCATION)

1. Scott Sheplak 3. \_\_\_\_\_

2. MSSTO 5. \_\_\_\_\_

PLEASE PREPARE REPLY FOR:

- SECRETARY'S SIGNATURE
- DIV/DIST DIR SIGNATURE
- MY SIGNATURE
- YOUR SIGNATURE
- DUE DATE \_\_\_\_\_

ACTION/DISPOSITION

- DISCUSS WITH ME
- COMMENTS/ADVISE
- REVIEW AND RETURN
- SET UP MEETING
- FOR YOUR INFORMATION
- HANDLE APPROPRIATELY
- INITIAL AND FORWARD
- SHARE WITH STAFF
- FOR YOUR FILES

COMMENTS:

**RECEIVED**  
NOV 19 1997  
BUREAU OF  
AIR REGULATION

FROM: \_\_\_\_\_ DATE: \_\_\_\_\_ PHONE: \_\_\_\_\_



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER CORPORATION,

Petitioner,

vs.

OGC CASE NO. 97-1371

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

---

**ORDER GRANTING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner, Florida Power Corporation, to grant an extension of time to file a petition for an administrative hearing on Application No. 1270028-001-AV.

See Exhibit 1.

Respondent, State of Florida Department of Environmental Protection, has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until December 4, 1997, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Mail Station 35, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 17<sup>th</sup> day of November, 1997, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
F. PERRY ODOM  
General Counsel

Douglas Building, MS #35  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (904) 488-9314

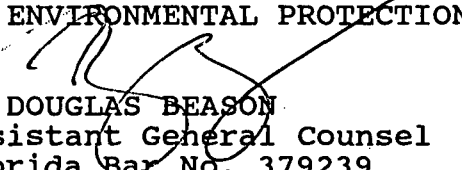
CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed  
to:

W. Jeffrey Pardue, C.E.R.  
Director, Environmental Services  
Department  
Florida Power Corporation  
3201 Thirty-fourth Street South  
St. Petersburg, FL 33733

on this 18<sup>th</sup> day of November, 1997.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
W. DOUGLAS BEASON  
Assistant General Counsel  
Florida Bar No. 379239

Mail Station 35  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (904) 488-9730



RECEIVED

OCT 31 1997

Dept. of Environmental Protection  
Office of General Counsel

October 30, 1997

Ms. Kathy Carter, Clerk  
Office of General Counsel  
Florida Department of Environmental Protection  
Room 638  
3900 Commonwealth Blvd.  
Tallahassee, FL 32399-3000

Dear Ms. Carter:

RE: Florida Power Corporation, DeBary Plant  
REQUEST FOR EXTENSION OF TIME on the *Intent to Issue Title V Air Operation Permit*,  
*Draft Permit No. 1270028-001-AV*

On July 28, 1997, Florida Power Corporation (FPC) received the above-referenced Intent to Issue Title V Air Operation Permit. A review of the permit conditions has revealed that several issues remain to be resolved. The Department previously agreed to grant an Order extending the time to file a petition until October 31, 1997. Mr. Scott Osbourn of my staff has had discussions with Mr. Scott Sheplak of the Department who agreed that an additional extension of time to discuss these issues is appropriate. Therefore, based upon the Department's concurrence and pursuant to Rules 62-103.050 and 28-106.111, Fla. Admin. Code, FPC respectfully requests an extension of time in which to file a petition for an administrative hearing under Sections 120.569 and 120.57, Fla. Stat., up to and including November 4, 1997.

If you should have any questions, please contact Mr. Scott Osbourn at (813) 866-5158.

Sincerely,

W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Title V Responsible Official

Robert A. Manning, Esq.  
Hopping Green Sams & Smith

cc: Scott Sheplak, DEP  
Jeffrey Brown, DEP OGC

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October 30, 1997

Ms. Kathy Carter, Clerk  
 Office of General Counsel  
 Florida Department of Environmental Protection  
 Room 638  
 3900 Commonwealth Blvd.  
 Tallahassee, FL 32399-3000

**RECEIVED**

NOV 04 1997

BUREAU OF  
 AIR REGULATION

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If you should have any questions, please contact Mr. Scott Osbourn at (813) 866-5158.

Sincerely,

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W. Jeffrey Pardue, C.E.P.  
 Director, Environmental Services Department  
 Title V Responsible Official

A handwritten signature in black ink, appearing to read "Robert A. Manning".

Robert A. Manning, Esq.  
 Hopping Green Sams & Smith

cc: Scott Sheplak, DEP  
 Jeffrey Brown, DEP OGC

11/4/97 cc: Scott Sheplak  
 Shannon Anderson

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NOV 04 1997

BUREAU OF  
 AIR REGULATION



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

October 31, 1997

Mr. Scott H. Osbourn  
Senior Environmental Engineer  
Florida Power Corporation (FPC)  
3201 Thirty-fourth Street South  
St. Petersburg, FL 33733

Re: Florida Power Corporation, DeBary Facility  
Draft Title V Permit No. 1270028-001-AV.

Dear Mr. Osbourn:

The Department received your comments on the Draft Title V permit for the DeBary Facility on August 20, 1997. A written response addressing 37 comments was provided to you on October 2, 1997 via fax. FPC responded back with seven comments on October 14, 1997 via teleconference. On October 21, 1997 the Department provided a written response via fax to the seven comments.

The most important unresolved issues are the changes requested that were denied due to the BACT Determination dated October 18, 1991 and permit number AC64-191015, issued on October 18, 1991 and modified on May 6, 1997. The Department researched the files on FPC's proposal regarding aggregate limits and flexibility with hours of operation beyond 3390 hours per year for combustion turbines (CT) 7, 8, 9 and 10. We have determined that 3390 hours/year/unit is the maximum hours allowed without any kind of operational flexibility. As a result, each CT has a ton per year limit. From our files, we found the following:

- In the initial air construction application, dated December 27, 1990, FPC requested that the emission units operate 8760. In FPC's April 16, 1991 letter, the Department responded by stating that it will adhere to NESCAUM guidelines which would limit the CTs to 2500 hours/year. FPC then requested 3500 hours/year as a minimum. FPC, however, was granted a maximum hours of operation of 3390 hours/year/unit in the BACT Determination dated October 18, 1991.
- The in-house draft for BACT did not include 3390 hours/year/unit; however, the final BACT had 3390 hours/year/unit. Based on this information, the permit writer intended that each turbine shall operate up to 3390 hours per year.

Mr. Scott Osbourn  
October 31, 1997  
Page 2

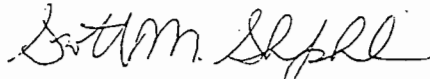
- The initial draft permit had TPY/unit, but FPC objected in its July 8, 1991 letter and TPY/unit was deleted leaving TPY/6 CT. This, however, did not eliminate TPY/unit because each CT was limited to 3390 hours/year by the BACT. The TPY/6 CT is simply the addition of the pollutants from each turbine operating up to 3390 hours per year. TPY/6 CT does not give the flexibility of allowing one or more turbine to exceed 3390 hour per year.
- The initial draft also had 2190 hours/year/unit and FPC objected in its July 8, 1991 letter. The final permit did not include it and there was no condition given to allow any CT to exceed 3390 hours/year. The BACT still prevails.
- The maximum hours of operation according to FPC's September 24, 1991 letter to Tom Rogers regarding modeling is 3390 hours per year. The letter also states that the hours of operation for the CTs are limited by permit.
- The final determination addressed how the permit significantly limits the hours of operation. Furthermore, page 3 of the BACT states that the applicant will control SO<sub>2</sub> by limiting operating hours to 3400/year/unit. Condition 6 of the PSD permit states that if there are any changes in the method of operation, etc., it should be submitted to the Department.
- The Title V Application states that the four CTs are limited in hours of operation on pages 9 (under Facility Information) and 18 (under Emissions Unit, Section B). Page 18 states, "each turbine is permitted to operate up to 3390 hours/year."
- For the modification requested on November 8, 1996, (see section 5, permit modification request of the Technical Evaluation) it states that no increase in hours of operation was requested. (see also section 3, source description, of the Technical Evaluation) The source description states that annual hours of operation are limited to 3390 or less based on a sliding scale related to the fuel sulfur content.
- The air construction application for the modification has on pages 9 and 18 that the four CTs are limited in hours of operation. Page 18 states, "each turbine is permitted to operate up to 3390 hours/year."
- On March 5, 1997, the Department requested additional information on why synthetically limited was checked for the following pollutants: SO<sub>2</sub>, NO<sub>x</sub>, PM, CO, VOC and SAM. FPC responded by stating that the CTs are limited in hours of operation.
- The annual emissions fee forms dating back to 1993 were checked for the maximum allowable hours reported for Combustion Turbines 7, 8, 9 and 10. On page B of the fee form, Section III has "Operating conditions- Maximum allowed by permit per year". In column (f) of this section, FPC listed the maximum hours of operation for each combustion turbines at 3390 hours.

As indicated to Mr. Robert Manning during a telephone conversation on October 30, the changes made are final and no more extensions will be granted beyond November 4, 1997.

Mr. Scott Osbourn  
October 31, 1997  
Page 3

Please advise us so that we may proceed to the proposed permit stage. If you should have any questions, please call Lennon Anderson or me at 850/488-1344.

Sincerely,



Scott M. Sheplak, P.E.  
Administrator  
Title V Section

SMS/la

Copy to:

Robert Manning, HGSS  
Michael Kennedy, FPC  
Kennard Kosky, GA



October 23, 1997

Ms. Kathy Carter  
Office of General Counsel  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, FL 32399-2400

Dear Ms. Carter:

RE: Florida Power Corporation, DeBary Plant  
REQUEST FOR EXTENSION OF TIME on the *Intent to Issue Title V Air Operation Permit*,  
*Draft Permit No. 1270028-001-AV*

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If you should have any questions, please contact Mr. Scott Osbourn at (813) 866-5158.

Sincerely,

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W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Title V Responsible Official

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Robert A. Manning, Esq.  
Hopping Green Sams & Smith

cc: Scott Sheplak, DEP  
Jeffrey Brown, DEP OGC

10/27/97 cc: *Sernon Anderson*

**RECEIVED**

OCT 27 1997

BUREAU OF  
AIR REGULATION



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER CORPORATION,

Petitioner,

vs.

OGC CASE NO. 97-1371

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

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ORDER GRANTING REQUEST FOR EXTENSION  
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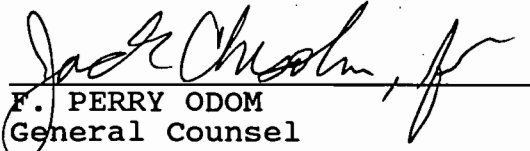
Respondent, State of Florida Department of Environmental Protection, has no objection to it. Therefore,

IT IS ORDERED:

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DONE AND ORDERED on this 21<sup>st</sup> day of October 1997 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
F. PERRY ODOM  
General Counsel

Douglas Building, MS #35  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (904) 488-9314

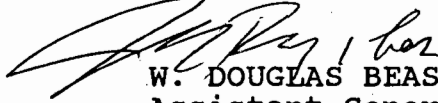
CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed  
to:

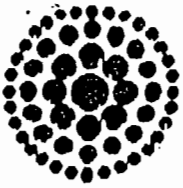
W. Jeffrey Pardue, C.E.R.  
Director, Environmental Services  
Department  
Florida Power Corporation  
3201 Thirty-fourth Street South  
St. Petersburg, FL 33733

on this 21 day of October 1997.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
W. DOUGLAS BEASON  
Assistant General Counsel  
Florida Bar No. 379239

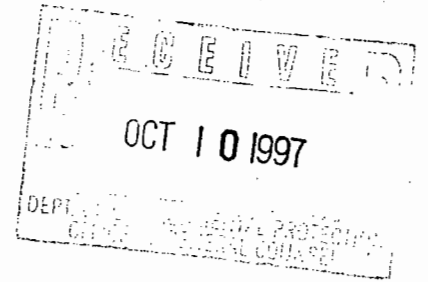
Mail Station 35  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (904) 488-9730



Florida  
Power  
CORPORATION

October 10, 1997

Ms. Kathy Carter  
Office of General Counsel  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, FL 32399-2400



Dear Ms. Carter:

RE: Florida Power Corporation, DeBary Plant  
REQUEST FOR EXTENSION OF TIME on *Intent to Issue Title V Air Operation Permit*  
*Draft Permit No. 1270028-001-AV*

On July 28, 1997, Florida Power Corporation (FPC) received the above-referenced Intent to Issue Title V Air Operation Permit. A review of the permit conditions has revealed that several issues remain to be resolved. The Department previously agreed to grant an Order extending the time to file a petition until October 10, 1997. Mr. Scott Osbourn of my staff has had discussions with Mr. Scott Sheplak of the Department who agreed that a further extension of time is appropriate. Therefore, based upon the Department's concurrence and pursuant to Rules 62-103.050 and 28-106.111, Fla. Admin. Code, FPC respectfully requests an extension of time in which to file a petition for an administrative hearing on the above-referenced draft Title V permit under Sections 120.569 and 120.57, Fla. Stat., up to and including October 24, 1997.

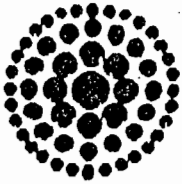
If you should have any questions, please contact Mr. Scott Osbourn at (813) 866-5158.

Sincerely,

W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Title V Responsible Official

Robert A. Manning, Esq.  
Hopping Green Sams & Smith

cc: Scott Sheplak, DEP  
Charles Logan, DEP



Florida  
Power  
CORPORATION

October 10, 1997

Ms. Kathy Carter  
Office of General Counsel  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, FL 32399-2400

Dear Ms. Carter:

RE: Florida Power Corporation, DeBary Plant  
REQUEST FOR EXTENSION OF TIME on *Intent to Issue Title V Air Operation Permit*  
*Draft Permit No. 1270028-001-AV*

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If you should have any questions, please contact Mr. Scott Osbourn at (813) 866-5158.

Sincerely,

W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Title V Responsible Official

Robert A. Manning, Esq.  
Hopping Green Sams & Smith

cc: Scott Sheplak, DEP  
Charles Logan, DEP



October 2, 1997

Ms. Kathy Carter  
Office of General Counsel  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, FL 32399-2400

Dear Ms. Carter:

RE: Florida Power Corporation, DeBary Plant  
REQUEST FOR EXTENSION OF TIME on the *Intent to Issue Title V Air Operation Permit*,  
*Draft Permit No. 1270028-001-AV*

On July 28, 1997, Florida Power Corporation (FPC) received the above-referenced Intent to Issue Title V Air Operation Permit. A review of the permit conditions has revealed that several issues remain to be resolved. Mr. Scott Osbourn of my staff has had discussions with Mr. Bruce Mitchell of the Department who agreed that an additional extension of time to discuss these issues is appropriate. Therefore, based upon the Department's concurrence and pursuant to Rules 62-103.050 and 28-106.111, Fla. Admin. Code, FPC respectfully requests an extension of time in which to file a petition for an administrative hearing under Sections 120.569 and 120.57, Fla. Stat., up to and including October 10, 1997.

If you should have any questions, please contact Mr. Scott Osbourn at (813) 866-5158.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Jeffrey Pardue".

W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Title V Responsible Official

A handwritten signature in black ink, appearing to read "Robert A. Manning".  
Robert A. Manning, Esq. *farm*  
Hopping Green Sams & Smith

cc: Scott Sheplak, DEP

10/9/97 *Scott Sheplak*  
*Sennon Anderson*



RECEIVED

SEP 24 1997

BUREAU OF  
AIR REGULATION

September 19, 1997

Ms. Kathy Carter  
Office of General Counsel  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, FL 32399-2400

Dear Ms. Carter:

RE: Florida Power Corporation, DeBary Plant  
REQUEST FOR EXTENSION OF TIME on Intent to Issue Title V Air Operation Permit  
Draft Permit No. 1270028-001-AV

On July 28, 1997, Florida Power Corporation (FPC) received the above-referenced Intent to Issue Title V Air Operation Permit. A review of the permit conditions has revealed that several issues remain to be resolved. Department representatives previously agreed to an extension of time to file a petition until September 19, 1997. Mr. Robert Manning (attorney for FPC) has had discussions with Scott Sheplak of the Department who agreed that an extension of time for 14 more days to discuss these issues is appropriate. Therefore, based upon the Department's concurrence and pursuant to Rules 62-103.050 and 28-106.111, Fla. Admin. Code, FPC respectfully requests an extension of time in which to file a petition for an administrative hearing on the draft Title V permit under Sections 120.569 and 120.57, Fla. Stat., up to and including October 3, 1997.

If you should have any questions, please contact Mr. Scott Osbourn at (813) 866-5158.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Jeffrey Pardue", written over a circular scribble.

W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Title V Responsible Official

Robert A. Manning, Esq.  
Hopping Green Sams & Smith

cc: Scott Sheplak, DEP

9/25/97 Lennon Anderson



September 5, 1997

Ms. Kim Tober  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, Florida 32399-2400

Dear Ms. Tober:

Re: FPC DeBary Facility  
Public Notice of Intent to Issue Draft Title V Air Permit

Enclosed please find the original public notice and notarized proof of publication regarding the Department's Intent to Issue a Draft Title V Permit for Florida Power Corporation's DeBary facility. The legal notice ran in the August 20, 1997 edition of the DeLand/West Volusia Beacon.

If you should have any questions or require additional information, please do not hesitate to contact me at (813) 866-5158.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott H. Osbourn", written in a cursive style.

Scott H. Osbourn  
Senior Environmental Engineer

Attachment

cc: ✓ Scott Sheplak, DEP  
Ken Kosky, Golder Associates

9/17/97 *Lennon Anderson*

**RECEIVED**

SEP 10 1997

BUREAU OF  
AIR REGULATION

**The Beacon**  
PUBLISHED WEEKLY

**State of Florida** SS  
**COUNTY OF VOLUSIA**

Before the undersigned authority personally appeared Melodie Robinson, who on oath says that he/she is the Legal Advertising Representative of The Beacon, a weekly newspaper published at DeLand, in Volusia County, Florida; that the attached copy of advertisement, being a \_\_\_\_\_

Public Notice of Intent in the matter of To issue a Title V air operation permit in the \_\_\_\_\_ Court, was published in said newspaper, in the issue(s) of \_\_\_\_\_ August 20, 1997

Affiant further says that the said Beacon is a newspaper published at DeLand, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each Week and has been entered as second-class mail matter at the post office in DeLand in said Volusia County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Melodie Robinson*

The foregoing instrument was acknowledged before me this 20th day of August, 1997, by Melodie Robinson, who is personally known to me and who did take an oath.

*Joann M. Kramer*



JOANN M. KRAMER  
MY COMMISSION # CC419845 EXPIRES  
November 6, 1993  
BONDED TRUJY TRUJY FARM INSURANCE, INC.

(SEAL)

**PUBLIC NOTICE OF INTENT  
TO ISSUE TITLE V  
AIR OPERATION PERMIT.**

STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

Title V DRAFT Permit No.:  
1270028-001-AV  
DeBary Facility  
Volusia County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Florida Power Corporation for the DeBary Facility located at 788 West Highbanks Road, DeBary, Volusia County. The applicant's name and address are: Florida Power Corporation, 3201 34th Street South, St. Petersburg, FL 33711.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed Title V DRAFT Permit 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 result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The permitting authority will issue the permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.), or a party requests mediation as an alternative remedy under Section 120.573, F.S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the 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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the 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 (or a request for mediation, as discussed below) within the applicable 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 permitting authority's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;

(d) A statement of the material facts disputed by the petitioner, if any;

(e) A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;

(f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority'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 permitting authority 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 permitting authority'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 permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the permitting authority's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department of Environmental Protection a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, FL 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information:

- (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any;
- (b) A statement of the preliminary agency action;
- (c) A statement of the relief sought; and,
- (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement; and,
- (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 (sixty) days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department of Environmental Protection must enter an order incorporating the agreement of the parties in accordance with the provisions of Section 403.0872(7), F.S. If mediation



terminates without settlement of the dispute, the permitting authority shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at 410 M. Street, SW, Washington, D.C. 20460.

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:

Permitting Authority:  
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

Affected District/Local Program:  
Central District Office  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803-3767  
Telephone: 407/894-7555  
Fax: 407/897-2966

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/488-1344, for additional information.

August 20, 1997



September 5, 1997

RECEIVED

SEP 05 1997

BUREAU OF  
AIR REGULATION

Ms. Kathy Carter  
Office of General Counsel  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, FL 32399-2400

Dear Ms. Carter:

RE: Florida Power Corporation, DeBary Plant  
REQUEST FOR EXTENSION OF TIME on Intent to Issue Title V Air Operation Permit  
Draft Permit No. 1270028-001-AV

On July 28, 1997, Florida Power Corporation (FPC) received the above-referenced Intent to Issue Title V Air Operation Permit. FPC published the Notice of Intent to Issue Title V Air Operation Permit on August 20, 1997. A review of the permit conditions has revealed that several issues remain to be resolved. The Department previously agreed to grant an Order extending the time to file a petition until September 5, 1997. Mr. Scott Osbourn of my staff has had discussions with Department representatives who agreed that an extension of time for 14 more days to discuss these issues is appropriate. Therefore, based upon the Department's concurrence and pursuant to Rules 82-103.050 and 28-108.111, Fla. Admin. Code, FPC respectfully requests an extension of time in which to file a petition for an administrative hearing on the draft Title V permit under Sections 120.569 and 120.57, Fla. Stat., up to and including September 19, 1997.

If you should have any questions, please contact Mr. Scott Osbourn at (813) 866-5158.

Sincerely,

Handwritten signature of W. Jeffrey Pardue in black ink.

W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Title V Responsible Official

Handwritten signature of Robert A. Manning in black ink.

Robert A. Manning, Esq.  
Hopping Green Sams & Smith

cc: Scott Sheplak, DEP  
Charles Logan, DEP



**RECEIVED**

**AUG 29 1997**

**BUREAU OF  
AIR REGULATION**

August 20, 1997

Mr. Scott M. Sheplak, P.E.  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
111 South Magnolia Drive, Suite 4  
Magnolia Park Courtyard  
Tallahassee, FL 32301

Re: Florida Power Corporation, DeBary Facility  
DRAFT Title V Permit No. 1270028-001-AV

Dear Mr. Sheplak:

On behalf of Florida Power Corporation (FPC), attached are comments regarding the DRAFT Title V permit for the DeBary Facility as identified above. FPC appreciates the Department's efforts in processing this permit and understands the need to resolve these issues in as timely a manner as possible. In this regard, DEP granted FPC's Request for an Extension of Time until August 25, 1997. If we are unable to reach a resolution of these comments by this Friday, August 22, 1997, at 5:00 p.m., we would appreciate the opportunity to file a second Request for Extension of Time. Accordingly, please contact me at (813) 866-5158 as soon as you have had a chance to review these comments in order that we may discuss available options. Thank you again for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Osbourn", written in a cursive style.

Scott H. Osbourn,  
Senior Environmental Engineer

cc: Ken Kosky, P.E., Golder Associates  
Robert Manning, HGSS

Lennon  
Scott 8-29-97 RAL  
Bruce

**FLORIDA POWER CORPORATION  
COMMENTS ON DRAFT TITLE V PERMIT  
DEBARY FACILITY**

**General Comments**

1. FPC understands that Appendix TV-1, Title V Conditions, is being revised. FPC request that its Title V permit reflect the most up-to-date version of this Appendix.

**Section I., Facility Information, Subsection A.**

1. The facility description should be changed to read "...and four combustion turbines which are fired with No. 2 fuel oil and natural gas...".

2. The description states that the FPC's Title V application for the DeBary facility was received on "June 28, 1996." The correct submittal date was "June 14, 1996."

**Section II., Facility-wide Conditions.**

1. Condition 2. The word "not" was apparently inadvertently added, and should be deleted from the second line of this Condition.

2. Condition 3. For clarity and to make this Condition specific to FPC's DeBary facility, FPC requests that Condition 2. be edited as follows:

**~~Except as otherwise provided in this permit for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause . . . .~~**

Also, because the reference to Chapter 62-297 in the last sentence of Condition 2. appears to be misplaced, FPC requests Condition 2. be edited as follows: **"EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C."**

3. Condition 5. In the context of this permit, how does DEP intend to respond to EPA's comments regarding the need to change the phrase "exempt" to "insignificant"?

4. Condition 6. For clarity, FPC requests that the first sentence of this Condition be edited as follows: **"The permittee shall not allow no person to store, pump, . . . ."**

5. Condition 7. FPC requests that all of the language from Rule 62-296.320(4)(c)1., F.A.C. be included in this Condition. Also, FPC included two additional specific activities that it may conduct to prevent such emissions, and these activities should be included in the permit: **"(1) Mr.**

**Maintenance of paved roads as needed, and (2) Regular mowing of grass and care of vegetation."**

6. Condition 8. FPC's DeBary facility is not located in Orange County (but rather in Volusia), and therefore FPC requests that all compliance related information required to be submitted should be sent to DEP's Central District office.

**Section III. Subsection A.**

1. FPC requests that the following sentence be deleted from the description: **"Emissions are controlled by water injection and high-efficiency combustion systems."** There are no NO<sub>x</sub> limits on these units and therefore water injection and high-efficiency combustion are not needed for control.

Also, based on representations in the application, Unit 6 began commercial operation on April 30, 1975, not 1976.

2. Condition A.1. The following language should be added to the heat input limits listed: **"The heat input and fuel consumption can vary with ambient temperature in accordance with the design curves. The heat input rates shall be verified using the design curves that were made part of the application."**

3. Condition A.6. For clarity, FPC requests that this condition include the following clause to indicate that Subsection C. also contains provisions applicable to visible emissions: **"Visible emissions from each PCT unit shall not be greater than 20 percent opacity, except as provided in Subsection C."**

4. Condition A.9. The ASTM methods should be updated as follows to reflect the current methods: ". . . **ASTM D2622-92 94, ASTM D4292-90 (1995), or both ASTM D4057-88 and ASTM D 129-91 95."**

5. Condition A.12. FPC requests that the annual visible emissions testing deadline be **"within 60 days prior to March 1 January 17."**

6. Condition A.13. For clarity, the first clause in this condition ("When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method") should be deleted because the permit specifies EPA Method 9, pursuant to Condition A.10. Also, the rule authority citation for Condition A.13. should be edited as follows: **"[Rule 62-297.310(4)(a)2., F.A.C.]"**

7. Condition A.14. Because there is an applicable standard for visible emissions, paragraph (a)4.a. should be edited as follows: **"Visible emissions, ~~if there is an applicable standard.~~"** Also, paragraph (a)4.b. should be deleted because these pollutants do contain an applicable emission limiting standard.

**Section III. Subsection B.**

1. Condition B.1. The maximum heat input listed is for oil. The maximum heat input while firing natural gas at 20 °F is 1,159 MMBtu/hr (LHV).

2. Condition B.2. In accordance with the attached Permit to Construct and supplemental segment pages, FPC requests that this Condition be revised as follows: **"The permittee shall fire No. 2 fuel oil or natural gas only."**

3. Condition B. 3. In our original application, FPC requested that the gal/hr limit be removed, as an hourly heat input limit is already in effect and an additional fuel flow limit is unnecessary.

4. Condition B.5. Units 7, 8, 9, and 10 should not have specific individual limits for hours of operation per year. Each individual CT should be allowed to operate up to 8,760 hours/year, as long as the aggregate capacity factor limit is not exceeded. The explanation in the application on Page 18, field 6 should be considered in the following recommended wording: **"Based on the aggregate limits established for CTs 7 through 10, each of the four CTs can operate up to the equivalent of 3,390 hrs/yr at peak load or other lesser loads and 38.7 % annual capacity factor. However, any of the four CTs may operate individually up to 8,760 hr/yr."** (For clarification, the capacity factor should be listed as an "annual" factor.) Note that Table 1-1 should be revised in the same manner.

5. Conditions B.7. - B.12. These units should not be subject to individual tons per year emission limitations. The tons per year number listed in Table 1 of the PSD permit was an "aggregate" number; individual units' annual emissions were limited only by the fact that they could not emit, in combination with the other three CT's, emissions in excess of the aggregate annual limits. Accordingly, the individual tpy limits for NO<sub>x</sub>, SO<sub>2</sub>, PM/PM<sub>10</sub>, VOC, CO, and SAM in Conditions B.7. - B.12. should be deleted and an aggregate limit for all four units for each of these pollutants should be inserted. Note that Table 1-1 should be revised in the same manner.

6. Condition B.14. For clarification, the phrase **"As required in this permit,"** should be inserted at the beginning of this Condition.

7. Condition B.16. The ASTM method for fuel analysis should be updated to "D4294 (90) (1995)." ASTM D2880-96 should be deleted.

8. Condition B.17. In accordance with the test methods allowed under Condition B.18., Condition B.17. should be revised as follows: **"The test method for PM/PM<sub>10</sub> shall be EPA Method 5 or Method 17."**

9. Condition B. 22. The ASTM method for fuel analysis should be updated to "D4294 (90) (1995)." ASTM D2880-96 should be deleted.

10. Condition B.32. For clarity, the first clause in subparagraph (a)(2) ("When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method") should be deleted because the permit specifies EPA Method 9, pursuant to Condition B.21.

11. Condition B.39. The rule authority citation for this Condition appears to contain a typo; it should be "Rule 62-204.800" instead of "Rule 62-296.800."

12. Condition B.43. Because there does not appear to be a reasonable basis for this condition and it is unusual that it be included, FPC requests that it be deleted.

### Section III. Subsection C.

1. Condition C.1. In accordance with Rule 62-210.700(1), F.A.C., this Condition should provide that "**Excess emissions resulting from startup, shutdown, or malfunction are permitted . . . .**"

2. Condition C.3. This language needs to be revised so that it reflects the use of heat input vs. inlet temperature curves, which were made part of the application.

3. Condition C.5. The first sentence should read "**The owner or operator . . . .**"

4. Condition C.7. FPC requests that this Condition be deleted because it provides the agency unlimited discretion for the establishment of additional permit conditions and there is no reasonable basis for its inclusion. Further, "fuel flow rate and heat input rate" are already limited by other specific conditions in this permit and, therefore, this condition is at a minimum duplicative, and moreover, could result in conflicting permit conditions.

### Appendix E-1, List of Exempt Emissions Units and/or Activities

1. The second activity listed ("internal combustion engines - mobile sources") should be deleted because mobile sources are not governed by the Title V program.

2. The following activities are listed in this Appendix that do not occur at the DeBary facility: (1) vacuum pumps for labs, (2) steam cleaning equipment, (3) bakery equipment, and (4) laundry dryers.

3. The following activities were listed in the application as "exempt" and are not included in Appendix E-1: (1) petroleum lubrication systems, (2) vehicle refueling and associated fuel storage, and (3) non-halogenated solvent storage and cleaning operations.

### Table 1-1, Summary of Air Pollutant Standards and Terms

1. This Table should be edited in accordance with the specific comments made above. For example, for Units 7-10, the hours of operation per year limitation (per unit) should be deleted,

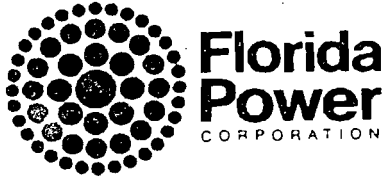
Mr. Sheplak  
August 20, 1997  
Page 6

and the tons per year emission limits should be listed as an aggregate tons per year limit, and not an individual unit tons per year limit.

**Table 2-1, Summary of Compliance Requirements**

1. This Table should be edited in accordance with the specific comments made above. for example, the updated ASTM methods should be inserted and the specific requirements regarding PM and VOC testing should be included.





August 20, 1997

RECEIVED

AUG 29 1997

BUREAU OF  
AIR REGULATION

Mr. Scott M. Sheplak, P.E.  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
111 South Magnolia Drive, Suite 4  
Magnolia Park Courtyard  
Tallahassee, FL 32301

Re: Florida Power Corporation, DeBary Facility  
DRAFT Title V Permit No. 1270028-001-AV

Dear Mr. Sheplak:

On behalf of Florida Power Corporation (FPC), attached are comments regarding the DRAFT Title V permit for the DeBary Facility as identified above. FPC appreciates the Department's efforts in processing this permit and understands the need to resolve these issues in as timely a manner as possible. In this regard, DEP granted FPC's Request for an Extension of Time until August 25, 1997. If we are unable to reach a resolution of these comments by this Friday, August 22, 1997, at 5:00 p.m., we would appreciate the opportunity to file a second Request for Extension of Time. Accordingly, please contact me at (813) 866-5158 as soon as you have had a chance to review these comments in order that we may discuss available options. Thank you again for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott H. Osbourn", written in a cursive style.

Scott H. Osbourn,  
Senior Environmental Engineer

cc: Ken Kosky, P.E., Golder Associates  
Robert Manning, HGSS

FLORIDA POWER CORPORATION  
COMMENTS ON DRAFT TITLE V PERMIT  
DEBARY FACILITY

General Comments

1. FPC understands that Appendix TV-1, Title V Conditions, is being revised. FPC request that its Title V permit reflect the most up-to-date version of this Appendix.

Section I., Facility Information, Subsection A.

1. The facility description should be changed to read "...and four combustion turbines which are fired with No. 2 fuel oil and natural gas...".

2. The description states that the FPC's Title V application for the DeBary facility was received on "June 28, 1996." The correct submittal date was "June 14, 1996."

Section II., Facility-wide Conditions.

1. Condition 2. The word "not" was apparently inadvertently added, and should be deleted from the second line of this Condition.

2. Condition 3. For clarity and to make this Condition specific to FPC's DeBary facility, FPC requests that Condition 2. be edited as follows:

**~~Except as otherwise provided in this permit for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause . . . .~~**

Also, because the reference to Chapter 62-297 in the last sentence of Condition 2. appears to be misplaced, FPC requests Condition 2. be edited as follows: **"EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C."**

3. Condition 5. In the context of this permit, how does DEP intend to respond to EPA's comments regarding the need to change the phrase "exempt" to "insignificant"?

4. Condition 6. For clarity, FPC requests that the first sentence of this Condition be edited as follows: **"The permittee shall not allow no person to store, pump, . . . ."**

5. Condition 7. FPC requests that all of the language from Rule 62-296.320(4)(c)1., F.A.C. be included in this Condition. Also, FPC included two additional specific activities that it may conduct to prevent such emissions, and these activities should be included in the permit: **"(1) Mr.**

**Maintenance of paved roads as needed, and (2) Regular mowing of grass and care of vegetation."**

6. Condition 8. FPC's DeBary facility is not located in Orange County (but rather in Volusia), and therefore FPC requests that all compliance related information required to be submitted should be sent to DEP's Central District office.

### Section III. Subsection A.

1. FPC requests that the following sentence be deleted from the description: **"Emissions are controlled by water injection and high-efficiency combustion systems."** There are no NO<sub>x</sub> limits on these units and therefore water injection and high-efficiency combustion are not needed for control.

Also, based on representations in the application, Unit 6 began commercial operation on April 30, 1975, not 1976.

2. Condition A.1. The following language should be added to the heat input limits listed: **"The heat input and fuel consumption can vary with ambient temperature in accordance with the design curves. The heat input rates shall be verified using the design curves that were made part of the application."**

3. Condition A.6. For clarity, FPC requests that this condition include the following clause to indicate that Subsection C. also contains provisions applicable to visible emissions: **"Visible emissions from each PCT unit shall not be greater than 20 percent opacity, except as provided in Subsection C."**

4. Condition A.9. The ASTM methods should be updated as follows to reflect the current methods: ". . . **ASTM D2622-92 94, ASTM D4292-90 (1995), or both ASTM D4057-88 and ASTM D 129-91 95.**"

5. Condition A.12. FPC requests that the annual visible emissions testing deadline be **"within 60 days prior to March 1 ~~January 17~~."**

6. Condition A.13. For clarity, the first clause in this condition ("When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method") should be deleted because the permit specifies EPA Method 9, pursuant to Condition A.10. Also, the rule authority citation for Condition A.13. should be edited as follows: **"[Rule 62-297.310(4)(a)2., F.A.C.]."**

7. Condition A.14. Because there is an applicable standard for visible emissions, paragraph (a)4.a. should be edited as follows: **"Visible emissions, ~~if there is an applicable standard.~~"** Also, paragraph (a)4.b. should be deleted because these pollutants do contain an applicable emission limiting standard.

**Section III. Subsection B.**

1. Condition B.1. The maximum heat input listed is for oil. The maximum heat input while firing natural gas at 20 °F is 1,159 MMBtu/hr (LHV).

2. Condition B.2. In accordance with the attached Permit to Construct and supplemental segment pages, FPC requests that this Condition be revised as follows: **"The permittee shall fire No. 2 fuel oil or natural gas only."**

3. Condition B. 3. In our original application, FPC requested that the gal/hr limit be removed, as an hourly heat input limit is already in effect and an additional fuel flow limit is unnecessary.

4. Condition B.5. Units 7, 8, 9, and 10 should not have specific individual limits for hours of operation per year. Each individual CT should be allowed to operate up to 8,760 hours/year, as long as the aggregate capacity factor limit is not exceeded. The explanation in the application on Page 18, field 6 should be considered in the following recommended wording: **"Based on the aggregate limits established for CTs 7 through 10, each of the four CTs can operate up to the equivalent of 3,390 hrs/yr at peak load or other lesser loads and 38.7 % annual capacity factor. However, any of the four CTs may operate individually up to 8,760 hr/yr."** (For clarification, the capacity factor should be listed as an "annual" factor.) Note that Table 1-1 should be revised in the same manner.

5. Conditions B.7. - B.12. These units should not be subject to individual tons per year emission limitations. The tons per year number listed in Table 1 of the PSD permit was an "aggregate" number; individual units' annual emissions were limited only by the fact that they could not emit, in combination with the other three CT's, emissions in excess of the aggregate annual limits. Accordingly, the individual tpy limits for NO<sub>x</sub>, SO<sub>2</sub>, PM/PM<sub>10</sub>, VOC, CO, and SAM in Conditions B.7. - B.12. should be deleted and an aggregate limit for all four units for each of these pollutants should be inserted. Note that Table 1-1 should be revised in the same manner.

6. Condition B.14. For clarification, the phrase **"As required in this permit,"** should be inserted at the beginning of this Condition.

7. Condition B.16. The ASTM method for fuel analysis should be updated to "D4294 (90) (1995)." ASTM D2880-96 should be deleted.

8. Condition B.17. In accordance with the test methods allowed under Condition B.18., Condition B.17. should be revised as follows: **"The test method for PM/PM<sub>10</sub> shall be EPA Method 5 or Method 17."**

9. Condition B. 22. The ASTM method for fuel analysis should be updated to "D4294 (90) (1995)." ASTM D2880-96 should be deleted.

10. Condition B.32. For clarity, the first clause in subparagraph (a)(2) ("When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method") should be deleted because the permit specifies EPA Method 9, pursuant to Condition B.21.

11. Condition B.39. The rule authority citation for this Condition appears to contain a typo; it should be "Rule 62-204.800" instead of "Rule 62-296.800."

12. Condition B.43. Because there does not appear to be a reasonable basis for this condition and it is unusual that it be included, FPC requests that it be deleted.

### Section III. Subsection C.

1. Condition C.1. In accordance with Rule 62-210.700(1), F.A.C., this Condition should provide that "**Excess emissions resulting from startup, shutdown, or malfunction are permitted . . . .**"

2. Condition C.3. This language needs to be revised so that it reflects the use of heat input vs. inlet temperature curves, which were made part of the application.

3. Condition C.5. The first sentence should read "**The owner or of operator . . . .**"

4. Condition C.7. FPC requests that this Condition be deleted because it provides the agency unlimited discretion for the establishment of additional permit conditions and there is no reasonable basis for its inclusion. Further, "fuel flow rate and heat input rate" are already limited by other specific conditions in this permit and, therefore, this condition is at a minimum duplicative, and moreover, could result in conflicting permit conditions.

### Appendix E-1, List of Exempt Emissions Units and/or Activities

1. The second activity listed ("internal combustion engines - mobile sources") should be deleted because mobile sources are not governed by the Title V program.

2. The following activities are listed in this Appendix that do not occur at the DeBary facility: (1) vacuum pumps for labs, (2) steam cleaning equipment, (3) bakery equipment, and (4) laundry dryers.

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1. This Table should be edited in accordance with the specific comments made above. For example, for Units 7-10, the hours of operation per year limitation (per unit) should be deleted,

Mr. Sheplak  
August 20, 1997  
Page 6

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August 20, 1997

RECEIVED

AUG 29 1997

BUREAU OF  
AIR REGULATION

Mr. Scott M. Sheplak, P.E.  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
111 South Magnolia Drive, Suite 4  
Magnolia Park Courtyard  
Tallahassee, FL 32301

Re: Florida Power Corporation, DeBary Facility  
DRAFT Title V Permit No. 1270028-001-AV

Dear Mr. Sheplak:

On behalf of Florida Power Corporation (FPC), attached are comments regarding the DRAFT Title V permit for the DeBary Facility as identified above. FPC appreciates the Department's efforts in processing this permit and understands the need to resolve these issues in as timely a manner as possible. In this regard, DEP granted FPC's Request for an Extension of Time until August 25, 1997. If we are unable to reach a resolution of these comments by this Friday, August 22, 1997, at 5:00 p.m., we would appreciate the opportunity to file a second Request for Extension of Time. Accordingly, please contact me at (813) 866-5158 as soon as you have had a chance to review these comments in order that we may discuss available options. Thank you again for your consideration of our comments.

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Scott H. Osbourn,  
Senior Environmental Engineer

cc: Ken Kosky, P.E., Golder Associates  
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FLORIDA POWER CORPORATION  
COMMENTS ON DRAFT TITLE V PERMIT  
DEBARY FACILITY

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Mr. Sheplak  
August 20, 1997  
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August 22, 1997

Ms. Kathy Carter  
Office of General Counsel  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, FL 32399-2400

**RECEIVED**

**AUG 25 1997**

**BUREAU OF  
AIR REGULATION**

Dear Ms. Carter:

RE: Florida Power Corporation, DeBary Plant  
REQUEST FOR EXTENSION OF TIME on Intent to Issue Title V Air Operation Permit  
Draft Permit No. 1270028-001-AV

On July 28, 1997, Florida Power Corporation (FPC) received the above-referenced Intent to Issue Title V Air Operation Permit. FPC published the Notice of Intent to Issue Title V Air Operation Permit on August 20, 1997. A review of the permit conditions has revealed that several issues remain to be resolved. Mr. Scott Sheplak of the Department has agreed with Mr. Scott Osbourn of my staff that an extension of time to discuss these issues is appropriate. Therefore, based upon Mr. Sheplak's concurrence and pursuant to Rules 62-103.050 and 28-106.111, Fla. Admin. Code, FPC respectfully requests an extension of time in which to file a petition for an administrative hearing under Sections 120.569 and 120.57, Fla. Stat., up to and including September 5, 1997.

If you should have any questions, please contact Mr. Scott Osbourn at (813) 866-5158.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Jeffrey Pardue", written in a cursive style.

W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Title V Responsible Official

A handwritten signature in black ink, appearing to read "Robert A. Manning", written in a cursive style.

Robert A. Manning, Esq.  
Hopping Green Sams & Smith

cc: Scott Sheplak, DEP  
Charles Logan, DEP



## Environmental Services Department

### FAX COVER SHEET

DATE: 8/2/97

TO: Scott Shogler

FAX# (904) 922-6979

COMPANY: DEP

FROM: Scott Shogler

PHONE # (913) 966-5158

FAX # \_\_\_\_\_

NUMBER OF PAGES TRANSMITTED 1

Please call number listed above for any transmission problems.

**COMMENTS:**

As you requested.





August 11, 1997

AUG 11 1997

Ms. Kathy Carter  
Office of General Counsel  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, FL 32399-2400

Dear Ms. Carter:

RE: Florida Power Corporation, DeBary Plant  
REQUEST FOR EXTENSION OF TIME on Intent to Issue Title V Air Operation Permit  
Draft Permit No. 1270028-001-AV

On July 28, 1997, Florida Power Corporation (FPC) received the above-referenced Intent to Issue Title V Air Operation Permit. A review of the permit conditions has revealed that several issues remain to be resolved. Mr. Charles Logan of the Department has agreed with Mr. Scott Osbourn of my staff that an extension of time to discuss these issues is appropriate. Therefore, based upon Mr. Logan's concurrence and pursuant to Rules 62-109.050 and 28-108.111, Fla. Admin. Code, FPC respectfully requests an extension of time in which to file a petition for an administrative hearing under Sections 120.569 and 120.57, Fla. Stat., up to and including August 25, 1997.

If you should have any questions, please contact Mr. Scott Osbourn at (813) 866-5158.

Sincerely,

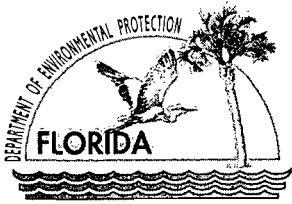
A handwritten signature in black ink, appearing to read "W. Jeffrey Pardue", enclosed within a hand-drawn oval.

W. Jeffrey Pardue, C.E.P.  
Director, Environmental Services Department  
Title V Responsible Official

A handwritten signature in black ink, appearing to read "Robert Manning", written in a cursive style.

Robert A. Manning, Esq.  
Hopping Green Sams & Smith

cc: Scott Sheplak, DEP  
Charles Logan, DEP



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary


## P.E. Certification Statement

**Permittee:**  
Florida Power Corporation  
DeBary Plant

**DRAFT Permit No.:** 1270028-001-AV  
**Facility ID No.:** 1270028

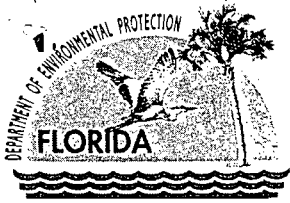
**Project type:** Initial Title V Air Operation Permit

*I HEREBY CERTIFY that the engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).*

  
\_\_\_\_\_  
Scott M. Sheplak, P.E.      07/24/97  
Registration Number: 0048866      date

Permitting Authority:  
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





# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

July 24, 1997

Mr. W. Jeffrey Pardue, C.E.P.  
Director of Environmental Services Department  
Florida Power Corporation  
3201 34th Street South  
St. Petersburg, FL 33711

Re: DRAFT Title V Permit No.: 1270028-001 -AV  
DeBary Facility

Dear Mr. Pardue:

One copy of the DRAFT Title V Air Operation Permit for the DeBary Facility located at 788 West Highbanks Road, DeBary, Volusia County, is enclosed. The permitting authority's "INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" and the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" must be published within 30 (thirty) days of receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's 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.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Scott M. Sheplak, P.E., at the above letterhead address. If you have any other questions, please contact Lennon Anderson at 850/488-1344.

Sincerely,

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

CHF/a

Enclosures

cc: Ms. Carla E. Pierce, U.S. EPA, Region 4 (INTERNET E-mail Memorandum)  
Ms. Yolanda Adams, U.S. EPA, Region 4 (INTERNET E-mail Memorandum)

In the Matter of an  
Application for Permit by:

Florida Power Corporation  
3201 34th Street South  
St. Petersburg, FL 33711

DRAFT Permit No.: 1270028-001-AV  
DeBary Facility  
Volusia County

---

**INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit (copy of DRAFT Permit enclosed) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Florida Power Corporation, applied on June 12, 1996, to the permitting authority for a Title V air operation permit for the DeBary Facility located at 788 West Highbanks Road, DeBary, Volusia County.

The permitting authority 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, 62-213, and 62-214. This source is not exempt from Title V permitting procedures. The permitting authority has determined that a Title V air operation permit is required to commence or continue operations at the described facility.

The permitting authority intends to issue this Title V air operation permit based on the belief that reasonable assurances have been provided to indicate that operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.0872, F.S., and Rules 62-103.150 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT." 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 permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 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 pursuant to Rule 62-103.150(6), F.A.C.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the enclosed Title V DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The permitting authority will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., or a party requests mediation as an alternative remedy under Section 120.573, F.S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the 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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice of intent. Petitions filed by any other person must be filed within 14 (fourteen) days of publication of the public notice or within 14 (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 (or a request for mediation, as discussed below) 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, F.A.C.

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 permitting authority's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;

(e) A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;

(f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority'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 permitting authority 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 permitting authority'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 permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the permitting authority's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department of Environmental Protection a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information:

(a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any;

(b) A statement of the preliminary agency action;

(c) A statement of the relief sought; and,

(d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement; and,

(g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 (sixty) days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department of Environmental Protection must enter an order incorporating the agreement of the parties in accordance with the provisions of Section 403.0872(7), F.S. If mediation terminates without settlement of the dispute, the permitting authority shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection 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 of Environmental Protection, 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 United States Environmental Protection Agency 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.

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at 410 M. Street, SW, Washington, D.C. 20460.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**



\_\_\_\_\_  
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 TITLE V AIR OPERATION PERMIT (including the PUBLIC NOTICE and the DRAFT permit) and all copies were sent by certified mail before the close of business on 7/25/97 to the person(s) listed:

W. Jeffrey Pardue, C.E.P., FPC

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT (including the PUBLIC NOTICE and the DRAFT permit) were sent by U.S. mail on the same date to the person(s) listed:

Kennard F. Kosky, P.E., GA  
Scott H. Osbourn, FPC  
Len Kozlov, CD

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.

Barbara J. Pentwell 7/25/97  
(Clerk) (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Title V DRAFT Permit No.: 1270028-001-AV  
DeBary Facility  
Volusia County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Florida Power Corporation for the DeBary Facility located at 788 West Highbanks Road, DeBary, Volusia County. The applicant's name and address are: Florida Power Corporation, 3201 34th Street South, St. Petersburg, FL 33711.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed Title V DRAFT Permit 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, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The permitting authority will issue the permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.), or a party requests mediation as an alternative remedy under Section 120.573, F.S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the 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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the 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 (or a request for mediation, as discussed below) within the applicable 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 permitting authority's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;

(d) A statement of the material facts disputed by the petitioner, if any;

(e) A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;

(f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority'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 permitting authority 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 permitting authority'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 permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the permitting authority's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department of Environmental Protection a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, FL 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information:

(a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any;

(b) A statement of the preliminary agency action;

(c) A statement of the relief sought; and,

(d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement; and,

(g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 (sixty) days of the execution of the agreement. If mediation results in settlement of the administrative

dispute, the Department of Environmental Protection must enter an order incorporating the agreement of the parties in accordance with the provisions of Section 403.0872(7), F.S. If mediation terminates without settlement of the dispute, the permitting authority shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at 410 M. Street, SW, Washington, D.C. 20460.

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:

Permitting Authority:

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

Affected District/Local Program:

Central District Office  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803-3767  
Telephone: 407/894-7555  
Fax: 407/897-2966

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/488-1344, for additional information.

Florida Power Corporation  
DeBary Facility  
**Facility ID No.:** 1270028  
Volusia County

Initial Title V Air Operation Permit  
**DRAFT Permit No.:** 1270028-001-AV

Permitting Authority:  
State of Florida  
Department of Environmental Protection  
Division of Air Resources Management  
Bureau of Air Regulation  
Title V Section

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

Telephone: 850/488-1344  
Fax: 850/922-6979

July 23, 1997

Initial Title V Air Operation Permit  
DRAFT Permit No.: 1270028-001-AV

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# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

**Permittee:**  
Florida Power Corporation  
3201 34th Street South  
St. Petersburg, FL 33711

**DRAFT Permit No.:** 1270028-001-AV  
**Facility ID No.:** 1270028  
**SIC Nos.:** 49  
**Project:** Initial Title V Air Operation Permit

This permit is for the operation of the DeBary Facility. This facility is located at 788 West Highbanks Road, DeBary, Volusia; UTM Coordinates: Zone 17, 467.5 km East and 3197.2 km North; Latitude: 28° 54' 17" North and Longitude: 81° 19' 55" West.

**STATEMENT OF BASIS:** This Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or 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 U-1, List of Unregulated Emissions Units and/or Activities  
Appendix E-1, List of Exempt Emissions Units and/or Activities  
APPENDIX TV-1, TITLE V CONDITIONS (version dated 2/27/97)  
APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)  
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 Application/Compliance Plan received 12/22/95

**Effective Date:** January 1, 1998  
**Renewal Application Due Date:** July 5, 2002  
**Expiration Date:** December 31, 2002

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Howard L. Rhodes, Director  
Division of Air Resources  
Management

HLR/sms/a

**Section I. Facility Information.**

**Subsection A. Facility Description.**

This facility consists of 6 peaking combustion turbines which are fired with No. 6 or No. 2 fuel oil and 4 combustion turbines which are fired with No. 2 fuel oil and limited in hours of operation.

Also included in this permit are miscellaneous unregulated/exempt emissions units and/or activities.

Based on the initial Title V permit application received June 28, 1996, this facility is a major source of hazardous air pollutants (HAPs).

**Subsection B. Summary of Emissions Unit ID No(s). and Brief Description(s).**

**E.U.**

<b><u>ID No.</u></b>	<b><u>Brief Description</u></b>
-001	Peaking Combustion Turbine Units 1, 2, 3, 4, 5 and 6
-002	Combustion Turbine Units 7, 8, 9 and 10

**Unregulated Emissions Units and/or Activities**

-xxx	Diesel Generator (Detroit Diesel Allison-PTA-1SD-50)
-xxx	Lube Oil Storage Tank-2700 gal
-xxx	No. 2 Fuel Oil Tanks (2)
-xxx	Diesel/Caterpillar 3500/2500 hp/ 1879 kw

*Please reference the Permit No., Facility ID No., and appropriate Emissions Unit(s) ID No(s). on all correspondence, test report submittals, applications, etc.*

**Subsection C. Relevant Documents.**

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action.

These documents are provided to the permittee for information purposes only:

Table 1-1, Summary of Air Pollutant Standards and Terms

Table 2-1, Summary of Compliance Requirements

Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers

Appendix H-1, Permit History/ID Number Changes

These documents are on file with the permitting authority:

Initial Title V Permit Application received June 14, 1996.

Additional Information Request dated March 5, 1997

Additional Information Response received June 3, 1997

**Section II. Facility-wide Conditions.**

**The following conditions apply facility-wide:**

1. APPENDIX TV-1, TITLE V CONDITIONS (version dated 02/27/97), is a part of this permit.

{Permitting note: APPENDIX TV-1, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided a copy when requested or otherwise appropriate.}

2. **Not federally enforceable.** General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. No person shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.  
[Rule 62-296.320(2), F.A.C.]

3. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.  
[Rule 62-296.320(4)(b)1. & 4, F.A.C.]

4. Unregulated Emissions Units and/or Activities. Appendix U-1, List of Unregulated Emissions Units and/or Activities, is a part of this permit.  
[Rule 62-213.440(1), F.A.C.]

5. Exempt Emissions Units and/or Activities. Appendix E-1, List of Exempt Emissions Units and/or Activities, is a part of this permit.  
[Rules 62-213.440(1), 62-213.430(6) and 62-4.040(1)(b), F.A.C.]

6. **Not federally enforceable.** General Pollutant Emission Limiting Standards. Volatile Organic Compounds Emissions or Organic Solvents Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.  
[Rule 62-296.320(1)(a), F.A.C.]



**7. Not federally enforceable.** Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include:  
Limiting access to plant property by unnecessary vehicles.  
[Rule 62-296.320(4)(c)2., F.A.C.; and, proposed by applicant in the initial Title V permit application received June 14, 1996.]

**8. Not federally enforceable.** The permittee shall submit all compliance related notifications and reports required of this permit to the Orange County Environmental Protection Department office.

### Section III. Emissions Unit and Conditions.

Subsection A. This section addresses the following emissions unit.

#### E.U.

<u>ID No.</u>	<u>Brief Description</u>
---------------	--------------------------

-001	Peaking Combustion Turbine (PCT) Units 1, 2, 3, 4, 5 and 6
------	--

Each of the six peaking combustion turbines is a General Electric, Model MS 7000. The output is rated at 51,900 kW. No. 2 or No. 6 fuel oil is allowed to be fired, with the sulfur content not to exceed 0.5% and 0.7 % by weight, respectively. Emissions are controlled by water injection and high-efficiency combustion systems. Commercial operation began on February 6, 1976; March 20, 1976; December 31, 1975; April 14, 1976; December 22, 1975; and April 30, 1976, respectively for PCT Units 1 through 6.

The following specific conditions apply to the emissions unit listed above:

#### Essential Potential to Emit (PTE) Parameters

**A.1. Permitted Capacity.** The operation rate for each PCT shall not exceed:

- 588 MMBtu/hr (LHV) at 95 °F using No. 6 fuel oil or
- 673 MMBtu/hr (LHV) at 95 °F using No. 2 fuel oil.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

**A.2. Methods of Operation - Fuels.** The permittee shall only fire No. 2 or No. 6 fuel oil.

[Rule 62-213.410, F.A.C.]

**A.3. Hours of Operation.** Each PCT is allowed to operate continuously, i.e., 8,760 hours/year.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

#### Emission Limitations and Standards

{Permitting note: Table 1-1, Summary of Air Pollutant Standards and Terms, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

**A.4. Sulfur Dioxide.** The maximum sulfur content of the No. 2 fuel oil shall not exceed 0.5 percent by weight.

[AO64-207447 and proposed by applicant in the initial Title V permit application received June 14, 1996]

**A.5. Sulfur Dioxide.** The maximum sulfur content of the No. 6 fuel oil shall not exceed 0.7 percent by weight.

[AC64-2116, AC64-2117, AC64-2118, AC64-2119, AC64-2120, AC64-2121, AO64-207447 and proposed by applicant in the initial Title V permit application received June 14, 1996]

**A.6. Visible emissions.** Visible emissions from each PCT unit shall not be equal to or greater than 20 percent opacity.

[Rule 62-296.320(4)(b)1., F.A.C. and AO64-207447]

### **Monitoring of Operations**

**A.7.** The permittee shall demonstrate compliance with the liquid fuel sulfur limit by means of a fuel analysis provided by the vendor upon each fuel delivery. See **Specific Condition A.9.**

[Rule 62-213.440, F.A.C.]

**A.8. Determination of Process Variables.**

(a) **Required Equipment.** The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

(b) **Accuracy of Equipment.** Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

[Rule 62-297.310(5), F.A.C.]

### **Test Methods and Procedures**

{Permitting note: Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

**A.9.** The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using either ASTM D2622-92, ASTM D4294-90, or both ASTM D4057-88 and ASTM D129-91.

[Rules 62-213.440 and 62-297.440, F.A.C.]

**A.10.** The test method for visible emissions shall be EPA Method 9, adopted and incorporated by reference in Rule 62-204.800, F.A.C., and referenced in Chapter 62-297, F.A.C.

[Rules 62-204.800, 62-296.320(4)(b)4.a. and 62-297.401, F.A.C.]

**A.11.** PCT Units No. 1 through 6 shall be tested in accordance with EPA Method 9 within 10 days after being placed back in operation using No. 6 fuel oil.

[AO64-207447]

**A.12.** PCT Units No. 1 through 6 shall be tested for visible emissions annually, ~~on or within 60 days prior to January 17.~~

[AO64-207447]

297.310(7)

**A.13. Opacity Compliance Tests.** When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:

a. For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.

b. The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.

c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.

[Rule 62-297.310(4)2., F.A.C.]

**A.14. (a) General Compliance Testing.**

3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the

most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:

a. Did not operate; or

b. In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours.

4. During each federal fiscal year (October 1 -- September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:

a. Visible emissions, if there is an applicable standard;

b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and

8. Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions compliance test once per each five-year period, coinciding with the term of its air operation permit.

[Rule 62-297.310(7), F.A.C.]

**A.15.** This emissions unit is also subject to conditions contained in **Subsection C. Common Conditions.**

**Subsection B. This section addresses the following emissions units.**

**E.U.**

**ID No.    Brief Description**

-002      Combustion Turbine (CT) Units 7, 8, 9 and 10

Each simple cycle combustion turbine (CT) is a General Electric PG7111EA model with a nameplate rating of 92.9 MW at ISO conditions. Each CT is only allowed to burn No. 2 fuel oil. NOx emissions are controlled by water-injection. These emissions units began commercial operation on November 1, 1992.

{Permitting notes: Each CT is regulated under Acid Rain, Phase II; NSPS - 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, adopted and incorporated by reference in Rule 62-204.800(7), F.A.C.; NSPS 40 CFR 60 Subpart A; Rule 212.400(5), F.A.C., Prevention of Significant Deterioration (PSD); Rule 62-212.400(6), F.A.C., Best Available Control Technology (BACT) Determination, dated October 16, 1991 }

**The following specific conditions apply to the emissions unit(s) listed above:**

**Essential Potential to Emit (PTE) Parameters**

**B.1. Permitted Capacity.** The operation rate for each CT shall not exceed 1,144 MMBtu/hr (LHV) at 20 °F.

[Rules 62-4.160(2), 62-210.200(PTE), F.A.C. and AC64-191015]

**B.2. Methods of Operation - Fuels.** The permittee shall fire No. 2 fuel oil only.

[Rule 62-213.410, F.A.C.]

**B.3.** The maximum No. 2 fuel oil consumption shall not exceed 7,826 ( at 59 °F) gal/hr/unit or 106,121,000 gal/yr for 4 CTs.

[AC64-191015]

**B.4.** The capacity factor shall be limited to 33% based on a weighted 12 month average sulfur content of 0.30 %. However, if the weighted rolling average sulfur content of the fuel oil is less than 0.30%, the capacity factor may be adjusted using the following table:

<u>Percent Average Sulfur Content</u>	<u>% Capacity Factor</u>
0.30 - 0.295	33
0.29 - 0.285	34.4
0.28 - 0.275	35.8
0.27 - 0.265	37.2
0.26 - or less	38.7

[AC64-191015]

**B.5. Hours of Operation.** The hours of operation for each CT shall not exceed 3,390 hours/year at 38.7% capacity factor.

[Rules 62-210.200(PTE) and 62-4.160(2), F.A.C.]

**Emission Limitations and Standards**

{Permitting note: Table 1-1, Summary of Air Pollutant Standards and Terms, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit. }

**B.6.** All emission limits in **Specific Conditions B.7. through B.13.** are based on operation at 59 °F and 15 % O<sub>2</sub>.

[AC64-191015]

**B.7. Nitrogen Oxides.** NO<sub>x</sub> emissions shall not exceed 42 ppmvd @ 15% O<sub>2</sub> (182 lb/hr/unit and 308.5 TPY/unit).

[AC64-191015 and BACT Determination dated October 16, 1991]

**B.8. Sulfur Dioxide.** The No. 2 fuel oil's sulfur content by weight shall not exceed 0.30 percent, based upon a weighted 12 month rolling average, and 0.5 percent maximum (555 lb/hr/unit and 481.25 TPY/unit).

[AC64-191015 and BACT Determination dated October 16, 1991]

**B.9. Particulate Matter.** PM/PM<sub>10</sub> emissions shall not exceed 0.015 lb/MMBtu (17.2 lb/hr/unit and 29.15 TPY/unit)

[AC64-191015 and BACT Determination dated October 16, 1991]

**B.10. Volatile Organic Compound.** VOC emissions shall not exceed 5 lb/hr/unit and 8.5 TPY/unit.

[AC64-191015 and BACT Determination dated October 16, 1991]

**B.11. Carbon Monoxide.** CO emissions shall not exceed 54 lb/hr/unit and 91.25 TPY/unit.

[AC64-191015 and BACT Determination dated October 16, 1991]

**B.12. Sulfuric Acid Mist.** The sulfur content by weight shall not exceed 0.30 percent, based upon a weighted 12 month rolling average, and 0.5 percent maximum (69 lb/hr/unit and 117.25 TPY/unit).

[AC64-191015 and BACT Determination dated October 16, 1991]

**B.13. Visible Emissions.** Visible emissions shall not exceed 20 percent opacity except at full load, in which case visible emissions shall not exceed 10 percent opacity.

[AC64-191015]

### **Test Methods and Procedures**

{Permitting note: Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

**B.14.** Compliance tests shall be conducted on an annual basis for parameters in **Specific Conditions B.15. through B.22.** ~~on or within 60 days prior to July 15.~~

[AO64-233544]

*297.310(7) f.d.c.*

**B.15. Nitrogen Oxides.** The test method for NO<sub>x</sub> emissions shall be EPA Method 20.

[AC64-191015]

**B.16. Sulfur Dioxide.** The test method for SO<sub>2</sub> shall be EPA Method 6 or Fuel Analysis using ASTM D 2880-96.

[AC64-191015 and 40 CFR 60.335(d)]

**B.17. Particulate Matter.** The test method for PM/PM<sub>10</sub> shall be EPA Method 5.

[AC64-191015]

**B.18.** A one hour opacity test for each CT with opacity values no greater than 10%, may serve as the annual particulate test. If however, opacity values are over 10% and less than 20%, then a Method 5 or Method 17 particulate test must be conducted on one CT to prove compliance with the particulate standard. The CT chosen for the Method 5 or Method 17 test, must be the one that exceeded the 10% opacity limit by the greatest amount.

[AO64-233544]

**B.19. Volatile Organic Compounds.** The test method for VOC shall be EPA Method 25A. Testing is not required if compliance with CO limit is shown.

[AC64-191015]



**B.20. Carbon Monoxide.** The test method for CO shall be EPA Method 10.  
[AC64-191015]

**B.21. Visible Emissions.** The test method for visible emissions shall be EPA Method 9.  
[AC64-191015]

**B.22. Sulfuric Acid Mist.** The test method for sulfuric acid mist shall be EPA Method 8 or fuel analysis using ASTM D 2880-96.  
[AC64-191015 and 40 CFR 60.335(d)]

**B.23.** Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.  
[40 CFR 60.8(c)]

**B.24.** Compliance with standards in 40 CFR 60, other than opacity, shall be determined only by performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard.  
[40 CFR 60.11(a)]

**B.25.** At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operation and maintenance procedures, and inspection of the source.  
[40 CFR 60.11(d)]

**B.26. Circumvention.** No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to

achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.  
[40 CFR 60.12]

**B.27.** To compute the nitrogen oxides emissions, the owner or operator shall use analytical methods and procedures that are accurate to within 5 percent and are approved by the Administrator to determine the nitrogen content of the fuel being fired.  
[40 CFR 60.335(a)]

**B.28.** In conducting the performance tests required in 40 CFR 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of 40 CFR 60 or other methods and procedures as specified in this permit, except as provided for in 40 CFR 60.8(b). Acceptable alternative methods and procedures are given in paragraph 40 CFR 60.335(f).  
[40 CFR 60.335(b)]

**B.29.** To meet the requirements of 40 CFR 60.334(b), the owner or operator shall use the methods specified in 40 CFR 60.335(a) and 40 CFR 60.335(d) of 40 CFR 60.335 to determine the nitrogen and sulfur contents of the fuel being burned. The analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency.  
[40 CFR 60.335(e)]

**B.30. Required Number of Test Runs.** For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.  
[Rule 62-297.310(1), F.A.C.]

**B.31. Calculation of Emission Rate.** The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule.

[Rule 62-297.310(3), F.A.C.]

**B.32. Applicable Test Procedures.**

(a) Required Sampling Time.

1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.

2. Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:

a. For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.

b. The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.

c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.

(b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.

(c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.

(d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1.

TABLE 297.310-1  
 CALIBRATION SCHEDULE

ITEM	MINIMUM CALIBRATION FREQUENCY	REFERENCE INSTRUMENT	TOLERANCE
Liquid in glass thermometer	Annually	ASTM Hg in glass ref. thermometer or equivalent, or thermometric points	+/-2%
Bimetallic thermometer	Quarterly	Calib. liq. in glass thermometer	5 degrees F
Thermocouple	Annually	ASTM Hg in glass ref. thermometer, NBS calibrated reference and potentiometer	5 degrees F
Barometer	Monthly	Hg barometer or NOAA station	+/-1% scale
Pitot Tube	When required or when damaged	By construction or measurements in wind tunnel D greater than 16" and standard pitot tube	See EPA Method 2, Fig. 2-2 & 2-3
Probe Nozzles	Before each test or when nicked, dented, or corroded	Micrometer	+/-0.001" mean of at least three readings Max. deviation between readings .004"
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, When 5% change observed, Annually 2. One Point: Semiannually 3. Check after each test series	Spirometer or calibrated wet test or dry gas test meter	2%
		Comparison check	5%

(e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.

[Rule 62-297.310(4), F.A.C.]

**B.33. Determination of Process Variables.**

(a) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

(b) Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

[Rule 62-297.310(5), F.A.C.]

**B.34.** The permittee shall comply with the requirements contained in APPENDIX SS-1, Stack Sampling Facilities, attached to this permit.

[Rule 62-297.310(6), F.A.C.]

**B.35. Frequency of Compliance Tests.** The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.

(a) General Compliance Testing.

3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:

a. Did not operate; or

b. In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours.

4. During each federal fiscal year (October 1 -- September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:

a. Visible emissions, if there is an applicable standard;

b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and

10. An annual compliance test conducted for visible emissions shall not be required for units exempted from permitting at Rule 62-210.300(3)(a), F.A.C., or units permitted under the General Permit provisions at Rule 62-210.300(4), F.A.C.

(b) Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

(c) Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of Rule 62-297.310(7)(b), F.A.C., shall apply.

[Rule 62-297.310(7), F.A.C.]

### **Monitoring of Operations**

**B.36.** The owner or operator of any stationary gas turbine subject to the provisions of 40 CFR 60, Subpart GG shall monitor sulfur content and nitrogen content of the fuel being fired in the turbine. The frequency of determination of these values shall be as follows:

(1) If the turbine is supplied its fuel from a bulk storage tank, the values shall be determined on each occasion that fuel is transferred to the storage tank from any other source.

(2) If the turbine is supplied its fuel without intermediate bulk storage the values shall be determined and recorded daily. Owners, operators or fuel vendors may develop custom schedules for determination of the values based on the design and operation of the affected facility and the characteristics of the fuel supply. These custom schedules shall be substantiated with data and must be approved by the Administrator before they can be used to comply with 40 CFR 60.334(b).

[40 CFR 60.334(b)(1) and (2)]

### **Continuous Monitoring Requirements**

**B.37.** The owner or operator required to install a continuous monitoring system (CMS) or monitoring device shall submit an excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and/or a summary report form [see 40 CFR 60.7(d)] to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or, the CMS data are to be used directly for compliance determination, in which case quarterly reports shall be submitted; or, the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each calendar half (or quarter, as appropriate). Written reports of excess emissions shall include the following information:

(1) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

(3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

[40 CFR 60.7(c)(1), (2), (3), and (4)]

**B.38.** The owner or operator of any stationary gas turbine subject to the provisions of 40 CFR 60, Subpart GG and using water injection to control NO<sub>x</sub> emissions shall install and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water to fuel being fired in the turbine. This system shall be accurate to within  $\pm 5.0$  percent and shall be approved by the Administrator.

[40 CFR 60.334(a)]

### **Recordkeeping and Reporting Requirements**

**B.39.** For the purpose of reports required under 40 CFR 60.7(c), periods of excess emissions that shall be reported are defined as follows:

a. *Nitrogen oxides.* Any one-hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with the permitted nitrogen oxide standard by the initial performance test required in 40 CFR 60.8 or any period during which the fuel-bound nitrogen of the fuel is greater than the maximum nitrogen content allowed by the fuel-bound nitrogen allowance used during the initial performance test. Each report shall include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine load, and nitrogen content of the fuel during the period of excess emissions, and the graphs or figures developed under 40 CFR 60.335(a).  
[Rule 62-296.800, F.A.C.; 40 CFR 60.334(c)(1)]

**B.40.** The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.  
[40 CFR 60.7(b)]

**B.41.** The summary report form shall contain the information and be in the format shown in Figure 1 (attached) unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.

(1) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Administrator.

(2) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in 40 CFR 60.7(c) shall both be submitted.

[40 CFR 60.7(d)(1) and (2)]

**B.42.** The permittee shall maintain a file of all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records.

[40 CFR 60.7(f)]



**Reasonable Assurance**

**B.43.** In order to provide the Department with reasonable assurance that this source can comply with the particulate, opacity and NO<sub>x</sub> standards simultaneously, the steady state particulate test, the nitrogen oxides test and the 1 - hour visible emissions test per run, should be conducted simultaneously.

[Rule 62-4.070(3), F.A.C.]

**B.44.** This emissions unit is also subject to conditions contained in **Subsection C. Common Conditions.**

**Subsection C. Common Conditions.**

**E.U.**

<b><u>ID No.</u></b>	<b><u>Brief Description</u></b>
-001	Peaking Combustion Turbine (PCT) Units 1, 2, 3, 4, 5 and 6
-002	Combustion Turbine (CT) Units 7, 8, 9 and 10

**The following conditions apply to the emissions units listed above:**

**Excess Emissions**

**C.1.** 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.

[Rule 62-210.700(1), F.A.C.]

**C.2.** Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction shall be prohibited.

[Rule 62-210.700(4), F.A.C.]

**Test Methods and Procedures**

**C.3.** Unless otherwise stated in the applicable emission limiting standard rule, testing of emissions shall be conducted with the emissions unit operation at permitted capacity as defined below. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance to regain the authority to operate at the permitted capacity. **Permitted capacity** is defined as 90 to 100 percent of the maximum operation rate allowed by the permit..

[Rule 62-297.310(2), F.A.C.]

**Recordkeeping and Reporting Requirements**

**C.4.** In case of excess emissions resulting from malfunctions, Florida Power Corporation shall notify the Department's Central District Office in accordance with 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.

[Rule 62-210.700(6), F.A.C.]

**C.5.** The owner or operator shall notify the Central District Office of the Department, in writing, at least 15 days prior to the date on which each test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

[Rule 62-297.310(7)(a)9., F.A.C.]

**C.6. Test Reports.**

(a) The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test.

(b) The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed.

(c) The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8. The date, starting time and duration of each sampling run.
9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
10. The number of points sampled and configuration and location of the sampling plane.
11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
12. The type, manufacturer and configuration of the sampling equipment used.
13. Data related to the required calibration of the test equipment.
14. Data on the identification, processing and weights of all filters used.

15. Data on the types and amounts of any chemical solutions used.
16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18. All measured and calculated data required to be determined by each applicable test procedure for each run.
19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
20. The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.
21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

[Rule 62-297.310(8), F.A.C.]

#### **Reasonable Assurances**

C.7. Any other operating parameters established during compliance testing and/or inspections, that will ensure the proper operation of this facility, are considered part of this operating permit. Said operating parameters include, but are not limited to: Fuel flow rate and heat input rate.

[Rule 62-4.070(3), F.A.C.]

**Section IV. This section is the Acid Rain Part.**

**Operated by:** Florida Power Corporation  
**ORIS code:** 6046

**Subsection A. This subsection addresses Acid Rain, Phase II.**

The emissions units listed below are regulated under Acid Rain, Phase II.

**E.U.**

<b><u>ID No.</u></b>	<b><u>Brief Description</u></b>
-002	Combustion Turbine Units 7, 8, 9 and 10

**A.1.** The Phase II permit application(s) submitted for this facility, as approved by the Department, is a part of this permit. The owners and operators of these Phase II acid rain unit(s) must comply with the standard requirements and special provisions set forth in the application(s) listed below:

- a. DEP Form No. 62-210.900(1)(a), dated 07/01/95;  
 [Chapter 62-213, F.A.C. and Rule 62-214.320, F.A.C.]

**A.2.** Sulfur dioxide (SO<sub>2</sub>) allowance allocations and nitrogen oxide (NO<sub>x</sub>) requirements for each Acid Rain unit is as follows:

<b><u>E.U. ID No.</u></b>	<b><u>EPA ID</u></b>	<b><u>Year</u></b>	<b><u>2000</u></b>	<b><u>2001</u></b>
-002	01	SO <sub>2</sub> allowances, under Table 2 or 3 of 40 CFR Part 73	699*	699*
-002	02	SO <sub>2</sub> allowances, under Table 2 or 3 of 40 CFR Part 73	699*	699*
-002	03	SO <sub>2</sub> allowances, under Table 2 or 3 of 40 CFR Part 73	699*	699*
-002	04	SO <sub>2</sub> allowances, under Table 2 or 3 of 40 CFR Part 73	699*	699*

\*The number of allowances held by an Acid Rain source in a unit account may differ from the number allocated by the USEPA under Table 2 or 3 of 40 CFR 73.

**A.3.** Comments, notes, and justifications: None

**Appendix U-1, List of Unregulated Emissions Units and/or Activities.**

Florida Power Corporation  
DeBary Facility

**DRAFT Permit No.:** 1270028-001-AV  
**Facility ID No.:** 1270028

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Unregulated Emissions Units and/or Activities. An emissions unit which emits no “emissions-limited pollutant” and which is subject to no unit-specific work practice standard, though it may be subject to regulations applied on a facility-wide basis (e.g., unconfined emissions, odor, general opacity) or to regulations that require only that it be able to prove exemption from unit-specific emissions or work practice standards.

The below listed emissions units and/or activities are neither ‘regulated emissions units’ nor ‘exempt emissions units’.

**E.U.**

<b><u>ID No.</u></b>	<b><u>Brief Description of Emissions Units and/or Activity</u></b>
-xxx	Diesel Generator (Detroit Diesel Allison-PTA-1SD-50
-xxx	Lube Oil Storage Tank-2700 gal
-xxx	No. 2 Fuel Oil Tanks (2)
-xxx	Diesel/Caterpillar 3500/2500 hp/ 1879 kw

## **Appendix E-1, List of Exempt Emissions Units and/or Activities.**

Florida Power Corporation  
DeBary Facility

**DRAFT Permit No.:** 1270028-001-AV  
**Facility ID No.:** 1270028

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The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Full Exemptions, are exempt from the permitting requirements of Chapters 62-210 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission limiting standards and the emissions from exempt emissions units or activities shall be considered in determining whether a facility containing such emissions units or activities would be subject to any applicable requirements.

Emissions units and pollutant-emitting activities exempt from permitting under Rule 62-210.300(3)(a), F.A.C., are also exempt from the permitting requirements of Chapter 62-213, F.A.C., provided such emissions units and activities also meet the exemption criteria of Rule 62-213.430(6)(b), F.A.C. The below listed emissions units and/or activities are hereby exempt pursuant to Rule 62-213.430(6), F.A.C.

1. Comfort heating < 1 MMBtu/hr
2. Internal combustion engines - mobile sources
3. Non-industrial vacuum cleaning
4. Refrigeration equipment
5. Vacuum pumps for labs
6. Steam cleaning equipment
7. Sanders < 5 sq.ft.
8. Lab equipment used for chemical or physical analyses
9. Brazing, soldering or welding equipment
10. Emergency generators
11. General purpose engines
12. Fire and safety equipment
13. Surface coating
14. Space heating equipment (non-boilers)
15. Bakery equipment
16. Laundry dryers

**Table 1-1, Summary of Air Pollutant Standards and Terms**

Florida Power Corporation  
DeBary Facility

DRAFT Permit No.: 1270028-001-AV  
Facility ID No.: 1270028

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

**E.U. ID No. Brief Description**

-001 Peaking Combustion Turbine (PCT) Units 1, 2, 3, 4, 5 and 6

Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See permit condition(s)
			Standard(s)	lbs./hour	TPY	lbs./hour	TPY		
SO2	No. 2 fuel oil	8760	0.5% sulfur by weight						III.A.4
SO2	No. 6 fuel oil	8760	0.7% sulfur by weight						III.A.5
VE	No. 2 or No. 6 fuel oil	8760	20% opacity						III.A.6

**Notes:**

\* The "Equivalent Emissions" listed are for informational purposes only.

electronic file name: 12700281.xls



**Table 1-1, Summary of Air Pollutant Standards and Terms**

Florida Power Corporation  
DeBary Facility

**DRAFT Permit No.: 1270028-001-AV**  
**Facility ID No.: 1270028**

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

**E.U. ID No.    Brief Description**  
-002            Combustion Turbine (CT) Units 7, 8, 9 and 10

Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See permit condition(s)
			Standard(s)	lbs./hour	TPY	lbs./hour	TPY		
NOx	No. 2 fuel oil	3390	42 ppmvd @15% O2	182/unit	308/unit				III.B.7.
SO2	No. 2 fuel oil	3390	0.3% sulfur by weight	555/unit	481.25/unit				III.B.8.
VE	No. 2 fuel oil	3390	20% opacity below full load and 10% opacity at full load						III.B.13.
PM/PM10	No. 2 fuel oil	3390	0.015 lb/MMBtu	17.2/unit	29.15/unit				III.B.9.
VOC	No. 2 fuel oil	3390		5.0/unit	8.5/unit				III.B.10.
CO	No. 2 fuel oil	3390		54/unit	91.25/unit				III.B.11.
H2SO4 Mist	No. 2 fuel oil	3390	0.3% sulfur by weight	69/unit	117.25/unit				III.B.12.

Notes:  
\* The "Equivalent Emissions" listed are for informational purposes only.

**Table 2-1, Summary of Compliance Requirements**

Florida Power Corporation  
DeBary Facility

DRAFT Permit No.: 1270028-001-AV  
Facility ID No.: 1270028

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

**E.U. ID No.    Brief Description**  
-001            Peaking Combustion Turbine (PCT) Units 1, 2, 3, 4, 5 and 6

Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time Frequency	Frequency Base Date *	Min. Compliance Test Duration	CMS **	See permit condition(s)
VE	No. 2 or No. 6 fuel oil	EPA Method 9	Annually	17-Jan			III.A.10. and III.A.11.

Notes:  
\* The frequency base date is established for planning purposes only; see Rule 62-297.310, F.A.C.  
\*\*CMS [=] continuous monitoring system

electronic file name: 12700282.xls

**Table 2-1, Summary of Compliance Requirements**

Florida Power Corporation  
DeBary Facility

**DRAFT Permit No.:** 1270028-001-AV  
**Facility ID No.:** 1270028

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

**E.U. ID No.**    **Brief Description**  
-002            Combustion Turbine (CT) Units 7, 8, 9 and 10

Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time Frequency	Frequency Base Date *	Min. Compliance Test Duration	CMS**	See permit condition(s)
SO2	No. 2 fuel	EPA Method 6 or ASTM D 2880-96	annually	15-Jul	1 hour		III.B.16.
PM/PM10	No. 2 fuel	EPA Method 5	annually	15-Jul	1 hour		III.B.17.
VOC	No. 2 fuel	EPA Method 25A	annually	15-Jul	1 hour		III.B.19.
CO	No. 2 fuel	EPA Method 10	annually	15-Jul	1 hour		III.B.20.
VE	No. 2 fuel	EPA Method 9	annually	15-Jul	1 hour		III.B.21.
H2SO4	No. 2 fuel	EPA Method 8 or ASTM D 2880-96	annually	15-Jul	1 hour		III.B.22.
Water/fuel fuel consumption						** **	III.B.38. III.B.38.

**Notes:**

\* The frequency base date is established for planning purposes only; see Rule 62-297.310, F.A.C.

\*\*CMS [=] continuous monitoring system

electronic file name: 12700282.xls

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address
2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
 Mr. W. Jeffrey Pardue, C.E.P.  
 Director of Environmental Services  
 Department  
 Florida Power Corporation  
 3201 34th Street South  
 St. Petersburg, Florida 33711

4a. Article Number  
 2 127 635 510

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
 7/28/97

5. Signature (Addressee)  
 6. Signature (Agent)  
*Frank Chapp*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

Z 127 635 510



**Receipt for Certified Mail**

No Insurance Coverage Provided  
 Do not use for International Mail  
 (See Reverse)

PS Form 3800, March 1993

Sent to Mr. W. Jeffrey Pardue	
Street and No. 3201 34th Street South	
P.O., State and ZIP Code St. Petersburg, FL 33711	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 7/25/97 Facility ID#:1270028-001-AV FPC - DeBary	

## Appendix H-1, Permit History/ID Number Changes

Florida Power Corporation  
Debary

Facility ID No.: 1270028-001-AV

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### Permit History (for tracking purposes):

<u>E.U. ID No</u>	<u>Description</u>	<u>Permit No.</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Extended Date</u>	<u>Revised Date(s)</u>
-001	Boiler #1	AO64-201681	11/25/91	10/25/96		
-002	Boiler #2	AO64-201681	11/25/91	10/25/96		
-003	Gas Turbine #1 (Stack A)	AO64-207447	8/6/92	7/30/97		
-004	Gas Turbine #1 (Stack B)	AO64-207447	8/6/92	7/30/97		
-005	Gas Turbine #2 (Stack A)	AO64-207447	8/6/92	7/30/97		
-006	Gas Turbine #2 (Stack B)	AO64-207447	8/6/92	7/30/97		
-007	Gas Turbine #3 (Stack A)	AO64-207447	8/6/92	7/30/97		
-008	Gas Turbine #3 (Stack B)	AO64-207447	8/6/92	7/30/97		
-009	Gas Turbine #4 (Stack A)	AO64-207447	8/6/92	7/30/97		
-010	Gas Turbine #4 (Stack B)	AO64-207447	8/6/92	7/30/97		
-011	Gas Turbine #5 (Stack A)	AO64-207447	8/6/92	7/30/97		
-012	Gas Turbine #5 (Stack B)	AO64-207447	8/6/92	7/30/97		
-013	Gas Turbine #6 (Stack A)	AO64-207447	8/6/92	7/30/97		
-014	Gas Turbine #6 (Stack B)	AO64-207447	8/6/92	7/30/97		
-015	Simple Cycle Combustion Turbine	AO64-233544	10/26/93	10/19/98		
-016	Simple Cycle Combustion Turbine	AO64-233544	10/26/93	10/19/98		
-017	Simple Cycle Combustion Turbine	AO64-233544	10/26/93	10/19/98		
-018	Simple Cycle Combustion Turbine	AC64-191015	10/18/91	6/30/93	11/1/96	9/21/94
-019	Simple Cycle Combustion Turbine	AC64-191015	10/18/91	6/30/93	11/1/96	8/30/93 8/11/93 7/30/93 7/7/93

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### (if applicable) ID Number Changes (for tracking purposes):

From: Facility ID No.: 30ORL640028  
To: Facility ID No.: 1270028

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## APPENDIX TV-1, TITLE V CONDITIONS (version dated 02/27/97)

[Note: This attachment includes "canned conditions" developed from the "Title V Core List."]

{Permitting note: APPENDIX TV-1, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

### Chapter 62-4, F.A.C.

1. General Prohibition. Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, or modified without the appropriate and valid permits issued by the Department, unless the source is exempted by Department rule. The Department may issue a permit only after it receives reasonable assurance that the installation will not cause pollution in violation of any of the provisions of Chapter 403, F.S., or the rules promulgated thereunder. A permitted installation may only be operated, maintained, constructed, expanded or modified in a manner that is consistent with the terms of the permit.

[Rule 62-4.030, Florida Administrative Code (F.A.C.); Section 403.087, Florida Statute (F.S.)]

2. Not federally enforceable. Procedure to Obtain Permits: Application.

(1) Any person desiring to obtain a permit from the Department shall apply on forms prescribed by the Department and shall submit such additional information as the Department by law may require.

(2) All applications and supporting documents shall be filed in quadruplicate with the Department.

(3) To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S. All applications for a Department permit shall be certified by a professional engineer registered in the State of Florida except when the application is for renewal of an air pollution operation permit at a minor facility as defined in Rule 62-210.200, F.A.C., or where professional engineering is not required by Chapter 471, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

(4) Processing fees for air construction permits shall be in accordance with Rule 62-4.050(4), F.A.C.

(5)(a) To be considered by the Department, each application must be accompanied by the proper processing fee. The fee shall be paid by check, payable to the Department of Environmental Protection. The fee is non-refundable except as provided in Section 120.60, F.S., and in this section.

(c) Upon receipt of the proper application fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin.

(d) If the applicant does not submit the required fee within ten days of receipt of written notification, the Department shall either return the unprocessed application or arrange with the applicant for the pick up of the application.

(e) If an applicant submits an application fee in excess of the required fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin upon receipt, and the Department shall refund to the applicant the amount received in excess of the required fee.

(6) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to the schedule set forth in Rule 62-4.050, F.A.C., and shall restart the time requirements of Sections 120.60 and 403.0876, F.S. For purposes of this Subsection, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review.

(7) Modifications to existing permits proposed by the permittee which require substantial changes in the existing permit or require substantial evaluation by the Department of potential impacts of the proposed modifications shall require the same fee as a new application.

[Rule 62-4.050, F.A.C.]

3. Standards for Issuing or Denying Permits. Except as provided at Rule 62-213.460, F.A.C., the issuance of a permit does not relieve any person from complying with the requirements of Chapter 403, F.S., or Department rules.

[Rule 62-4.070(7), F.A.C.]

4. Modification of Permit Conditions.

(1) For good cause and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee the Department may grant additional time. For the purpose of this section, good cause shall include, but not be limited to, any of the following:

- (a) A showing that an improvement in effluent or emission quality or quantity can be accomplished because of technological advances without unreasonable hardship.
- (b) A showing that a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, F.S.
- (c) A showing of any change in the environment or surrounding conditions that requires a modification to conform to applicable air or water quality standards.
- (e) Adoption or revision of Florida Statutes, rules, or standards which require the modification of a permit condition for compliance.

(2) A permittee may request a modification of a permit by applying to the Department.

(3) A permittee may request that a permit be extended as a modification of the permit. Such a request must be submitted to the Department in writing before the expiration of the permit. Upon timely submittal of a request for extension, unless the permit automatically expires by statute or rule, the permit will remain in effect until final agency action is taken on the request. For construction permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that, upon completion, the extended permit will comply with the standards and conditions required by applicable regulation. For all other permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that the extended permit will comply with the standards and conditions applicable to the original permit. A permit for which the permit application fee was prorated in accordance with Rule 62-4.050(4)(1), F.A.C., shall not be extended. In no event shall a permit be extended or remain in effect longer than the time limits established by statute or rule.

[Rule 62-4.080, F.A.C.]

5. Renewals. Prior to one hundred eighty (180) days before the expiration of a permit issued pursuant to Chapter 62-213, F.A.C., the permittee shall apply for a renewal of a permit using forms incorporated by reference in the specific rule chapter for that kind of permit. A renewal application shall be timely and sufficient. If the application is submitted prior to 180 days before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or, if there is court review of the Department's final agency action, until a later date is required by Section 120.60, F.S., provided that, for renewal of a permit issued pursuant to Chapter 62-213, F.A.C., the applicant complies with the requirements of Rules 62-213.420(1)(b)3. and 4., F.A.C.

[Rule 62-4.090(1), F.A.C.]

6. Suspension and Revocation.

(1) Permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of Chapter 403, F.S., and rules of the Department.

(2) Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation.

(3) A permit issued pursuant to Chapter 62-4, F.A.C., shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or the permit holder's agent:

- (a) Submitted false or inaccurate information in application or operational reports.
- (b) Has violated law, Department orders, rules or permit conditions.
- (c) Has failed to submit operational reports or other information required by Department rules.
- (d) Has refused lawful inspection under Section 403.091, F.S.

[Rule 62-4.100, F.A.C.]

7. Not federally enforceable. Financial Responsibility. The Department may require an applicant to submit proof of financial responsibility and may require the applicant to post an appropriate bond to guarantee compliance with the law and Department rules.

[Rule 62-4.110, F.A.C.]

8. Transfer of Permits.

- (1) Within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" (DEP Form 62-1.201(1)) must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee.
- (2) The Department shall approve the transfer of a permit unless it determines that the proposed new permittee cannot provide reasonable assurances that conditions of the permit will be met. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of these permit conditions. If the Department proposes to deny the transfer, it shall provide both the permittee and the proposed new permittee a written objection to such transfer together with notice of a right to request a Chapter 120, F.S., proceeding on such determination.
- (3) Within 30 days of receiving a properly completed Application for Transfer of Permit form, the Department shall issue a final determination. The Department may toll the time for making a determination on the transfer by notifying both the permittee and the proposed new permittee that additional information is required to adequately review the transfer request. Such notification shall be served within 30 days of receipt of an Application for Transfer of Permit form, completed pursuant to Rule 62-4.120(1), F.A.C. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of the completed Application for Transfer of Permit form, or within 30 days of receipt of the last item of timely requested additional information, the transfer shall be deemed approved.
- (4) The permittee is encouraged to apply for a permit transfer prior to the sale or legal transfer of a permitted facility. However, the transfer shall not be effective prior to the sale or legal transfer.
- (5) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility.

[Rule 62-4.120, F.A.C.]

9. Plant Operation-Problems. If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules.

[Rule 62-4.130, F.A.C.]

10. For purposes of notification to the Department pursuant to Rule 62-4.130, F.A.C., Plant Operation-Problems, "immediately" shall mean the same day, if during a workday (i.e., 8:00 a.m. - 5:00 p.m.), or the first business day after the incident, excluding weekends and holidays.

[40 CFR 70.6(a)(3)(iii)(B)]

11. Review. Failure to request a hearing within 14 days of receipt of notice of proposed or final agency action on a permit application or as otherwise required in Chapter 62-103, F.A.C., shall be deemed a waiver of the right to an administrative hearing.

[Rule 62-4.150, F.A.C.]

12. Permit Conditions. All permits issued by the Department shall include the following general conditions:

- (1) The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- (2) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- (3) As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
- (4) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.



APPENDIX TV-1, TITLE V CONDITIONS (version dated 02/27/97) (continued)

- (5) This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.
- (6) The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- (7) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
- (a) Have access to and copy any records that must be kept under conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and,
  - (c) Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
- (8) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- (a) A description of and cause of noncompliance; and,
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- (9) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- (10) The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.
- (11) This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- (12) This permit or a copy thereof shall be kept at the work site of the permitted activity.
- (14) The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - (c) Records of monitoring information shall include:
    - 1. the date, exact place, and time of sampling or measurements;
    - 2. the person responsible for performing the sampling or measurements;
    - 3. the dates analyses were performed;
    - 4. the person responsible for performing the analyses;
    - 5. the analytical techniques or methods used; and,
    - 6. the results of such analyses.
- (15) When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
- [Rules 62-4.160 and 62-213.440(1)(b), F.A.C.]

13. Construction Permits.

(1) No person shall construct any installation or facility which will reasonably be expected to be a source of air or water pollution without first applying for and receiving a construction permit from the Department unless exempted by statute or Department rule. In addition to the requirements of Chapter 62-4, F.A.C., applicants for a Department Construction Permit shall submit the following as applicable:

- (a) A completed application on forms furnished by the Department.
- (b) An engineering report covering:
  1. plant description and operations,
  2. types and quantities of all waste material to be generated whether liquid, gaseous or solid,
  3. proposed waste control facilities,
  4. the treatment objectives,
  5. the design criteria on which the control facilities are based, and,
  6. other information deemed relevant.

Design criteria submitted pursuant to Rule 62-4.210(1)(b)5., F.A.C., shall be based on the results of laboratory and pilot-plant scale studies whenever such studies are warranted. The design efficiencies of the proposed waste treatment facilities and the quantities and types of pollutants in the treated effluents or emissions shall be indicated. Work of this nature shall be subject to the requirements of Chapter 471, F.S. Where confidential records are involved, certain information may be kept confidential pursuant to Section 403.111, F.S.

- (c) The owners' written guarantee to meet the design criteria as accepted by the Department and to abide by Chapter 403, F.S. and the rules of the Department as to the quantities and types of materials to be discharged from the installation. The owner may be required to post an appropriate bond or other equivalent evidence of financial responsibility to guarantee compliance with such conditions in instances where the owner's financial resources are inadequate or proposed control facilities are experimental in nature.

- (2) The construction permit may contain conditions and an expiration date as determined by the Secretary or the Secretary's designee.
- (3) When the Department issues a permit to construct, the permittee shall be allowed a period of time, specified in the permit, to construct, and to operate and test to determine compliance with Chapter 403, F.S., and the rules of the Department and, where applicable, to apply for and receive an operation permit. The Department may require tests and evaluations of the treatment facilities by the permittee at his/her expense.  
[Rule 62-4.210, F.A.C.]

14. Operation Permit for New Sources. To properly apply for an operation permit for new sources, the applicant shall submit certification that construction was completed noting any deviations from the conditions in the construction permit and test results where appropriate.  
[Rule 62-4.220, F.A.C.]

Chapter 62-103. F.A.C.

15. Public Notice, Public Participation, and Proposed Agency Action. The permittee shall comply with all of the requirements for public notice, public participation, and proposed agency action pursuant to Rule 62-103.150 and Rule 62-210.350, F.A.C.  
[Rules 62-103.150, 62-210.350 and 62-213.430(1)(b), F.A.C.]

16. Administrative Hearing. The permittee shall comply with all of the requirements for a petition for administrative hearing or waiver of right to administrative proceeding pursuant to Rule 61-103.155, F.A.C.  
[Rule 62-103.155, F.A.C.]

Chapter 62-204. F.A.C.

17. Asbestos. This permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. This permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Compliance with Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, Section 61.145, is required for any asbestos demolition or renovation at the source.  
[40 CFR 61; Rule 62-204.800, F.A.C.; and, Chapter 62-257, F.A.C.]

Chapter 62-210, F.A.C.

18. Permits Required. The owner or operator of any emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain an appropriate permit from the Department prior to beginning construction, modification, or initial or continued operation of the emissions unit unless exempted pursuant to Department rule or statute. All emissions limitations, controls, and other requirements imposed by such permits shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., issuance of a permit does not relieve the owner or operator of any emissions unit from complying with applicable emission limiting standards or other requirements of the air pollution rules of the Department, or any other applicable requirements under federal, state, or local law.

(1) Air Construction Permits. An air construction permit shall be obtained by the owner or operator of any proposed new or modified facility or emissions unit prior to the beginning of construction or modification, in accordance with all applicable provisions of Chapters 62-210, 62-212 and 62-4, F.A.C. The construction permit shall be issued for a period of time sufficient to allow construction or modification of the facility or emissions unit and operation while the new or modified facility or emissions unit is conducting tests or otherwise demonstrating initial compliance with the conditions of the construction permit.

(2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit, subsequent to construction or modification and demonstration of initial compliance with the conditions of the construction permit for any new or modified facility or emissions unit, or as otherwise provided in Chapter 62-210 or Chapter 62-213, the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit, or an administrative correction or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of Chapter 62-210, Chapter 62-213, and Chapter 62-4, F.A.C.

(a) Minimum Requirements for All Air Operation Permits. At a minimum, a permit issued pursuant to this subsection shall:

1. Specify the manner, nature, volume and frequency of the emissions permitted, and the applicable emission limiting standards or performance standards, if any;
2. Require proper operation and maintenance of any pollution control equipment by qualified personnel, where applicable in accordance with the provisions of any operation and maintenance plan required by the air pollution rules of the Department.
3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.

a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period, except that, for Title V sources subject to Rule 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in Rule 62-213.420(1)(a)1., F.A.C.

b. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for six months or more prior to the expiration date of the current operation permit, shall be renewed for a period not to exceed five years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided:

- (i) the owner or operator of the emissions unit demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the owner's or operator's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and,
- (ii) the owner or operator of the emissions unit agrees to and is legally prohibited from providing the allowable emission permitted by the renewed permit as an emissions offset to any other person under Rule 62-212.500, F.A.C.; and,
- (iii) the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down.

c. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for five years or more prior to the expiration date of the current operation permit shall be renewed for a maximum period not to exceed ten years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided the conditions given in Rule 62-210.300(2)(a)3.b., F.A.C., are met and the owner or operator demonstrates to the Department that failure to renew the permit would constitute a hardship, which may include economic hardship.

d. The operation permit for an electric utility generating unit on cold standby or long-term reserve shutdown shall be renewed for a five-year period, and additional five-year periods, even if the unit is not maintained in operational condition, provided the conditions given in Rules 62-210.300(2)(a)3.b.(i) through (iii), F.A.C., are met.

4. In the case of an emissions unit permitted pursuant to Rules 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute reconstruction pursuant to Rule 62-204.800(7), F.A.C.

[Rules 62-210.300(1) & (2), F.A.C.]

19. Notification of Startup. The owner or operator of any emissions unit or facility which has a valid air operation permit and which has been shut down more than one (1) year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of sixty (60) days prior to the intended startup date.

(a) The notification shall include the planned startup date, anticipated emission rates or pollutants released, changes to processes or control devices which will result in changes to emission rates, and any other conditions which may differ from the valid outstanding operation permit.

(b) If, due to an emergency, a startup date is not known 60 days prior thereto, the owner shall notify the Department as soon as possible after the date of such startup is ascertained.

[Rule 62-210.300(5), F.A.C.]

20. Emissions Unit Reclassification.

(a) Any emissions unit whose operation permit has been revoked as provided for in Chapter 62-4, F.A.C., shall be deemed permanently shut down for purposes of Rule 62-212.500, F.A.C. Any emissions unit whose permit to operate has expired without timely renewal or transfer may be deemed permanently shut down, provided, however, that no such emissions unit shall be deemed permanently shut down if, within 20 days after receipt of written notice from the Department, the emissions unit owner or operator demonstrates that the permit expiration resulted from inadvertent failure to comply with the requirements of Rule 62-4.090, F.A.C., and that the owner or operator intends to continue the emissions unit in operation, and either submits an application for an air operation permit or complies with permit transfer requirements, if applicable.

(b) If the owner or operator of an emissions unit which is so permanently shut down, applies to the Department for a permit to reactivate or operate such emissions unit, the emissions unit will be reviewed and permitted as a new emissions unit.

[Rule 62-210.300(6), F.A.C.]

21. Public Notice and Comment.

(1) Public Notice of Proposed Agency Action.

(a) Notwithstanding any discretionary public notice requirements contained in Rule 62-103.150(2)(a), F.A.C., a notice of proposed agency action on permit application, where the proposed agency action is to issue the permit, shall be published by any applicant for:

1. A construction permit for any proposed new or modified facility or emissions unit;
2. An operation permit, permit renewal, or permit revision subject to Rule 62-210.300(2)(b), F.A.C.; or
3. An operation permit, permit renewal, or permit revision subject to Chapter 62-213, F.A.C., except those permit revisions meeting the requirements of Rule 62-213.412(1), F.A.C.

(b) The notice required by Rule 62-210.350(1)(a), F.A.C., shall be published in accordance with all otherwise applicable provisions of Rule 62-103.150, F.A.C.

(2) Additional Public Notice Requirements for Emissions Units Subject to Prevention of Significant Deterioration or Nonattainment-Area Preconstruction Review.

(a) Before taking final agency action on a construction permit application for any proposed new or modified facility or emissions unit subject to the preconstruction review requirements of Rule 62-212.400 or 62-212.500, F.A.C., the Department shall comply with all applicable provisions of Rule 62-103.150, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S., and the Department's analysis of the effect of the proposed construction or modification on ambient air quality, including the Department's preliminary determination of whether the permit should be approved or disapproved;
2. A 30-day period for submittal of public comments; and,

3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and notifying the public of the opportunity for submitting comments and requesting a public hearing.
- (b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-103.150, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.
- (c) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall also be sent by the Department to the Regional Office of the U. S. Environmental Protection Agency and to all other state and local officials or agencies having cognizance over the location of such new or modified facility or emissions unit, including local air pollution control agencies, chief executives of city or county government, regional land use planning agencies, and any other state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the new or modified facility or emissions unit.
- (d) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be displayed in the appropriate district, branch and local program offices.
- (e) An opportunity for public hearing shall be provided in accordance with Chapter 120, F.S., and Rule 62-103.150, F.A.C.
- (f) Any public comments received shall be made available for public inspection in the location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., is available and shall be considered by the Department in making a final determination to approve or deny the permit.
- (g) The final determination shall be made available for public inspection at the same location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., was made available.
- (h) For a proposed new or modified emissions unit which would be located within 100 kilometers of any Federal Class I area or whose emissions may affect any Federal Class I area, and which would be subject to the preconstruction review requirements of Rule 62-212.400, F.A.C., or Rule 62-212.500, F.A.C.:
1. The Department shall mail or transmit to the Administrator a copy of the initial application for an air construction permit and notice of every action related to the consideration of the permit application.
  2. The Department shall mail or transmit to the Federal Land Manager of each affected Class I area a copy of any written notice of intent to apply for an air construction permit; the initial application for an air construction permit, including all required analyses and demonstrations; any subsequently submitted information related to the application; the preliminary determination and notice of proposed agency action on the permit application; and any petition for an administrative hearing regarding the application or the Department's proposed action. Each such document shall be mailed or transmitted to the Federal Land Manager within fourteen (14) days after its receipt by the Department.
- (3) Additional Public Notice Requirements for Facilities Subject to Operation Permits for Title V Sources.
- (a) Before taking final agency action to issue a new, renewed, or revised air operation permit subject to Chapter 62-213, F.A.C., the Department shall comply with all applicable provisions of Rule 62-103.150, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:
1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S.; and,
  2. A 30-day period for submittal of public comments.
- (b) The notice provided for in Rule 62-210.350(3)(a), F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-103.150, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.
- (c) The notice shall identify:
1. The facility;
  2. The name and address of the office at which processing of the permit occurs;
  3. The activity or activities involved in the permit action;
  4. The emissions change involved in any permit revision;
  5. The name, address, and telephone number of a Department representative from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all relevant supporting materials, including any permit application, compliance plan, permit, monitoring report, and compliance statement required pursuant to Chapter 62-213, F.A.C. (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), and all other materials available to the Department that are relevant to the permit decision;
  6. A brief description of the comment procedures required by Rules 62-103.150 and 62-210.350(3), F.A.C.;
  7. The time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled); and,

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8. The procedures by which persons may petition the Administrator to object to the issuance of the proposed permit after expiration of the Administrator's 45-day review period.

[Rule 62-210.350, F.A.C.]

22. Administrative Permit Corrections.

(1) A facility owner shall notify the Department by letter of minor corrections to information contained in a permit. Such notifications shall include:

- (a) Typographical errors noted in the permit;
- (b) Name, address or phone number change from that in the permit;
- (c) Any other similar minor administrative change at the source; and,
- (d) A change requiring more frequent monitoring or reporting by the permittee.
- (e) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), hereby adopted and incorporated by reference, to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;
- (f) Changes listed at 40 CFR 72.83(a)(11), hereby adopted and incorporated by reference, to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 17-210.360(1)(e).

(2) Upon receipt of such notifications the Department shall within 60 days correct the permit and provide a corrected copy to the owner.

(3) For facilities subject to Chapter 62-213, F.A.C., a copy shall be provided to EPA and any approved local air program in the county where the facility or any part of the facility is located.

(4) The Department shall incorporate requirements resulting from issuance of new or revised construction permits into existing operation permits issued pursuant to Chapter 62-213, F.A.C., if the construction permit revisions incorporate requirements of federally enforceable preconstruction review and if the applicant requests at the time of application that all of the requirements of Rule 62-213.430(1), F.A.C., be complied with in conjunction with the processing of the construction permit application.

[Rule 62-210.360, F.A.C.]

23. Reports.

(3) Annual Operating Report for Air Pollutant Emitting Facility.

(a) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year.

(c) The annual operating report shall be submitted to the appropriate Department District or Department approved local air pollution control program office by March 1 of the following year unless otherwise indicated by permit condition or Department request.

[Rule 62-210.370(3), F.A.C.]

24. Circumvention. No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.

[Rule 62-210.650, F.A.C.]

25. Forms and Instructions. The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Application for Air Permit - Long Form, Form and Instructions.

- (a) Acid Rain Part (Phase II), Form and Instructions.
  - 1. Repowering Extension Plan, Form and Instructions.
  - 2. New Unit Exemption, Form and Instructions.
  - 3. Retired Unit Exemption, Form and Instructions.
- (b) Reserved.

(5) Annual Operating Report (AOR) for Air Pollutant Emitting Facility, Form and Instructions.

[Rule 62-210.900, F.A.C.]

Chapter 62-213, F.A.C.

26. Annual Emissions Fee. Each Title V source permitted to operate in Florida must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in accordance with Rule 62-213.205, F.A.C., and the appropriate form and associated instructions.

[Rules 62-213.205 and 62-213.900(1), F.A.C.]

27. Annual Emissions Fee. Failure to pay timely any required annual emissions fee, penalty, or interest constitutes grounds for permit revocation pursuant to Rule 62-4.100, F.A.C.

[Rule 62-213.205(1)(g), F.A.C.]

28. Annual Emissions Fee. Any documentation of actual hours of operation, actual material or heat input, actual production amount, or actual emissions used to calculate the annual emissions fee shall be retained by the owner for a minimum of five (5) years and shall be made available to the Department upon request.

[Rule 62-213.205(1)(j), F.A.C.]

29. Annual Emissions Fee. DEP Form 62-213.900(1), F.A.C., "Major Air Pollution Source Annual Emissions Fee Form", must be completed by the permittee and submitted with the annual emissions fee.

[Rule 62-213.205(4), F.A.C.]

30. Air Operation Permit Fees. After December 31, 1992, no permit application processing fee, renewal fee, modification fee or amendment fee is required for an operation permit for a Title V source.

[Rule 62-213.205(5), F.A.C.]

31. Permits and Permit Revisions Required. All Title V sources are subject to the permit requirements of Chapter 62-213, F.A.C.

[Rule 62-213.400, F.A.C.]

32. No Title V source may operate except in compliance with Chapter 62-213, F.A.C.

[Rule 62-213.400(1), F.A.C.]

33. Changes Without Permit Revision. Title V sources having a valid permit issued pursuant to Chapter 62-213, F.A.C., may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation in each alternative method of operation:

(1) Permitted sources may change among those alternative methods of operation allowed by the source's permit as provided by the terms of the permit;

(2) Permitted sources may implement the terms or conditions of a new or revised construction permit if;

(a) The application for construction permit complied with the requirements of Rule 62-213.420(3) and (4), F.A.C.;

(b) The terms or conditions were subject to federally enforceable preconstruction review pursuant to Chapter 62-212, F.A.C.; and,

(c) The new or revised construction permit was issued after the Department and the applicant complied with all the requirements of Rule 62-213.430(1), F.A.C.;

(3) A permitted source may implement operating changes after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;

(a) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;

(b) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;

(4) Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.

[Rule 62-213.410, F.A.C.]

34. Immediate Implementation Pending Revision Process.

(1) Those permitted Title V sources making any change that constitutes a modification pursuant to paragraph (a) of the definition of modification at Rule 62-210.200, F.A.C., but which would not constitute a modification pursuant to paragraph (b) of the same definition, may implement such change prior to final issuance of a permit revision in accordance with Rule 62-213.412, F.A.C., provided the change:

- (a) Does not violate any applicable requirement;
- (b) Does not contravene any permit term or condition for monitoring, testing, recordkeeping or reporting, or any compliance certification requirement;
- (c) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapter 62-212 or 62-296, F.A.C.;
- (d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject including any federally enforceable emissions cap or federally enforceable alternative emissions limit.

(2) A Title V source may immediately implement such changes after they have been incorporated into the terms and conditions of a new or revised construction permit issued pursuant to Chapter 62-212, F.A.C., and after the source provides to EPA, the Department, each affected state and any approved local air program having geographic jurisdiction over the source, a copy of the source's application for operation permit revision. The Title V source may conform its application for construction permit to include all information required by Rule 62-213.420, F.A.C., in lieu of submitting separate application forms.

(3) The Department shall process the application for operation permit revision in accordance with the provisions of Chapter 62-213, F.A.C., except that the Department shall issue a draft permit revision or a determination to deny the revision within 60 days of receipt of a complete application for operation permit revision or, if the Title V source has submitted a construction permit application conforming to the requirements of Rule 62-213.420, F.A.C., the Department shall issue a draft permit or a determination to deny the revision at the same time the Department issues its determination on issuance or denial of the construction permit application. The Department shall not take final action until all the requirements of Rule 62-213.430(1)(a), (c), (d), and (e), F.A.C., have been complied with.

(4) Pending final action on the operation permit revision application, the source shall implement the changes in accordance with the terms and conditions of the source's new or revised construction permit.

(5) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes until after the Department takes final action to issue the operation permit revision.

(6) If the Department denies the source's application for operation permit revision, the source shall cease implementation of the proposed changes.

[Rule 62-213.412, F.A.C.]

35. Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of Rules 62-213.420, 62-4.050(1) & (2), and 62-210.900, F.A.C.

(a) Timely Application.

3. For purposes of permit renewal, a timely application is one that is submitted in accordance with Rule 62-4.090, F.A.C.

(b) Complete Application.

1. Any applicant for a Title V permit, permit revision or permit renewal must submit an application on DEP Form No. 62-210.900(1), which must include all the information specified by Rule 62-213.420(3), F.A.C., except that an application for permit revision must contain only that information related to the proposed change. The applicant shall include information concerning fugitive emissions and stack emissions in the application. Each application for permit, permit revision or permit renewal shall be certified by a responsible official in accordance with Rule 62-213.420(4), F.A.C.

2. For those applicants submitting initial permit applications pursuant to Rule 62-213.420(1)(a)1., F.A.C., a complete application shall be an application that substantially addresses all the information required by the application form number 62-210.900(1), and such applications shall be deemed complete within sixty days of receipt of a signed and certified application unless the Department notifies the applicant of incompleteness within that time. For all other applicants, the applications shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a signed application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or timely application for permit renewal as described by Rule 62-4.090(1), F.A.C., shall continue to operate the source



under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, provided the applicant complies with all the provisions of Rules 62-213.420(1)(b)3. and 4. F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to Rules 62-213.420(1)(b)3. and 4., F.A.C.

3. For those permit applications submitted pursuant to the provisions of Rule 62-213.420(1)(a)1., F.A.C., the Department shall notify the applicant if the Department becomes aware at any time during processing of the application that the application contains incorrect or incomplete information. The applicant shall submit the corrected or supplementary information to the Department within ninety days unless the applicant has requested and been granted additional time to submit the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days or such additional time as requested and granted shall render the application incomplete.

4. For all applications other than those addressed at Rule 62-213.420(1)(b)3., F.A.C., should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department.

[Rules 62-213.420(1)(a)3. and 62-213.420(1)(b)1., 2., 3. & 4., F.A.C.]

36. Confidential Information. Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA.

[Rule 62-213.420(2), F.A.C.]

37. Standard Application Form and Required Information. Applications shall be submitted under Chapter 62-213, F.A.C., on forms provided by the Department and adopted by reference in Rule 62-210.900(1), F.A.C. The information as described in Rule 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C.

[Rule 62-213.420(3), F.A.C.]

38. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[Rule 62-213.420(4), F.A.C.]

39.a. Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) and 62-213.420(3), F.A.C. Unless a Title V source submits a timely application for permit renewal in accordance with the requirements of Rule 62-4.090(1), F.A.C., the existing permit shall expire and the source's right to operate shall terminate.

b. Permit Revision Procedures. Permit revisions shall meet all requirements of Chapter 62-213, F.A.C., including those for content of applications, public participation, review by approved local programs and affected states, and review by EPA, as they apply to permit issuance and renewal, except that permit revisions for those activities implemented pursuant to Rule 62-213.412, F.A.C., need not meet the requirements of Rule 62-213.430(1)(b), F.A.C. The Department shall require permit revision in accordance with the provisions of Rule 62-4.080, F.A.C., and 40 CFR 70.7(f), whenever any source becomes

subject to any condition listed at 40 CFR 70.7(f)(1), hereby adopted and incorporated by reference. The below requirements from 40 CFR 70.7(f) are adopted and incorporated by reference in Rule 62-213.430(4), F.A.C.:

o 40 CFR 70.7(f): Reopening for Cause.

(1) This section contains provisions from 40 CFR 70.7(f) that specify the conditions under which a Title V permit shall be reopened prior to the expiration of the permit. A Title V permit shall be reopened and revised under any of the following circumstances:

(i) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 40 CFR 70.4(b)(10)(i) or (ii).

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approved by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(iii) The permitting authority or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(iv) The Administrator or the permitting authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(3) Reopenings under 40 CFR 70.7(f)(1) shall not be initiated before a notice of such intent is provided to the Part 70 source by the permitting authority at least 30 days in advance of the date that the permit is to be reopened, except that the permitting authority may provide a shorter time period in the case of an emergency.

[Rules 62-213.430(3) & (4), F.A.C.; and, 40 CFR 70.7(f)]

40. Permit Duration. Operation permits for Title V sources may not be extended as provided in Rule 62-4.080(3), F.A.C., if such extension will result in a permit term greater than five (5) years.

[Rule 62-213.440(1)(a), F.A.C.]

41. Monitoring Information. All records of monitoring information shall specify the date, place, and time of sampling or measurement and the operating conditions at the time of sampling or measurement, the date(s) analyses were performed, the company or entity that performed the analyses, the analytical techniques or methods used, and the results of such analyses.

[Rule 62-213.440(1)(b)2.a., F.A.C.]

42. Retention of Records. Retention of records of all monitoring data and support information shall be for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

[Rule 62-213.440(1)(b)2.b., F.A.C.]

43. Monitoring Reports. The permittee shall submit reports of any required monitoring at least every six (6) months. All instances of deviations from permit requirements must be clearly identified in such reports.

[Rule 62-213.440(1)(b)3.a., F.A.C.]

44. Deviation from Permit Requirements Reports. The permittee shall report in accordance with the requirements of Rules 62-210.700(6) and 62-4.130, F.A.C., any deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken.

[Rule 62-213.440(1)(b)3.b., F.A.C.]

45. Reports. All reports shall be accompanied by a certification by a responsible official, pursuant to Rule 62-213.420(4), F.A.C.

[Rule 62-213.440(1)(b)3.c., F.A.C.]

46. If any portion of the final permit is invalidated, the remainder of the permit shall remain in effect.  
[Rule 62-213.440(1)(d)1., F.A.C.]

47. It shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity.  
[Rule 62-213.440(1)(d)3., F.A.C.]

48. A Title V source shall comply with all the terms and conditions of the existing permit until the Department has taken final action on any permit renewal or any requested permit revision, except as provided at Rule 62-213.412(2), F.A.C.  
[Rule 62-213.440(1)(d)4., F.A.C.]

49. A situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and incorporated by reference.  
[Rule 62-213.440(1)(d)5., F.A.C.]

50. Confidentiality Claims. Any permittee may claim confidentiality of any data or other information by complying with Rule 62-213.420(2), F.A.C.  
[Rule 62-213.440(1)(d)6., F.A.C.]

51. Statement of Compliance. The permittee shall submit a statement of compliance with all terms and conditions of the permit. Such statement shall be submitted to the Department and EPA annually, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement. The statement of compliance shall include the identity of each term or condition of the permit for which each unit has remained in compliance during the period covered by the statement. The statement shall include identification of all methods used to demonstrate compliance and identification of each term or condition of the permit for which any unit has not remained in compliance during the period covered by the statement. For each term or condition for which the source has not remained in compliance during the period covered by the statement, the statement shall also identify each unit not in compliance and each term and condition with which the unit was not in compliance and state the inclusive dates that the source was not in compliance, the actions taken to achieve compliance and the method used to demonstrate compliance. Such statement shall be accompanied by a certification by a responsible official, in accordance with Rule 62-213.420(4), F.A.C.  
[Rule 62-213.440(3), F.A.C.]

52. Permit Shield. Except as provided in Chapter 62-213, F.A.C., compliance with the terms and conditions of a permit issued pursuant to Chapter 62-213, F.A.C., shall be deemed compliance with any applicable requirements in effect as of the date of permit issuance, provided that the source included such applicable requirements in the permit application. Nothing in Rule 62-213.460, F.A.C., or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program.  
[Rule 62-213.460, F.A.C.]

53. Forms and Instructions. The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in Rule 62-213.900, F.A.C. The form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by contacting the appropriate permitting authority.

(1) Major Air Pollution Source Annual Emissions Fee (AEF) Form.  
[Rule 62-213.900(1), F.A.C.]

Chapter 62-256, F.A.C.

54. Open Burning. This permit does not authorize any open burning nor does it constitute any waiver of the requirements of Chapter 62-256, F.A.C. Source shall comply with Chapter 62-256, F.A.C., for any open burning at the source.  
[Chapter 62-256, F.A.C.]

Chapter 62-257. F.A.C.

55. Asbestos. This permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. This permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Compliance with Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, Section 61.145, is required for any asbestos demolition or renovation at the source.

[40 CFR 61; Rule 62-204.800, F.A.C.; and, Chapter 62-257, F.A.C.]

Chapter 62-281. F.A.C.

56. Refrigerant Requirements. Any facility having refrigeration equipment, including air conditioning equipment, which uses a Class I or II substance (listed at 40 CFR 82, Subpart A, Appendices A and B), and any facility which maintains, services, or repairs motor vehicles using a Class I or Class II substance as refrigerant must comply with all requirements of 40 CFR 82, Subparts B and F, and with Rule 62-281.100, F.A.C. Those requirements include the following restrictions:

- (1) Any facility having any refrigeration equipment normally containing 50 (fifty) pounds of refrigerant, or more, must keep servicing records documenting the date and type of all service and the quantity of any refrigerant added;
- (2) No person repairing or servicing a motor vehicle may perform any service on a motor vehicle air conditioner (MVAC) involving the refrigerant for such air conditioner unless the person has been properly trained and certified as provided at 40 CFR 82.34, and properly uses equipment approved pursuant to 40 CFR 82.40;
- (3) No person may sell or distribute, or offer for sale or distribution, any substance listed as a Class I or Class II substance at 40 CFR 82, Subpart A, Appendices A and B, except in compliance with Rule 62-281.100, F.A.C., and 40 CFR 82.34(B);
- (4) No person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the atmosphere any Class I or Class II substance used as a refrigerant in such equipment and no other person may open appliances (except MVACs as defined at 40 CFR 82.152) for service, maintenance or repair without using equipment certified for that type of appliance pursuant to 40 CFR 82.158 and without observing the practices set forth at 40 CFR 82.156;
- (5) No person may dispose of appliances (except small appliances, as defined at 40 CFR 82.152) without using equipment certified for that type of appliance pursuant to 40 CFR 82.158 and without observing the practices set forth at 40 CFR 82.156;
- (6) No person may recover refrigerant from small appliances, MVACs and MVAC-like appliances (as defined at 40 CFR 82.152), except in compliance with the requirements of 40 CFR 82, Subpart F.

[40 CFR 82; and, Chapter 62-281, F.A.C.]

Chapter 62-296. F.A.C.

57. Industrial, Commercial, and Municipal Open Burning Prohibited. Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when:

- (a) Open burning is determined by the Department to be the only feasible method of operation and is authorized by an air permit issued pursuant to Chapter 62-210 or 62-213, F.A.C.; or
- (b) An emergency exists which requires immediate action to protect human health and safety; or
- (c) A county or municipality would use a portable air curtain incinerator to burn yard trash generated by a hurricane, tornado, fire or other disaster and the air curtain incinerator would otherwise be operated in accordance with the permitting exemption criteria of Rule 62-210.300(3), F.A.C.

[Rule 62-296.320(3), F.A.C.]

58. Unconfined Emissions of Particulate Matter.

(4)(c)1. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any emissions unit whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrially related activities such as loading, unloading, storing or handling, without taking reasonable precautions to prevent such emission.

2. Reasonable precautions may include, but shall not be limited to the following:

- a. Paving and maintenance of roads, parking areas and yards.
- b. Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.
- c. Application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar emissions units.
- d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the emissions unit to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
- e. Landscaping or planting of vegetation.
- f. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
- g. Confining abrasive blasting where possible.
- h. Enclosure or covering of conveyor systems.

[Rules 62-296.320(4)(c)1. & 3., F.A.C.]

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## APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)

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Stack Sampling Facilities Provided by the Owner of an Emissions Unit. This section describes the minimum requirements for stack sampling facilities that are necessary to sample point emissions units. Sampling facilities include sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. Emissions units must provide these facilities at their expense. All stack sampling facilities must meet any Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E.

(a) Permanent Test Facilities. The owner or operator of an emissions unit for which a compliance test, other than a visible emissions test, is required on at least an annual basis, shall install and maintain permanent stack sampling facilities.

(b) Temporary Test Facilities. The owner or operator of an emissions unit that is not required to conduct a compliance test on at least an annual basis may use permanent or temporary stack sampling facilities. If the owner chooses to use temporary sampling facilities on an emissions unit, and the Department elects to test the unit, such temporary facilities shall be installed on the emissions unit within 5 days of a request by the Department and remain on the emissions unit until the test is completed.

(c) Sampling Ports.

1. All sampling ports shall have a minimum inside diameter of 3 inches.
2. The ports shall be capable of being sealed when not in use.
3. The sampling ports shall be located in the stack at least 2 stack diameters or equivalent diameters downstream and at least 0.5 stack diameter or equivalent diameter upstream from any fan, bend, constriction or other flow disturbance.
4. For emissions units for which a complete application to construct has been filed prior to December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 15 feet or less. For stacks with a larger diameter, four sampling ports, each 90 degrees apart, shall be installed. For emissions units for which a complete application to construct is filed on or after December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 10 feet or less. For stacks with larger diameters, four sampling ports, each 90 degrees apart, shall be installed. On horizontal circular ducts, the ports shall be located so that the probe can enter the stack vertically, horizontally or at a 45 degree angle.

5. On rectangular ducts, the cross sectional area shall be divided into the number of equal areas in accordance with EPA Method 1. Sampling ports shall be provided which allow access to each sampling point. The ports shall be located so that the probe can be inserted perpendicular to the gas flow.

(d) Work Platforms.

1. Minimum size of the working platform shall be 24 square feet in area. Platforms shall be at least 3 feet wide.

2. On circular stacks with 2 sampling ports, the platform shall extend at least 110 degrees around the stack.

3. On circular stacks with more than two sampling ports, the work platform shall extend 360 degrees around the stack.

4. All platforms shall be equipped with an adequate safety rail (ropes are not acceptable), toeboard, and hinged floor-opening cover if ladder access is used to reach the platform. The safety rail directly in line with the sampling ports shall be removable so that no obstruction exists in an area 14 inches below each sample port and 6 inches on either side of the sampling port.

(e) Access to Work Platform.

APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)  
(continued)

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1. Ladders to the work platform exceeding 15 feet in length shall have safety cages or fall arresters with a minimum of 3 compatible safety belts available for use by sampling personnel.

2. Walkways over free-fall areas shall be equipped with safety rails and toeboards.

(f) Electrical Power.

1. A minimum of two 120-volt AC, 20-amp outlets shall be provided at the sampling platform within 20 feet of each sampling port.

2. If extension cords are used to provide the electrical power, they shall be kept on the plant's property and be available immediately upon request by sampling personnel.

(g) Sampling Equipment Support.

1. A three-quarter inch eyebolt and an angle bracket shall be attached directly above each port on vertical stacks and above each row of sampling ports on the sides of horizontal ducts.

a. The bracket shall be a standard 3 inch x 3 inch x one-quarter inch equal-legs bracket which is 1 and one-half inches wide. A hole that is one-half inch in diameter shall be drilled through the exact center of the horizontal portion of the bracket. The horizontal portion of the bracket shall be located 14 inches above the centerline of the sampling port.

b. A three-eighth inch bolt which protrudes 2 inches from the stack may be substituted for the required bracket. The bolt shall be located 15 and one-half inches above the centerline of the sampling port.

c. The three-quarter inch eyebolt shall be capable of supporting a 500 pound working load. For stacks that are less than 12 feet in diameter, the eyebolt shall be located 48 inches above the horizontal portion of the angle bracket. For stacks that are greater than or equal to 12 feet in diameter, the eyebolt shall be located 60 inches above the horizontal portion of the angle bracket. If the eyebolt is more than 120 inches above the platform, a length of chain shall be attached to it to bring the free end of the chain to within safe reach from the platform.

2. A complete monorail or dualrail arrangement may be substituted for the eyebolt and bracket.

3. When the sample ports are located in the top of a horizontal duct, a frame shall be provided above the port to allow the sample probe to be secured during the test.

[Rule 62-297.310(6), F.A.C.]

TABLE 297.310-1  
CALIBRATION SCHEDULE

ITEM	MINIMUM CALIBRATION FREQUENCY	REFERENCE INSTRUMENT	TOLERANCE
Liquid in glass thermometer	Annually	ASTM Hg in glass ref. thermometer or equivalent, or thermometric points	+/-2%
Bimetallic thermometer	Quarterly	Calib. liq. in glass thermometer	5 degrees F
Thermocouple	Annually	ASTM Hg in glass ref. thermometer, NBS calibrated reference and potentiometer	5 degrees F
Barometer	Monthly	Hg barometer or NOAA station	+/-1% scale
Pitot Tube	When required or when damaged	By construction or measurements in wind tunnel D greater than 16" and standard pitot tube	See EPA Method 2, Fig. 2-2 & 2-3
Probe Nozzles	Before each test or when nicked, dented, or corroded	Micrometer	+/-0.001" mean of at least three readings Max. deviation between readings .004"
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, When 5% change observed, Annually 2. One Point: Semiannually 3. Check after each test series	Spirometer or calibrated wet test or dry gas test meter	2%
		Comparison check	5%



# FIGURE 1--SUMMARY REPORT--GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE (version dated 7/96)

[Note: This form is referenced in 40 CFR 60.7, Subpart A-General Provisions]

Pollutant (Circle One):    SO<sub>2</sub>    NO<sub>x</sub>    TRS    H<sub>2</sub>S    CO    Opacity

Reporting period dates: From \_\_\_\_\_ to \_\_\_\_\_

Company: \_\_\_\_\_

Emission Limitation: \_\_\_\_\_

Address: \_\_\_\_\_

Monitor Manufacturer: \_\_\_\_\_

Model No.: \_\_\_\_\_

Date of Latest CMS Certification or Audit: \_\_\_\_\_

Process Unit(s) Description: \_\_\_\_\_

Total source operating time in reporting period <sup>1</sup>: \_\_\_\_\_

Emission data summary <sup>1</sup>	CMS performance summary <sup>1</sup>
1. Duration of excess emissions in reporting period due to:	1. CMS downtime in reporting period due to:
a. Startup/shutdown .....	a. Monitor equipment malfunctions .....
b. Control equipment problems .....	b. Non-Monitor equipment malfunctions .....
c. Process problems .....	c. Quality assurance calibration .....
d. Other known causes .....	d. Other known causes .....
e. Unknown causes .....	e. Unknown causes .....
2. Total duration of excess emissions .....	2. Total CMS Downtime .....
3. Total duration of excess emissions x (100) / [Total source operating time] ..... % <sup>2</sup>	3. [Total CMS Downtime] x (100) / [Total source operating time] ..... % <sup>2</sup>

<sup>1</sup> For opacity, record all times in minutes. For gases, record all times in hours.

<sup>2</sup> For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR 60.7(c) shall be submitted.

*Note: On a separate page, describe any changes since last quarter in CMS, process or controls.*

I certify that the information contained in this report is true, accurate, and complete.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

## Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers (version dated 02/05/97)

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### Abbreviations and Acronyms:

°F: Degrees Fahrenheit  
**BACT:** Best Available Control Technology  
**CFR:** Code of Federal Regulations  
**DEP:** State of Florida, Department of Environmental Protection  
**DARM:** Division of Air Resource Management  
**EPA:** United States Environmental Protection Agency  
**F.A.C.:** Florida Administrative Code  
**F.S.:** Florida Statute  
**ISO:** International Standards Organization  
**LAT:** Latitude  
**LONG:** Longitude  
**MMBtu:** million British thermal units  
**MW:** Megawatt  
**ORIS:** Office of Regulatory Information Systems  
**SOA:** Specific Operating Agreement  
**UTM:** Universal Transverse Mercator

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### Citations:

*The following examples illustrate the methods used in this permit to abbreviate and cite the references of rules, regulations, guidance memorandums, permit numbers, and ID numbers.*

#### Code of Federal Regulations:

*Example:* [40 CFR 60.334]

Where:	40	reference to	Title 40
	CFR	reference to	Code of Federal Regulations
	60	reference to	Part 60
	60.334	reference to	Regulation 60.334

#### Florida Administrative Code (F.A.C.) Rules:

*Example:* [Rule 62-213, F.A.C.]

Where:	62	reference to	Title 62
	62-213	reference to	Chapter 62-213
	62-213.205	reference to	Rule 62-213.205, F.A.C.

**ISO:** International Standards Organization refers to those conditions at 288 degrees K, 60 percent relative humidity, and 101.3 kilopascals pressure.

**Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers  
(version dated 02/05/97) (continued)**

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**Identification Numbers:**

Facility Identification (ID) Number:

*Example:* Facility ID No.: 1050221

*Where:*

105 = 3-digit number code identifying the facility is located in Polk County  
0221 = 4-digit number assigned by state database.

Permit Numbers:

*Example:* 1050221-002-AV, or  
1050221-001-AC

*Where:*

AC = Air Construction Permit  
AV = Air Operation Permit (Title V Source)  
105 = 3-digit number code identifying the facility is located in Polk County  
0221 = 4-digit number assigned by permit tracking database  
001 or 002 = 3-digit sequential project number assigned by permit tracking database

*Example:* PSD-FL-185  
PA95-01  
AC53-208321

*Where:*

PSD = Prevention of Significant Deterioration Permit  
PA = Power Plant Siting Act Permit  
AC = old Air Construction Permit numbering

# Phase II Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31 and Chapter 62-214, F.A.C.

This submission is:  New  Revised

**STEP 1**  
Identify the source by plant name, State, and ORIS code from NADB

FPC DeBary Facility, FL, 6046

**STEP 2**  
Enter the boiler ID# from NADB for each affected unit, and indicate whether a repowering plan is being submitted for the unit by entering "yes" or "no" at column c. For new units, enter the requested information in columns d and e

Compliance Plan				
a	b	c	d	e
Boiler ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	Repowering Plan	New Units  Commence Operation Date	New Units  Monitor Certification Deadline
7	Yes	No	11/92	1/1/96 for NOx
8	Yes	No	11/92	1/1/96 for NOx
9	Yes	No	11/92	1/1/96 for NOx
10	Yes	No	11/92	1/1/96 for NOx
	Yes			
7,8,9,10	Yes	No	See Above	1/1/95 for SO2
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			

For each unit that will be repowered, the Repowering Extension Plan form is included and the Repowering Technology Petition form has been submitted or will be submitted by June 1, 1997.

**STEP 3**  
Check the box if the response in column c of Step 2 is "Yes" for any unit

Plant Name (from Step 1)  
FPC DeBary Facility

STEP 4  
Read the standard requirements and certification, enter the name of the designated representative, and sign and date

Standard Requirements

Permit Requirements.

- (1) The designated representative of each Acid Rain source and each Acid Rain unit at the source shall:
  - (i) Submit a complete Acid Rain part application (including a compliance plan) under 40 CFR part 72, Rules 62-214.320 and 330, F.A.C. in accordance with the deadlines specified in Rule 62-214.320, F.A.C.; and
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain part application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each Acid Rain source and each Acid Rain unit at the source shall:
  - (i) Operate the unit in compliance with a complete Acid Rain part application or a superseding Acid Rain part issued by the permitting authority; and
  - (ii) Have an Acid Rain Part.

Monitoring Requirements.

- (1) The owners and operators and, to the extent applicable, designated representative of each Acid Rain source and each Acid Rain unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75, and Rule 62-214.420, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements.

- (1) The owners and operators of each source and each Acid Rain unit at the source shall:
  - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An Acid Rain unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
  - (i) Starting January 1, 2000, an Acid Rain unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an Acid Rain unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1)(i) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or the written exemption under 40 CFR 72.7 and 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements. The owners and operators of the source and each Acid Rain unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements.

- (1) The designated representative of an Acid Rain unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an Acid Rain unit that has excess emissions in any calendar year shall:
  - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
  - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements.

- (1) Unless otherwise provided, the owners and operators of the source and each Acid Rain 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 prior to the end of 5 years, in writing by the Administrator or permitting authority:
  - (i) The certificate of representation for the designated representative for the source and each Acid Rain unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with Rule 62-214.350, F.A.C.; 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 changing the designated representative;
  - (ii) All emissions monitoring information, in accordance with 40 CFR part 75;
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,

Plant Name (from Step 1)  
FPC DeBary Facility

Recordkeeping and Reporting Requirements (cont.)

- (iv) Copies of all documents used to complete an Acid Rain part application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an Acid Rain source and each Acid Rain unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability.

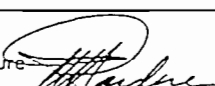
- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain part application, an Acid Rain part, or a written exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each Acid Rain source and each Acid Rain unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an Acid Rain source (including a provision applicable to the designated representative of an Acid Rain source) shall also apply to the owners and operators of such source and of the Acid Rain units at the source.
- (6) Any provision of the Acid Rain Program that applies to an Acid Rain unit (including a provision applicable to the designated representative of an Acid Rain unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one Acid Rain unit shall not be liable for any violation by any other Acid Rain unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 75, 77, and 78 by an Acid Rain source or Acid Rain unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities. No provision of the Acid Rain Program, an Acid Rain part application, an Acid Rain part, or a written exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an Acid Rain source or Acid Rain unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

Certification

I am authorized to make this submission on behalf of the owners and operators of the Acid Rain source or Acid Rain 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 <i>W. Jeffrey Pardue, C.E.P., Director, Environmental Services Dept.</i>	
Signature 	Date <i>12/14/95</i>

**BEST AVAILABLE COPY**

Phase II Permit-Page 4

STEP 5 (optional)  
Enter the source AIRS  
and FINDS identification  
numbers, if known

AIRS
FINDS



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

## STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mr. W. Jeffery Pardue, C.E.P.  
Director of Environmental Services Department  
Florida Power Corporation  
3201 34th Street South  
St. Petersburg, FL 33711

### ORDER EXTENDING PERMIT EXPIRATION DATE

DeBary Facility, **Facility ID No.:** 1270028

Section 403.0872(2)(b), Florida Statutes (F.S.), specifies that any facility which submits to the Department of Environmental Protection (Department) a timely and complete application for a Title V permit "is entitled to operate in compliance with its existing air permit pending the conclusion of proceedings associated with its application."

Section 403.0872(6), F.S., provides that a proposed Title V permit which is not objected to by the United States Environmental Protection Agency (EPA) "must become final no later than fifty-five (55) days after the date on which the proposed permit was mailed" to the EPA.

Pursuant to the Federal Acid Rain Program as defined in Rule 62-210.200, Florida Administrative Code (F.A.C.), all Acid Rain permitting must become effective on January 1 of a given year.

This facility which will be permitted pursuant to Section 403.0872, F.S., (Title V permit) will be required to have a permit effective date subsequent to the final processing date of the facility's Title V permit.

To prevent misunderstanding and to assure that the above identified facility continues to comply with existing permit terms and conditions until its Title V permit becomes effective, it is necessary to extend the expiration date(s) of its existing valid permit(s) until the effective date of its Title V permit. Therefore, under the authority granted to the Department by section 403.061(8), F.S., **IT IS ORDERED:**

1. The expiration date(s) of the existing valid permit(s) under which the above identified facility is currently operating is (are) hereby extended until the effective date of its permit issued pursuant to section 403.0872, F.S., (Title V permit);
2. The facility shall comply with all terms and conditions of its existing valid permit(s) until the effective date of its Title V permit;
3. The facility will continue to comply with the requirements of Chapter 62-214, F.A.C., and the Federal Acid Rain Program, as defined in Rule 62-210.200, F.A.C., pending final issuance of its Title V permit.



PETITION FOR ADMINISTRATIVE REVIEW

The Department will take the action described in this Order unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S.

A person whose substantial interests are affected by the 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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 days of receipt of this Order. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the public notice or within 14 days of receipt of this Order, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 28-106.205, F.A.C.

A petition that disputes the material facts on which the permitting authority's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of how and when each petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;
- (f) A demand for relief.

A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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 Order. 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.

Mediation will not be available in this proceeding.

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 Order.

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 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.

This Order constitutes final agency action unless a petition is filed in accordance with the above paragraphs.

RIGHT TO APPEAL

Any party to this Order has the right to seek judicial review of the Order 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 Office of General Counsel, 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 of Appeal must be filed within 30 days from the date the Notice of Agency Action is filed with the Clerk of the Department.

DONE AND ORDERED this 6<sup>th</sup> day of Oct, 1998 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



HOWARD L. RHODES, Director  
Division of Air Resources Management  
Twin Towers Office Building  
Mail Station 5500  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
850/488-0114

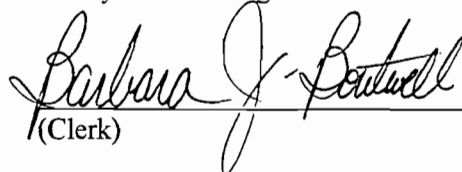
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this order and all copies were sent by certified mail (\*) before the close of business on 10/14/98 to the persons listed:

\*W. Jeffrey Pardue, C.E.P., FPC  
Len Kozlov, CD

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)

10/14/98  
(Date)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

Scott  
Clair  
Howard  
6/16

RECEIVED

JUN 18 1999

JUN 14 1999  
DIVISION OF AIR  
RESOURCES MANAGEMENT

4APT-ARB

Howard L. Rhodes, Director  
Division of Air Resources Management  
Florida Department of Environmental Protection  
Mail Station 5500  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

SUBJ: Proposed Title V Permit for FPC - DeBary Facility

Dear Mr. Rhodes:

The purpose of this letter is to acknowledge the receipt of the State of Florida's proposed changes to the Florida Power Corporation - DeBary Facility proposed title V permit which was the subject of a U.S. Environmental Protection Agency (EPA) title V objection on February 26, 1999. EPA Region 4 has completed its review of the proposed changes to the permit and believes that the State has adequately addressed each of the issues enumerated in the objection. Therefore, EPA considers the objection to be resolved. Once the state's proposed changes are incorporated into the permit, the State may proceed with permit issuance.

We commend the efforts of your staff for facilitating the resolution of the permit issues. If you have any questions about this letter, please contact Ms. Carla E. Pierce, Chief, Operating Source Section at (404) 562-9099.

Sincerely,

Winston A. Smith  
Director  
Air, Pesticides & Toxics  
Management Division



RECEIVED  
APR 23 1999  
BUREAU OF  
AIR REGULATION

April 20, 1999

Mr. Scott Sheplak, P.E.  
Department of Environmental Protection  
Division of Air Resources Management  
2600 Blair Stone Road, MS 5505  
Tallahassee, FL 32399-2400

Dear Mr. Sheplak:

Re: EPA Objection to the Proposed Title V Permit  
Florida Power Corporation – DeBary Facility  
Permit No. 1270028-001-AV

This letter is written in response to the letter from the U.S. Environmental Protection Agency (EPA), dated February 26, 1999, objecting to the issuance of the proposed Title V permit for Florida Power Corporation's (FPC) DeBary Facility. The primary issue in EPA's objection letter was the perceived lack of periodic monitoring for the combustion turbine (CT) peaking units.

As an initial matter, FPC does not agree with EPA's claim that the issuance of their objection letter was within the official 45 day time frame allowed for EPA's review in section 70.8(c). The Proposed Title V operating permit for FPC's DeBary facility was posted on DEP's web site on January 4, 1999. Forty-five days from that date is February 18th, not February 26<sup>th</sup>. FPC understands that the agreement between the DEP and EPA is that the receipt date of a proposed permit is considered to be the date when EPA receives electronic notification of the permit's availability on DEP's web site. FPC has documentation from the DEP indicating an electronic transmittal to the EPA on January 4, 1999. According to the agreed upon procedure, if the DEP does not receive an error message from this transmission, the assumption is that EPA has been notified. FPC would like to know why the agreed upon procedure failed to work adequately in this case.

Further, FPC does not agree that this proposed Title V permit fails to fully meet the requirements of 40 CFR § 70.6(a)(3)(i). Current testing requirements are in compliance with the requirements of Chapter 62-297 F.A.C. Also, Rule 62-297.310(7)(b), F.A.C. allows for additional compliance testing if the Department has good cause to believe that a standard is being violated. Nonetheless, FPC would like to resolve EPA's objections and is submitting a timely response in an effort to meet the May 26, 1999 deadline. The objections are addressed below in the order in which they were presented in EPA's February 26, 1999 letter.

#### I. EPA Objection Issues

1) The proposed Title V permit for the DeBary facility currently imposes opacity limits (20 percent on P1-P6 and 10 percent on P7-P10) and an annual visible emissions (VE) testing requirement on each of the ten CTs (referred to as P1 through P10). The proposed permit further clarifies that this annual testing is only required after the unit operates on fuel oil for 400 hours or more per year (Conditions A.14 and B.36). Attached to this letter are the results of the VE compliance tests for these emission units since 1993 (Attachment 1), as well as the corresponding hours of operation. These data show that the maximum opacity measured on any of these ten CTs since 1993 was five percent (5%), which is either 25 or 50 percent of the applicable standards. Further, out of 43 separate VE compliance tests on these units, the results of 33 of these tests (78 percent) were zero percent opacity. Regarding hours of operation, units P1-P6 had not exceeded 400 hours in a year (going all the way back to 1993) until the summer of 1998. All electric generating units, not only within FPC's system, but state-wide, operated at record levels during the summer of 1998. The hours of operation for P7-P10 have historically been higher, however, these units are newer and more efficient. Further, FPC has converted two of these units to natural gas (P7 and P9) and has a construction permit that allows for the conversion of P8 and P10 to gas. After the conversions of P7 and P9 to gas in 1997, it can be seen that the hours of operation on oil have decreased dramatically. FPC expects the same trend following conversions to P8 (scheduled for completion by May 1999) and P10.

There are several relevant criteria in EPA's guidance for determining whether periodic monitoring meets the requirements of 40 CFR 70.6. One of these criteria is "the likelihood of violating the applicable requirement" (i.e., the less likely it is that the permit will be violated, the less periodic monitoring is needed). FPC's historical data indicates that it is very unlikely that the DeBary CTs would ever violate their opacity standard. In fact, this is true of all of FPC's CTs, not only at DeBary, but system-wide. Other relevant criteria include: whether add-on controls are necessary for the unit to meet the emission limit; the variability of emissions from the unit over time; and the kind of monitoring found on similar emission units. In this case, there are no add-on controls and, therefore, no possibility of control malfunction that would have a resultant affect on opacity. In addition, past test results show that there has been little variability in opacity over time. Finally, regarding the kind of monitoring found on similar emission units, please find attached a periodic monitoring "decision tree" for opacity that was obtained from the State of Tennessee (Attachment 2). The decision tree has two criteria that

should be noted: 1) if the combustion source is fired by natural gas or no. 2 fuel oil, no opacity readings are required and 2) if the highest 6-minute average is less than or equal to 50 percent of the applicable standard, a VE is only conducted prior to permit expiration.

Accordingly, FPC requests that the following "permitting note" be inserted following Conditions A.14 and B.36., to satisfy EPA's objection:

Permitting Note: The owner or operator shall conduct testing for visible emissions while firing fuel oil for each combustion turbine upon that turbine's exceeding 400 hours of operation on fuel oil in any given federal fiscal year (October 1 through September 30). Regardless of the number of hours of operation on fuel oil, at least one compliance test shall be conducted on all ten combustion turbines every five years, coinciding with the term of the operation permit for these turbines.

Similarly, FPC suggests that the following language be added to the Statement of Basis:

The Department has determined that the appropriate VE testing frequency for the ten combustion turbines is a VE test upon exceeding 400 hours of operation on fuel oil in any given federal fiscal year (October 1 through September 30). This frequency is justified by the low historical operational use of fuel oil for these units and the previous VE tests which documented compliance while firing fuel oil. Moreover, no Method 9 tests since 1993 on these ten units have resulted in an opacity measurement greater than 5% and, out of 43 separate VE compliance tests on these units, the results of 33 of these tests (78 percent) were zero percent opacity. Regarding hours of operation, units P1-P6 had not exceeded 400 hours on oil in a year (going all the way back to 1993) until the summer of 1998. All electric generating units, not only within FPC's system, but state-wide, operated at record levels during the summer of 1998. The hours of operation for P7-P10 have historically been higher, however, these units are newer and more efficient. Further, FPC has converted two of these units to natural gas (P7 and P9) and has a construction permit that allows for the conversion of P8 and P10 to gas. After the conversions of P7 and P9 to gas in 1997, it can be seen that the hours of operation on oil have decreased dramatically. FPC expects the same trend following conversions to P8 (scheduled for completion by May 1999) and P10.

2). Section III, subsection B contains limits for the newer CTs (i.e., P7-P10) for SO<sub>2</sub>, PM/PM<sub>10</sub>, CO and VOCs. The current proposed Title V permit requires testing once every year for these pollutants. EPA has commented that this testing frequency does not appear to constitute adequate periodic monitoring to ensure compliance with the limits for these pollutants.

It should be noted that the limits and associated requirements for these pollutants were established by the pre-construction review process, not the Title V process. All requirements established for these pollutants in the PSD permit were approved by EPA Region IV in 1993

and are federally enforceable; further, the permit is in compliance with the requirements of Chapter 62-297, F.A.C.. In particular, the SO<sub>2</sub> standard is adequately addressed by the EPA-approved customized fuel monitoring schedule. Therefore, because the testing frequency established under the PSD process was recently approved by EPA as protective of the National Ambient Air Quality Standards (NAAQS), periodic monitoring should not be of further concern. Further, Chapter 62-297.310(7)(b) allows the Department to require additional compliance testing if the Department has good cause to believe that FPC's limit is being violated.

3). Section III, subsection B, condition B.19 establishes that a one-hour opacity test with values no greater than 10 percent may serve as the annual particulate test. EPA commented that in order for this to be approved as periodic monitoring for PM, the permit or the statement of basis must contain a technical demonstration of the correlation between these two parameters.

Again, FPC believes that the associated requirements for these pollutants were properly established by the PSD pre-construction review process, which is designed to assure the maintenance of the NAAQS. EPA Region IV subsequently approved this permit and all terms and conditions are now federally enforceable; therefore, periodic monitoring should not be of further concern.

4). Section III, subsection B, condition B.8. In response to EPA's objection, FPC again reviewed 40 CFR 60.333, the standard for sulfur dioxide. EPA should note that a reading of this standard requires that a source comply with either 60.333(a) or 60.333(b). Condition B.9 of the proposed permit requires compliance with 60.333(b).

5). Section III, subsection B, condition B.25. In response to EPA's objection, FPC will agree to the addition of 40 CFR 60.11(g) to the permit as an applicable requirement. This language, clarifying the use of credible evidence, was recently adopted by the State of Florida for the very purpose cited in EPA's objection. No further changes are necessary.

## II. General Comments

1). Section III, subsection B, condition B.4. This condition originates from the BACT determination and should be cited along with the date of the determination, which is October 16, 1991.

2). Section III, subsection B, condition B.7. FPC agrees that this condition should reference the requirements of 40 CFR 60.332.

FPC understands that these issues need to be resolved prior to May 26, 1999 (90 days after the date of EPA's objection letter). Accordingly, FPC will contact DEP within the next week to discuss FPC's requested resolution.



Mr. Sheplak  
April 20, 1999  
Page 5

In the meantime, if you have any questions or comments regarding this information, please contact me at (727) 826-4258.

Sincerely,



Scott H. Osbourn  
Senior Environmental Engineer

Attachments

cc: Clair Fancy, DEP  
Gracy Danois, EPA Region IV  
Robert Manning, HGS&S  
Ken Kosky, Golder Associates

# ATTACHMENT 1

VE Test Results and Hours of Operation

**Florida Power Corporation  
Debary Peakers  
% Opacity**

Dates Tested	Pk - 1	Pk - 2	Pk - 3	Pk - 4	Pk - 5	Pk - 6	Pk - 7	Pk - 8	Pk - 9	Pk -10
Jan-99	0	4.58	0	3.75	0	0				
Jun-98							0	0	0	0
Jan-98	0	0	5	0	5	0				
Jun-97							0	0	0	0
Dec-95							0	0	0	0
Sep-95							5	N/A	3.8	3.3
Mar-95							4.17	0	5	5
Mar-94							0	0	0	0
Jul-93							N/A	N/A	N/A	0
May-93							0	N/A	N/A	N/A
Jan-93	0	0	0	0	0	0				

**Florida Power Corporation  
Debary Peakers  
Operating Hours**

		Pk - 1	Pk - 2	Pk - 3	Pk - 4	Pk - 5	Pk - 6	Pk - 7	Pk - 8	Pk - 9	Pk - 10
1998	Gas	0	0	0	0	0	0	2299	0	2161	0
	Oil	479	603	537	632	577	646	264	1114	257	1145
	<b>Total</b>	<b>479</b>	<b>603</b>	<b>537</b>	<b>632</b>	<b>577</b>	<b>646</b>	<b>2563</b>	<b>1114</b>	<b>2418</b>	<b>1145</b>
1997	Gas	0	0	0	0	0	0	1617	0	1496	0
	Oil	259	333	241	355	282	354	200	870	226	822
	<b>Total</b>	<b>259</b>	<b>333</b>	<b>241</b>	<b>355</b>	<b>282</b>	<b>354</b>	<b>1817</b>	<b>870</b>	<b>1722</b>	<b>822</b>
1996	Gas	0	0	0	0	0	0	0	0	0	0
	Oil	281	236	261	224	263	243	663	711	753	630
	<b>Total</b>	<b>281</b>	<b>236</b>	<b>261</b>	<b>224</b>	<b>263</b>	<b>243</b>	<b>663</b>	<b>711</b>	<b>753</b>	<b>630</b>
1995	Gas	0	0	0	0	0	0	0	0	0	0
	Oil	151	113	132	108	141	102	438	371	439	379
	<b>Total</b>	<b>151</b>	<b>113</b>	<b>132</b>	<b>108</b>	<b>141</b>	<b>102</b>	<b>438</b>	<b>371</b>	<b>439</b>	<b>379</b>
1994	Gas	0	0	0	0	0	0	0	0	0	0
	Oil	177	116	144	106	120	110	499	492	426	382
	<b>Total</b>	<b>177</b>	<b>116</b>	<b>144</b>	<b>106</b>	<b>120</b>	<b>110</b>	<b>499</b>	<b>492</b>	<b>426</b>	<b>382</b>
1993	Gas	0	0	0	0	0	0	0	0	0	0
	Oil	177	116	144	106	120	110	499	492	426	382
	<b>Total</b>	<b>177</b>	<b>116</b>	<b>144</b>	<b>106</b>	<b>120</b>	<b>110</b>	<b>499</b>	<b>492</b>	<b>426</b>	<b>382</b>

## ATTACHMENT 2

Visible Emissions Decision Tree

BEST AVAILABLE COPY

STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION



FAX TRANSMITTAL MEMO

TO: Robert Manning

FAX NUMBER: 850-224-8551

FROM: Greg Forte  
TN APC

FAX NUMBER: 615-532-0614

SUBJECT: Opacity Matrix

DATE: Jan. 6, 1999

NUMBER OF PAGES INCLUDING THIS ONE: 2

IF YOU DO NOT RECEIVE THIS ENTIRE DOCUMENT OR HAVE ANY QUESTIONS,  
CALL:

G. Forte

TELEPHONE NO. 615-532-0548

MESSAGE:

You may be able to find an electronic  
version at the TN web site.

# Best Available Copy

## Decision Tree for Major Sources Utilizing EPA Method 9

### Notes:

PM = Periodic Monitoring required by 1200-3-9-.02(11)(e)(1)(II)

This Decision Tree outlines the criteria by which major sources can meet the periodic monitoring and testing requirements of Title V for demonstrating compliance with the visible emissions standards in paragraph 1200-3-5-.01. It is not intended to determine compliance requirements for EPA's Compliance Assurance Monitoring (CAM) Rule (formerly referred to as Enhanced Monitoring - Proposed 40 CFR 64).

Examine each emission source using this Decision Tree to determine PM required.

Use of continuous emission monitoring systems eliminates the need to do any additional periodic monitoring.

Visible Emission Evaluations (VEEs) are to be conducted utilizing EPA Method 9. The observer must be properly certified to conduct valid evaluations.

### Typical Pollutants

Particulates, VOC, CO, SO<sub>2</sub>, NO<sub>x</sub>, HCl, HF, HBr, Ammonia, and Methane

Initial observation to be repeated within 90 days of startup of a modified source if a new construction permit is issued for modification of the source.

A VEE conducted by TDAPC personnel after the Title V permit is issued will also constitute an initial reading.

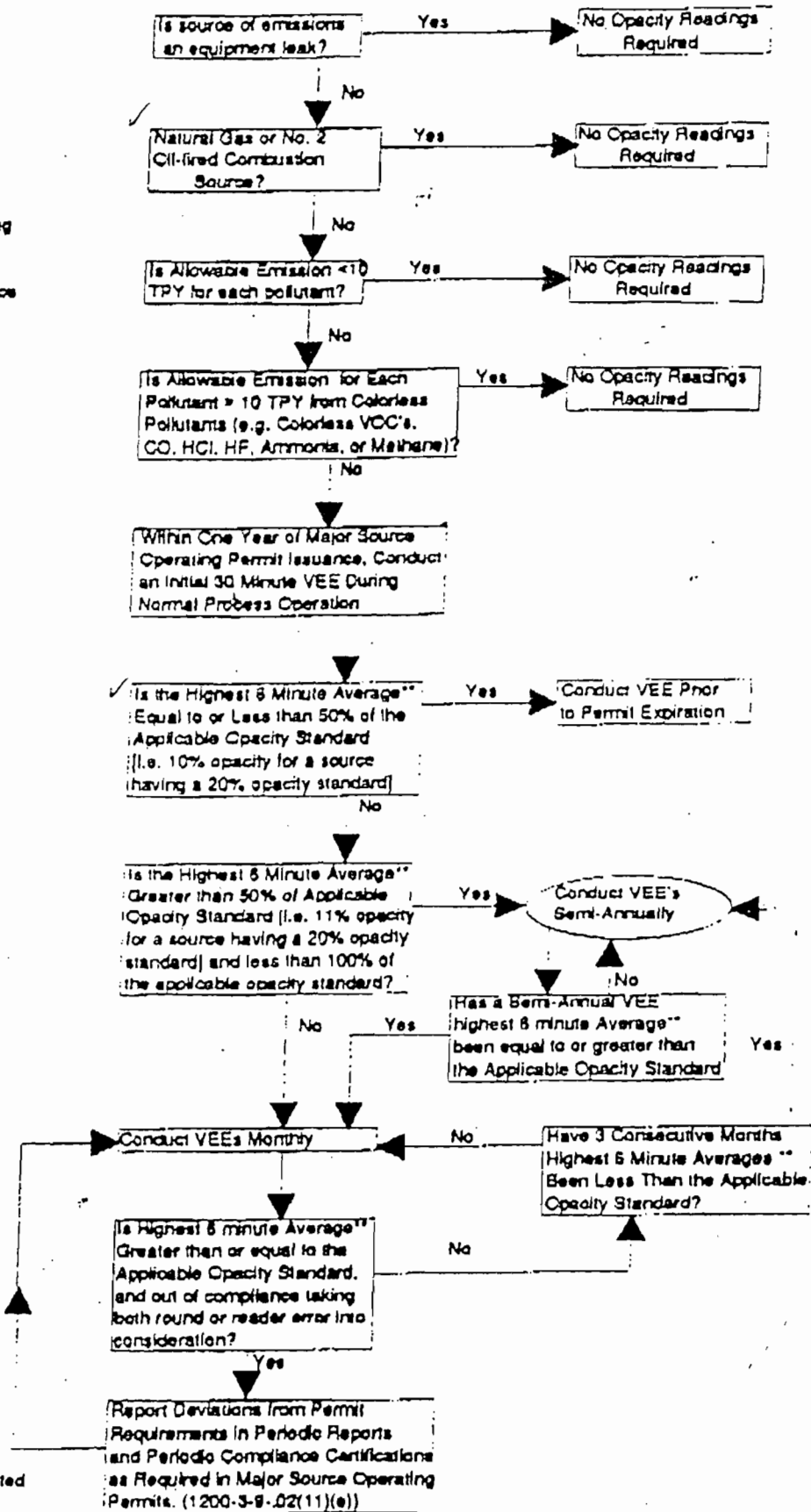
### Reader Error

EPA Method 9, Non-NSPS or NESHAPS stipulated opacity standards: The TDAPC guidance is to declare non-compliance when the highest six-minute average\*\* exceeds the standard plus 6.8% opacity (e.g. 26.8% for a 20% standard).

EPA Method 9, NSPS or NESHAPS Stipulated Opacity Standards: EPA guidance is to allow only engineering round. No allowance for reader error is given.

\*Not Applicable to Asbestos Manufacturing Subject to 40 CFR 61.142

\*\*Or second highest six minute average, if the source has an exemption period stipulated in either the Regulations or in the permit.





RECEIVED

APR 21 1999

BUREAU OF  
AIR REGULATION

April 20, 1999

Mr. Scott Sheplak, P.E.  
Department of Environmental Protection  
Division of Air Resources Management  
2600 Blair Stone Road, MS 5505  
Tallahassee, FL 32399-2400

Dear Mr. Sheplak:

Re: EPA Objection to the Proposed Title V Permit  
Florida Power Corporation – DeBary Facility  
Permit No. 1270028-001-AV

This letter is written in response to the letter from the U.S. Environmental Protection Agency (EPA), dated February 26, 1999, objecting to the issuance of the proposed Title V permit for Florida Power Corporation's (FPC) DeBary Facility. The primary issue in EPA's objection letter was the perceived lack of periodic monitoring for the combustion turbine (CT) peaking units.

As an initial matter, FPC does not agree with EPA's claim that the issuance of their objection letter was within the official 45 day time frame allowed for EPA's review in section 70.8(c). The Proposed Title V operating permit for FPC's DeBary facility was posted on DEP's web site on January 4, 1999. Forty-five days from that date is February 18th, not February 26<sup>th</sup>. FPC understands that the agreement between the DEP and EPA is that the receipt date of a proposed permit is considered to be the date when EPA receives electronic notification of the permit's availability on DEP's web site. FPC has documentation from the DEP indicating an electronic transmittal to the EPA on January 4, 1999. According to the agreed upon procedure, if the DEP does not receive an error message from this transmission, the assumption is that EPA has been notified. FPC would like to know why the agreed upon procedure failed to work adequately in this case.



Mr. Sheplak  
April 20, 1999  
Page 2

Further, FPC does not agree that this proposed Title V permit fails to fully meet the requirements of 40 CFR § 70.6(a)(3)(i). Current testing requirements are in compliance with the requirements of Chapter 62-297 F.A.C. Also, Rule 62-297.310(7)(b), F.A.C. allows for additional compliance testing if the Department has good cause to believe that a standard is being violated. Nonetheless, FPC would like to resolve EPA's objections and is submitting a timely response in an effort to meet the May 26, 1999 deadline. The objections are addressed below in the order in which they were presented in EPA's February 26, 1999 letter.

#### **I. EPA Objection Issues**

1) The proposed Title V permit for the DeBary facility currently imposes opacity limits (20 percent on P1-P6 and 10 percent on P7-P10) and an annual visible emissions (VE) testing requirement on each of the ten CTs (referred to as P1 through P10). The proposed permit further clarifies that this annual testing is only required after the unit operates on fuel oil for 400 hours or more per year (Conditions A.14 and B.36). Attached to this letter are the results of the VE compliance tests for these emission units since 1993 (Attachment 1), as well as the corresponding hours of operation. These data show that the maximum opacity measured on any of these ten CTs since 1993 was five percent (5%), which is either 25 or 50 percent of the applicable standards. Further, out of 43 separate VE compliance tests on these units, the results of 33 of these tests (78 percent) were zero percent opacity. Regarding hours of operation, units P1-P6 had not exceeded 400 hours in a year (going all the way back to 1993) until the summer of 1998. All electric generating units, not only within FPC's system, but state-wide, operated at record levels during the summer of 1998. The hours of operation for P7-P10 have historically been higher, however, these units are newer and more efficient. Further, FPC has converted two of these units to natural gas (P7 and P9) and has a construction permit that allows for the conversion of P8 and P10 to gas. After the conversions of P7 and P9 to gas in 1997, it can be seen that the hours of operation on oil have decreased dramatically. FPC expects the same trend following conversions to P8 (scheduled for completion by May 1999) and P10.

There are several relevant criteria in EPA's guidance for determining whether periodic monitoring meets the requirements of 40 CFR 70.6. One of these criteria is "the likelihood of violating the applicable requirement" (i.e., the less likely it is that the permit will be violated, the less periodic monitoring is needed). FPC's historical data indicates that it is very unlikely that the DeBary CTs would ever violate their opacity standard. In fact, this is true of all of FPC's CTs, not only at DeBary, but system-wide. Other relevant criteria include: whether add-on controls are necessary for the unit to meet the emission limit; the variability of emissions from the unit over time; and the kind of monitoring found on similar emission units. In this case, there are no add-on controls and, therefore, no possibility of control malfunction that would have a resultant affect on opacity. In addition, past test results show that there has been little variability in opacity over time. Finally, regarding the kind of monitoring found on similar emission units, please find attached a periodic monitoring "decision tree" for opacity that was obtained from the State of Tennessee (Attachment 2). The decision tree has two criteria that

Mr. Sheplak  
April 20, 1999  
Page 3

should be noted: 1) if the combustion source is fired by natural gas or no. 2 fuel oil, no opacity readings are required and 2) if the highest 6-minute average is less than or equal to 50 percent of the applicable standard, a VE is only conducted prior to permit expiration.

Accordingly, FPC requests that the following "permitting note" be inserted following Conditions A.14 and B.36., to satisfy EPA's objection:

Permitting Note: The owner or operator shall conduct testing for visible emissions while firing fuel oil for each combustion turbine upon that turbine's exceeding 400 hours of operation on fuel oil in any given federal fiscal year (October 1 through September 30). Regardless of the number of hours of operation on fuel oil, at least one compliance test shall be conducted on all ten combustion turbines every five years, coinciding with the term of the operation permit for these turbines.

Similarly, FPC suggests that the following language be added to the Statement of Basis:

The Department has determined that the appropriate VE testing frequency for the ten combustion turbines is a VE test upon exceeding 400 hours of operation on fuel oil in any given federal fiscal year (October 1 through September 30). This frequency is justified by the low historical operational use of fuel oil for these units and the previous VE tests which documented compliance while firing fuel oil. Moreover, no Method 9 tests since 1993 on these ten units have resulted in an opacity measurement greater than 5% and, out of 43 separate VE compliance tests on these units, the results of 33 of these tests (78 percent) were zero percent opacity. Regarding hours of operation, units P1-P6 had not exceeded 400 hours on oil in a year (going all the way back to 1993) until the summer of 1998. All electric generating units, not only within FPC's system, but state-wide, operated at record levels during the summer of 1998. The hours of operation for P7-P10 have historically been higher, however, these units are newer and more efficient. Further, FPC has converted two of these units to natural gas (P7 and P9) and has a construction permit that allows for the conversion of P8 and P10 to gas. After the conversions of P7 and P9 to gas in 1997, it can be seen that the hours of operation on oil have decreased dramatically. FPC expects the same trend following conversions to P8 (scheduled for completion by May 1999) and P10.

2). Section III, subsection B contains limits for the newer CTs (i.e., P7-P10) for SO<sub>2</sub>, PM/PM<sub>10</sub>, CO and VOCs. The current proposed Title V permit requires testing once every year for these pollutants. EPA has commented that this testing frequency does not appear to constitute adequate periodic monitoring to ensure compliance with the limits for these pollutants.

It should be noted that the limits and associated requirements for these pollutants were established by the pre-construction review process, not the Title V process. All requirements established for these pollutants in the PSD permit were approved by EPA Region IV in 1993

Mr. Sheplak  
April 20, 1999  
Page 4

and are federally enforceable; further, the permit is in compliance with the requirements of Chapter 62-297, F.A.C.. In particular, the SO<sub>2</sub> standard is adequately addressed by the EPA-approved customized fuel monitoring schedule. Therefore, because the testing frequency established under the PSD process was recently approved by EPA as protective of the National Ambient Air Quality Standards (NAAQS), periodic monitoring should not be of further concern. Further, Chapter 62-297.310(7)(b) allows the Department to require additional compliance testing if the Department has good cause to believe that FPC's limit is being violated.

3). Section III, subsection B, condition B.19 establishes that a one-hour opacity test with values no greater than 10 percent may serve as the annual particulate test. EPA commented that in order for this to be approved as periodic monitoring for PM, the permit or the statement of basis must contain a technical demonstration of the correlation between these two parameters.

Again, FPC believes that the associated requirements for these pollutants were properly established by the PSD pre-construction review process, which is designed to assure the maintenance of the NAAQS. EPA Region IV subsequently approved this permit and all terms and conditions are now federally enforceable; therefore, periodic monitoring should not be of further concern.

4). Section III, subsection B, condition B.8. In response to EPA's objection, FPC again reviewed 40 CFR 60.333, the standard for sulfur dioxide. EPA should note that a reading of this standard requires that a source comply with either 60.333(a) or 60.333(b). Condition B.9 of the proposed permit requires compliance with 60.333(b).

5). Section III, subsection B, condition B.25. In response to EPA's objection, FPC will agree to the addition of 40 CFR 60.11(g) to the permit as an applicable requirement. This language, clarifying the use of credible evidence, was recently adopted by the State of Florida for the very purpose cited in EPA's objection. No further changes are necessary.

## II. General Comments

1). Section III, subsection B, condition B.4. This condition originates from the BACT determination and should be cited along with the date of the determination, which is October 16, 1991.

2). Section III, subsection B, condition B.7. FPC agrees that this condition should reference the requirements of 40 CFR 60.332.

FPC understands that these issues need to be resolved prior to May 26, 1999 (90 days after the date of EPA's objection letter). Accordingly, FPC will contact DEP within the next week to discuss FPC's requested resolution.

Mr. Sheplak  
April 20, 1999  
Page 5

In the meantime, if you have any questions or comments regarding this information, please contact me at (727) 826-4258.

Sincerely,



Scott H. Osbourn  
Senior Environmental Engineer

Attachments

cc: Clair Fancy, DEP  
Gracy Danois, EPA Region IV  
Robert Manning, HGS&S  
Ken Kosky, Golder Associates

4/22/99 cc: Scott Sheplak

# **ATTACHMENT 1**

VE Test Results and Hours of Operation

**Florida Power Corporation  
Debary Peakers  
% Opacity**

Dates Tested	Pk - 1	Pk - 2	Pk - 3	Pk - 4	Pk - 5	Pk - 6	Pk - 7	Pk - 8	Pk - 9	Pk -10
Jan-99	0	4.58	0	3.75	0	0				
Jun-98							0	0	0	0
Jan-98	0	0	5	0	5	0				
Jun-97							0	0	0	0
Dec-95							0	0	0	0
Sep-95							5	N/A	3.8	3.3
Mar-95							4.17	0	5	5
Mar-94							0	0	0	0
Jul-93							N/A	N/A	N/A	0
May-93							0	N/A	N/A	N/A
Jan-93	0	0	0	0	0	0				

**Florida Power Corporation  
Debary Peakers  
Operating Hours**

		Pk - 1	Pk - 2	Pk - 3	Pk - 4	Pk - 5	Pk - 6	Pk - 7	Pk - 8	Pk - 9	Pk -10
1998	Gas	0	0	0	0	0	0	2299	0	2161	0
	Oil	479	603	537	632	577	646	264	1114	257	1145
	<b>Total</b>	<b>479</b>	<b>603</b>	<b>537</b>	<b>632</b>	<b>577</b>	<b>646</b>	<b>2563</b>	<b>1114</b>	<b>2418</b>	<b>1145</b>
1997	Gas	0	0	0	0	0	0	1617	0	1496	0
	Oil	259	333	241	355	282	354	200	870	226	822
	<b>Total</b>	<b>259</b>	<b>333</b>	<b>241</b>	<b>355</b>	<b>282</b>	<b>354</b>	<b>1817</b>	<b>870</b>	<b>1722</b>	<b>822</b>
1996	Gas	0	0	0	0	0	0	0	0	0	0
	Oil	281	236	261	224	263	243	663	711	753	630
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1995	Gas	0	0	0	0	0	0	0	0	0	0
	Oil	151	113	132	108	141	102	438	371	439	379
	<b>Total</b>	<b>151</b>	<b>113</b>	<b>132</b>	<b>108</b>	<b>141</b>	<b>102</b>	<b>438</b>	<b>371</b>	<b>439</b>	<b>379</b>
1994	Gas	0	0	0	0	0	0	0	0	0	0
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1993	Gas	0	0	0	0	0	0	0	0	0	0
	Oil	177	116	144	106	120	110	499	492	426	382
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## **ATTACHMENT 2**

Visible Emissions Decision Tree



BEST AVAILABLE COPY  
STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION



FAX TRANSMITTAL MEMO

TO: Robert Manning

FAX NUMBER: 850-224-8551

FROM: Greg Forte  
TN APC

FAX NUMBER: 615-532-0614

SUBJECT: Opacity Matrix

DATE: Jan. 6, 1999

NUMBER OF PAGES INCLUDING THIS ONE: 2

IF YOU DO NOT RECEIVE THIS ENTIRE DOCUMENT OR HAVE ANY QUESTIONS,  
CALL: G. Forte

TELEPHONE NO. 615-532-0548

MESSAGE:  
You may be able to find an electronic  
version at the TN web site.

**Decision Tree PM for Opacity for Sources Utilizing EPA Method 9**

**Best Available Copy**

**Notes:**

PM = Periodic Monitoring required by 1200-3-9-.02(11)(e)(1)(II)

This Decision Tree outlines the criteria by which major sources can meet the periodic monitoring and testing requirements of Title V for demonstrating compliance with the visible emissions standards in paragraph 1200-3-5-.01. It is not intended to determine compliance requirements for EPA's Compliance Assurance Monitoring (CAM) Rule (formerly referred to as Enhanced Monitoring - Proposed 40 CFR 64).

Examine each emission source using this Decision Tree to determine PM required.

Use of continuous emission monitoring systems eliminates the need to do any additional periodic monitoring.

Visible Emission Evaluations (VEEs) are to be conducted utilizing EPA Method 9. The observer must be properly certified to conduct valid evaluations.

**Typical Pollutants**

Particulates, VOC, CO, SO<sub>2</sub>, NO<sub>x</sub>, HCl, HF, HBr, Ammonia, and Methane

Initial observation to be repeated within 90 days of startup of a modified source if a new construction permit is issued for modification of the source.

A VEE conducted by TDAPC personnel after the Title V permit is issued will also constitute an initial reading.

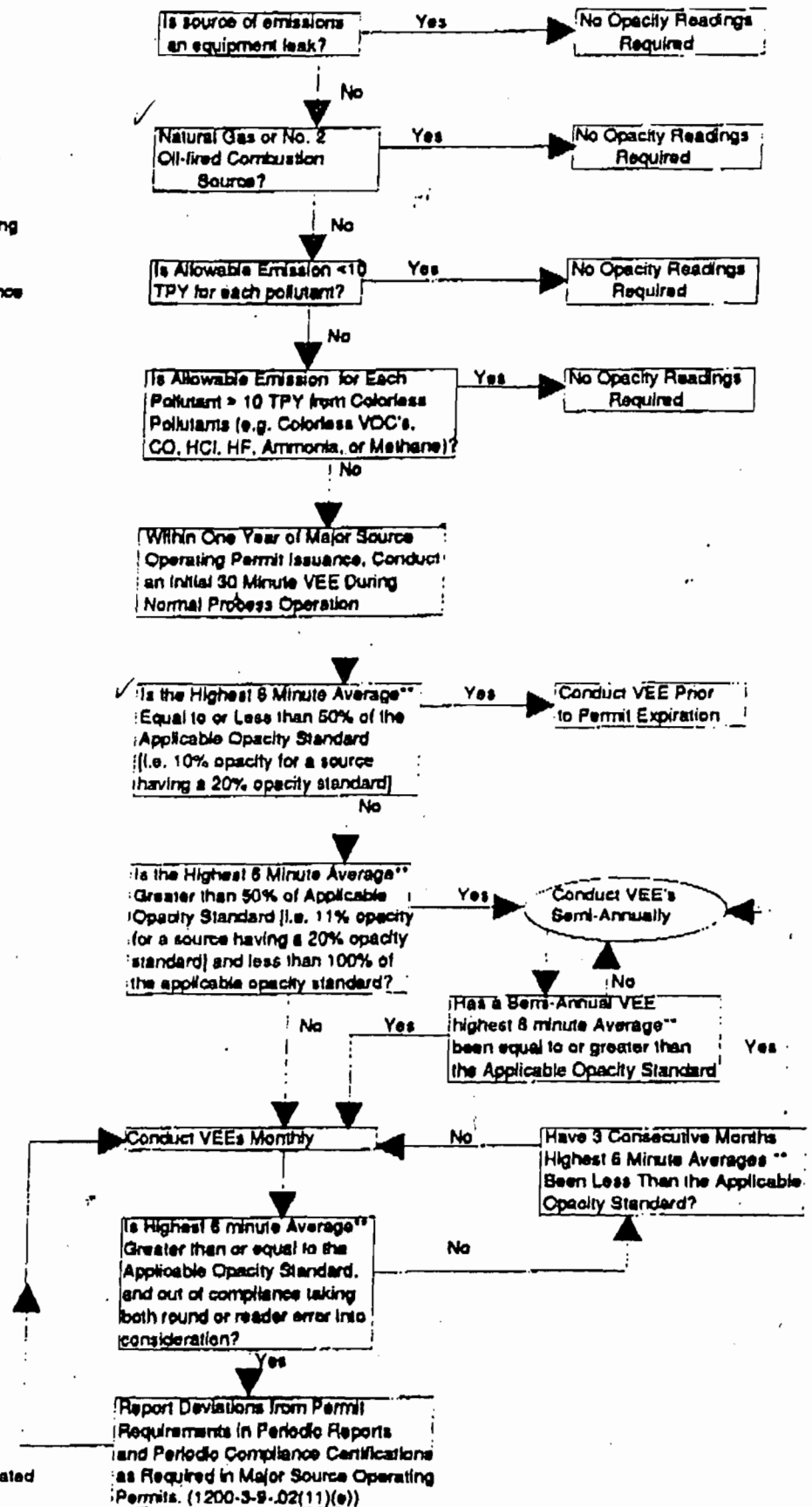
**Reader Error**

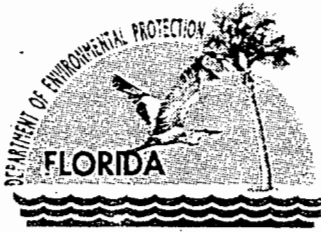
EPA Method 9, Non-NSPS or Neshaps stipulated opacity standards: The TDAPC guidance is to declare non-compliance when the highest six-minute average\*\* exceeds the standard plus 6.8% opacity (e.g. 26.8% for a 20% standard).

EPA Method 9, NSPS or NESHAPS Stipulated Opacity Standards: EPA guidance is to allow only engineering round. No allowance for reader error is given.

\*Not Applicable to Asbestos Manufacturing Subject to 40 CFR 61.142

\*\*Or second highest six minute average, if the source has an exemption period stipulated in either the Regulations or in the permit.





Jeb Eush  
Governor

Department of  
**Environmental Protection**

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

David B. Struhs  
Secretary

March 5, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. W. Jeffrey Pardue  
Director, Environmental Services Department  
Florida Power Corporation  
3201 34th Street South  
St. Petersburg, Florida 33711

Re: EPA Objection to PROPOSED Title V Permit No. 1270028-001-AV  
Plant Name: DeBary Facility

Dear Mr. Pardue:

On February 26, the department received a timely written objection from the United States Environmental Protection Agency to the referenced proposed permit. A copy of EPA's objection is attached.

In accordance with Section 403.0872(8), Florida Statutes (F.S.), the department must not issue a final permit until the objection is resolved or withdrawn. Pursuant to Section 403.0872(8), F.S., the applicant may file a written reply to the objection within 45 days after the date on which the department serves the applicant with a copy of the objection. The written reply must include any supporting materials that the applicant desires to include in the record relevant to the issues raised by the objection. The written reply must be considered by the department in issuing a final permit to resolve the objection of EPA. Please submit any written comments you wish to have considered concerning the objection to Mr. Scott M. Sheplak, P.E., at the above letterhead address.

Pursuant to 40 CFR 70.8(c)(4) the department will have to resolve the objection by issuing a permit that satisfies EPA within 90 days of the objection, or EPA will assume authority for the permit.

If you should have any questions, please contact Mr. Scott M. Sheplak, P.E., at 850/921-9532.

Sincerely,

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

CHF/sms/k

Enclosure

cc: Pat Comer, OGC w/enclosure  
Douglas Neeley, USEPA w/o enclosure  
Carla Pierce, USEPA w/o enclosure

February 26, 1999

4APT-ARB

Howard L. Rhodes, Director  
Air Resources Management Division  
Florida Department of Environmental Protection  
Mail Station 5500  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permit  
Florida Power Corporation  
DeBary Facility  
Permit No. 1270028-001-AV

Dear Mr. Rhodes:

The purpose of this letter is to provide comments to the Florida Department of Environmental Protection (DEP) on the proposed title V operating permit for Florida Power Corporation, DeBary Facility, which was posted on DEP's web site on January 4, 1999. Based on the Environmental Protection Agency's (EPA's) review of the proposed permit and the supporting information for this facility, EPA formally objects, under the authority of Section 505(b) of the Clean Air Act (the Act) and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the title V permit for this facility. The bases of EPA's objection are as follows: 1) the permit does not fully meet the periodic monitoring requirements of 40 C.F.R. § 70.6(a)(3)(I), 2) the permit does not contain 40 C.F.R. § 60.333(a) as an applicable requirement, and 3) the permit contains language that limits the type of information that can be used to evaluate the compliance status of the facility.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or 40 C.F.R. Part 70. EPA and DEP are in agreement that the receipt date of a proposed permit is considered to be the date when EPA receives electronic notification of the permit's availability on DEP's web site. Although the permit was posted on DEP's web site on January 4, 1999, EPA was not officially notified of the availability of the proposed permit. On February 11, 1999, EPA staff notified the State of this discrepancy and EPA agreed to issue comments expeditiously without requiring the State to re-post the proposed title V permit. Therefore, EPA considers issuance of this objection letter to be within the official 45 day time frame allowed in section 70.8(c) for EPA's review. Section 70.8(c)(4) and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we

suggest that the revised permit be submitted in advance in order that any outstanding issues may be addressed prior to the expiration of the 90-day period.

Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. Part 70. The enclosure also contains general comments applicable to the permit.

If you have any questions or wish to discuss this further, please contact Ms. Carla E. Pierce, Chief, Operating Source Section at (404) 562-9099. Should your staff need additional information they may contact Ms. Gracy R. Danois, Florida Title V Contact, at (404) 562-9119, or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

/s/

Winston A. Smith  
Director  
Air, Pesticides & Toxics  
Management Division

Enclosure

cc: Mr. W. Jeffrey Pardue, Director  
Environmental Services Dept.  
Florida Power Corporation

Enclosure

**U.S. EPA Region 4 Objection  
Proposed Part 70 Operating Permit  
Florida Power Corporation  
DeBary Station  
Permit no. 1270028-001-AV**

## **I. EPA Objection Issues**

1. Periodic Monitoring: The permit does not require sufficient periodic monitoring to ensure compliance with the applicable opacity standard. The permit for FPC-DeBary only requires an annual one hour Method 9 visible emissions reading. In most cases, this does not constitute adequate periodic monitoring to ensure continuous compliance with the opacity standard. The permit must require that the source conduct visible emissions observations on a daily basis when

burning fuel oil, or a technical demonstration must be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

2. Periodic Monitoring: The permit does not require sufficient periodic monitoring to ensure compliance with the applicable SO<sub>2</sub>, PM/PM<sub>10</sub>, CO, and VOC, limits in Section III, subsection B. The FPC- DeBary permit only requires testing once every year for these pollutants. This monitoring scheme does not appear to constitute adequate periodic monitoring to ensure compliance with the limits contained in the permit. In order for infrequent testing to be approved as the periodic monitoring method for this facility, the State must provide a technical demonstration that no additional monitoring is warranted to ensure compliance with the limits listed above. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year. If it is determined that additional monitoring is necessary to ensure compliance with the permit conditions, more frequent testing requirements must be included in the permit.
3. Periodic Monitoring: Section III, subsection B, condition B.19 establishes that a one hour opacity test with values no greater than 10%, may serve as the annual particulate test. In order for this to be approved as periodic monitoring for PM, the permit or the statement of basis must contain a technical demonstration of the correlation between these two parameters and the methodology that the source will follow to assess compliance with the particulate matter standard in this permit.
4. Missing Applicable Requirement: Section III, subsection B, condition B.8, does not appear to ensure compliance with 40 CFR § 60.333(a). The permit must include the requirements contained in 40 CFR § 60.333(a), or the statement of basis must include an explanation of why this portion of the regulations do not apply to this facility.
5. Credible Evidence: Section III, subsection B, condition B.25, appear to limit the type of information that may be used to evaluate the compliance status of this facility. The source should be aware that any credible evidence may be used to ensure compliance and for enforcement associated with the title V permit. Although the intent of this provision is to specify the applicable test methods to be used, it could be misconstrued to be the exclusive means of determining compliance with the applicable emission limits. As EPA has previously explained, the reference test methods are to be used as test methods of reference against which other data will be measured. Thus, the reference test methods will be used as the standard for determining credibility and precision of other emissions data and measurements, but not as the sole means of determining compliance. In an effort to clarify that such permit conditions are not meant to

limit the use of any credible evidence, the statement of basis must include the following language:

*"This permit contains provisions which require specific test methods or procedures be used as a demonstration of compliance with permit limits, but are not intended as the only means of demonstrating or certifying compliance with permit limits. No provision in this permit precludes the use of any credible evidence for compliance and enforcement purposes."*

## **II. General Comments**

1. Section III, subsection B, condition B.4: Please add the appropriate regulatory citation to this condition. If the condition stems from the BACT determination, the date of the determination should also be cited.
2. Section III, subsection B, condition B.7: If this condition also assures compliance with 40 CFR § 60.332, the appropriate citation needs to be added to the condition.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**Mr. W. Jeffrey Pardue, C.E.P.  
 Dir. of Environ. Services  
 Florida Power Corporation  
 3201 34 Street South  
 Saint Petersburg, FL 33711**

4a. Article Number

P 174 053 146

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7. Date of Delivery

MAR 10 1999

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *W. Jeffrey Pardue*

PS Form 3811, December 1994

Domestic Return Receipt

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P 174 053 146

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

**Mr. W. Jeffrey Pardue, C.E.P.  
 Dir. of Environ. Services  
 Florida Power Corporation  
 3201 34 Street South  
 Saint Petersburg, FL 33711**

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	3-8-99 <i>50k</i>

PS Form 3800, April 1995





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

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MAR 01 1999  
DIVISION OF AIR  
RESOURCES MANAGEMENT

4APT-ARB

FEB 26 1999

Howard L. Rhodes, Director  
Air Resources Management Division  
Florida Department of Environmental Protection  
Mail Station 5500  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permit  
Florida Power Corporation  
DeBary Facility  
Permit No. 1270028-001-AV

Dear Mr. Rhodes:

The purpose of this letter is to provide comments to the Florida Department of Environmental Protection (DEP) on the proposed title V operating permit for Florida Power Corporation, DeBary Facility, which was posted on DEP's web site on January 4, 1999. Based on the Environmental Protection Agency's (EPA's) review of the proposed permit and the supporting information for this facility, EPA formally objects, under the authority of Section 505(b) of the Clean Air Act (the Act) and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the title V permit for this facility. The bases of EPA's objection are as follows: 1) the permit does not fully meet the periodic monitoring requirements of 40 C.F.R. § 70.6(a)(3)(1), 2) the permit does not contain 40 C.F.R. §60.333(a) as an applicable requirement, and 3) the permit contains language that limits the type of information that can be used to evaluate the compliance status of the facility.

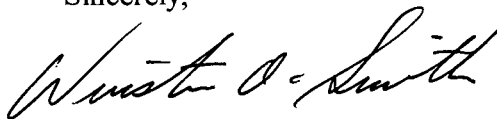
Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or 40 C.F.R. Part 70. EPA and DEP are in agreement that the receipt date of a proposed permit is considered to be the date when EPA receives electronic notification of the permit's availability on DEP's web site. Although the permit was posted on DEP's web site on January 4, 1999, EPA was not officially notified of the availability of the proposed permit. On February 11, 1999, EPA staff notified the State of this discrepancy and EPA agreed to issue comments expeditiously without requiring the State to re-post the proposed title V permit. Therefore, EPA considers issuance of this objection letter to be within the official 45 day time frame allowed in section 70.8(c) for EPA's review. Section 70.8(c)(4) and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA and EPA will act

accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be addressed prior to the expiration of the 90-day period.

Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. Part 70. The enclosure also contains general comments applicable to the permit.

If you have any questions or wish to discuss this further, please contact Ms. Carla E. Pierce, Chief, Operating Source Section at (404) 562-9099. Should your staff need additional information they may contact Ms. Gracy R. Danois, Florida Title V Contact, at (404) 562-9119, or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,



Winston A. Smith  
Director  
Air, Pesticides & Toxics  
Management Division

Enclosure

cc: Mr. W. Jeffrey Pardue, Director  
Environmental Services Dept.  
Florida Power Corporation

## Enclosure

**U.S. EPA Region 4 Objection  
Proposed Part 70 Operating Permit  
Florida Power Corporation  
DeBary Station  
Permit no. 1270028-001-AV**

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2. Section III, subsection B, condition B.7: If this condition also assures compliance with 40 CFR § 60.332, the appropriate citation needs to be added to the condition.

# INTEROFFICE MEMORANDUM

**Sensitivity:** COMPANY CONFIDENTIAL

**Date:** 04-Jan-1999 02:21pm  
**From:** Mary Fillingim TAL  
FILLINGIM\_M  
**Dept:** Air Resources Management  
**Tel No:** 850/488-0114

**To:** See Below  
**Subject:** New Posting #1270028

There is a new posting on Florida's website.

1270028001AV  
FPC-DEBARY PLANT

Proposed

The notification letter is encoded and attached. If you have any questions, feel free to contact me.

Thanks, \_Mary

## Distribution:

<b>To:</b>	adams yolanda	( adams.yolanda@epamail.epa.gov@in )
<b>To:</b>	pierce carla	( pierce.carla@epamail.epa.gov@in )
<b>To:</b>	Barbara Boutwell TAL	( BOUTWELL_B )
<b>To:</b>	Scott Sheplak TAL	( SHEPLAK_S )
<b>To:</b>	Terry Knowles TAL	( KNOWLES_T )
<b>To:</b>	danois gracy	( danois.gracy@epamail.epa.gov@in )
<b>To:</b>	Elizabeth Walker TAL	( WALKER_E )
<b>CC:</b>	Lennon Anderson TAL	( ANDERSON_L )

Barbara ← Lennon → Scott

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DEC 15 1998

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF  
AIR REGULATION

In the Matter of an  
Application for Permit by:

OGC CASE NO. \_\_\_\_\_

Florida Power Corporation,  
DeBary Plant

DRAFT Permit No.: 1270028-001-AV  
Volusia County, Florida

\_\_\_\_\_ /

**NOTICE OF WITHDRAWAL OF PETITION FOR  
FORMAL ADMINISTRATIVE HEARING**

The Florida Power Corporation (FPC), by and through undersigned counsel, hereby withdraws its Petition for Formal Administrative Hearing, which was filed pursuant to Sections 120.569, 120.57 and 403.0872(5), Florida Statutes and Florida Administrative Code Rules 62-103.155 and 28-106.201. FPC filed this petition on November 4, 1997, in response to the Department of Environmental Protection's "Intent to Issue Title V Air Operation Permit" (Permit No. 1270028-001-AV) for the DeBary Plant located in Volusia County, Florida, to negotiate certain changes in the draft proposed Title V air operation permit with the Department of Environmental Protection (Department). As reflected in the preliminary Proposed Title V permit released on September 21, 1998 (attached), FPC and the Department have come to an agreement on the issues involving the above-referenced Draft Title V permit. Therefore, FPC hereby withdraws its Petition for Formal Administrative Proceeding, conditioned upon the Department's issuance of the Proposed Title V permit in accordance with the attached agreement.

Respectfully submitted this 14 day of December, 1998.

HOPPING GREEN SAMS & SMITH, P.A.

By: Robert A. Manning  
Robert A. Manning, Fla. Bar No. 0035173  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500

Attorneys for Florida Power Corporation

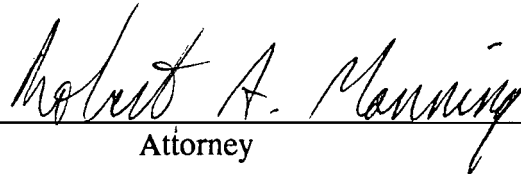
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by

U.S. Mail on this 14 day of December, 1998:

Clair H. Fancy, P.E., Chief  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600

Jeffrey Brown, Esq.  
Office of General Counsel  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600

  
\_\_\_\_\_  
Attorney