

Memorandum

Florida Department of Environmental Protection

TO: Trina L. Vielhauer, Bureau of Air Regulation
THROUGH: Jonathan K. Holtom, Title V Section JH
FROM: Yousry Attalla YHA
DATE: January 20, 2009
SUBJECT: Draft/Proposed Air Permit No. 0090180-005-AV
Oleander Power Project, L.P., Oleander Power Project
Title V Air Operation Permit Revision

Attached for your review are the following items:

- Written Notice of Intent to Issue Air Permit;
- Public Notice of Intent to Issue Air Permit;
- Statement of Basis; and
- Draft/Proposed Permit

The Draft/Proposed Permit incorporates the Clean Air Interstate Rule (CAIR) Part Form into the Title V air operation permit at Oleander Power Project, L.P., Oleander Power Project, which is located in Brevard County, Florida. The Statement of Basis provides a summary of the project.

The application was received and deemed complete on April, 29, 2008.

I recommend your approval of the attached Draft/Proposed Permit.

Attachments



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

January 21, 2009

Electronic Mail – Received Receipt Requested

Mr. Joseph Miller, Operations Manager
Oleander Power Project, L.P.
555 Townsend Road
Cocoa, Florida 32926

Re: Draft/Proposed Permit No. 0090180-005-AV
Oleander Power Project
Oleander Power Project, L.P.
Title V Air Operation Permit Revision
Clean Air Interstate Rule Part

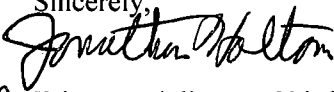
Dear Mr. Miller:

On April 29, 2008, you submitted a Clean Air Interstate Rule (CAIR) Part Form (DEP Form No. 62-210.900(1)(b)) for incorporation into the Title V air operation permit for Oleander Power Project. This facility is located in Brevard County at 555 Townsend Road, Cocoa, Florida. Enclosed are the following documents:

- The draft/proposed Title V air operation permit revision includes the CAIR Part which specifies that the owner/operator will operate the facility and each CAIR unit at the facility in accordance with 40 Code of Federal Regulations (CFR) 96 and Rule 62-296.470, Florida Administrative Code (F.A.C.).
- The Statement of Basis, which summarizes the facility, the equipment, the primary rule applicability, and any changes since the last Title V air operation permit revision.
- The Written Notice of Intent to Issue Title V Air Operation Permit Revision provides important information regarding: the Permitting Authority's intent to issue an air permit for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue an air permit; the procedures for submitting comments on the revised draft/proposed permit; the process for filing a petition for an administrative hearing; and the availability of mediation.
- The Public Notice of Intent to Issue Title V Air Operation Permit Revision is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The Public Notice of Intent to Issue Title V Air Operation Permit Revision must be published as soon as possible and the proof of publication must be provided to the Department within seven days of the date of publication.

If you have any questions, please contact the Project Engineer, Yousry Attalla (Joe), by telephone at (850) 921-9527 or by email at yousry.attalla@dep.state.fl.us

Sincerely,


for Trina L. Vielhauer, Chief
Bureau of Air Regulation

TLV/jkh/yha

Enclosures

WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

*In the Matter of an
Application for Air Permit by:*

Oleander Power Project, L.P.
555 Townsend Road
Cocoa, Florida 32926

Draft/Proposed Permit No. 0090180-005-AV
Facility ID No. 0090180
Oleander Power Project
Title V Permit Revision
Brevard County, Florida

Responsible official:
Joseph Miller, Operations Manager

Facility Location: Oleander Power Project, L.P., operates the Oleander Power Project, which is located in Brevard County, at 555 Townsend Road, Cocoa, Florida 32926.

Project: The applicant has submitted a complete and certified Clean Air Interstate Rule (CAIR) Part Form and has requested its incorporation into the existing Title V air operation permit. Details of the project are provided in the application and the enclosed Statement of Basis.

The existing facility consists of the following emissions units:

Five nominal 190 megawatt (MW) simple cycle combustion turbines (Units 001 through 005). Natural gas is the primary fuel, with low-sulfur distillate fuel oil as the back-up fuel. Nitrogen oxide (NO_x) emissions are controlled by dry low NO_x (DLN) combustors when firing natural gas, and a water injection (WI) system for use when firing No. 2, or superior grade, distillate fuel oil.

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

Permitting Authority: Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-296.470 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft/proposed permit, the Statement of Basis, the CAIR Part Form, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed permit by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final permit in accordance with the conditions of the proposed draft/proposed permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Sections 403.815 and 403.087, F.S. and Rules 62-110.106 and 62-210.350(3),

WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Comments: The Permitting Authority will accept written comments concerning the draft/proposed Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the official web site for notices at Florida Administrative Weekly (FAW) at <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft/Proposed Permit, the Permitting Authority shall issue a Revised Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. 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 attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, 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 (in a proceeding initiated by another party) 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 when and how each petitioner received notice of the agency action or proposed decision; (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, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A

WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action.

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 Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. 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.

Mediation: Mediation is not available in this proceeding.

EPA Review: EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Objections: 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 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public 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: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

Executed in Tallahassee, Florida.


for Trina L. Vielhauer, Chief
Bureau of Air Regulation

WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Public Notice, the Statement of Basis, and the Draft/Proposed Permit), or a link to these documents available electronically on publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on 1/22/09 to the persons listed below.

- Mr. Joseph Miller, Operations Manager, Southern Company: jlmiller@southernco.com
- Mr. Kevin White, P.E., Southern Company: kwhite@southernco.com
- Mr. Robert Schaffeld, Designated Representative: raschaff@southernco.com
- Mr. James Bradner, Central District: james.bradner@dep.state.fl.us
- Ms. Katy Forney, U.S. EPA Region 4: forney.kathleen@epamail.epa.gov
- Ms. Ana Oquendo, U.S. EPA Region 4: oquendo.ana@epamail.epa.gov
- Ms. Barbara Friday, DEP BAR: barbara.friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)
- Ms. Victoria Gibson, DEP BAR: victoria.gibson@dep.state.fl.us (for reading file)

Clerk Stamp

FILED 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.

 1/22/09
(Clerk) (Date)

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

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation
Draft/Proposed Air Permit No 0090180-005-AV
Oleander Power Project
Oleander Power Project, L.P.
Brevard County, Florida

Applicant: The applicant for this project is Oleander Power Project, L.P. The applicant's authorized representative and mailing address is: Joseph Miller, Operations Manager, Oleander Power Project, Oleander Power Project, L.P., 555 Townsend Road, Cocoa, Florida 32926.

Facility Location: Oleander Power Project, L.P., operates the existing Oleander Power Project, which is located in Brevard County at 555 Townsend Road, Cocoa, Florida 32926.

Project: The applicant has submitted a complete and certified Clean Air Interstate Rule (CAIR) Part Form and has requested its incorporation into the existing Title V air operation permit.

The existing facility consists of the following emissions units five nominal 190 megawatt (MW) simple cycle combustion turbines (Units 001 through 005). Natural gas is the primary fuel, with low-sulfur distillate fuel oil as the back-up fuel. Nitrogen oxide (NO_x) emissions are controlled by dry low NO_x (DLN) combustors when firing natural gas, and a water injection (WI) system for use when firing No. 2, or superior grade, distillate fuel oil.

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

Permitting Authority: Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-296.470 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the draft/proposed Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the Draft/Proposed Permit by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed draft/proposed Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the draft/proposed Title V air operation Permit for a period of 30 days from the date of publication of this Public Notice. Written comments

(Public Notice to be Published in the Newspaper)

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

must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the official web site for notices at Florida Administrative Weekly (FAW) at <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the draft/proposed Permit, the Permitting Authority shall issue a Revised Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (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, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action.

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Mediation: Mediation is not available for this proceeding.

EPA Review: EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the

(Public Notice to be Published in the Newspaper)

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

public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The Final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Objections: 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 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30 day public comment period provided in the Public 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: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

STATEMENT OF BASIS

PROJECT DESCRIPTION

On April 29, 2008, the applicant submitted a CAIR Part Form in order to incorporate the Clean Air Interstate Rule provisions into Title V permit 0090180-006-AV

FACILITY DESCRIPTION

The applicant operates the existing Oleander Power Project, which is located in Brevard County at 555 Townsend Road, Cocoa, Florida 32926.

The existing facility consists of five nominal 190 megawatt (MW) simple cycle combustion turbines (Units 001 through 005). Natural gas is the primary fuel, with low-sulfur distillate fuel oil as the back-up fuel. Nitrogen oxide (NO_x) emissions are controlled by dry low NO_x (DLN) combustors when firing natural gas, and a water injection (WI) system for use when firing No. 2, or superior grade, distillate fuel oil.

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

PRIMARY REGULATORY REQUIREMENTS

The existing facility is regulated under:

Title III: The facility is not identified as a major source of hazardous air pollutants (HAP).

Title IV: The facility operates units subject to the acid rain provisions of the Clean Air Act.

Title V: The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.

PSD: The facility is a Prevention of Significant Deterioration (PSD)-major source of air pollution in accordance with Rule 62-212.400, F.A.C.

NSPS: The facility operates units subject to the New Source Performance Standards (NSPS) of 40 Code of Federal Regulations (CFR) 60.

CAIR: The facility is subject to the Clean Air Interstate Rule (CAIR) set forth in Rule 62-296.470, Florida Administrative Code (F.A.C).

CAM: Compliance Assurance Monitoring (CAM) does not apply to any of the units at the facility, because continuous emissions monitors are used to demonstrate continuous compliance with the NO_x emissions limits.

APPLICABLE REGULATIONS

In addition to federal rules above, this facility is subject to the following rules:

APPLICABLE REGULATIONS	EU ID
Rule 62-4, Florida Administrative Code (F.A.C.), Permitting Requirements	001, 002, 003, 004, 005, 006, 007, 008 001, 002, 003, 004, 005, 006, 007, 008
Rule 62-204, F.A.C., Air Pollution Control-General Provisions	
Rule 62-210, F.A.C., Stationary Sources-General Requirements	
Rule 62-212, F.A.C., Stationary Sources-Preconstruction Review	
Rule 62-213, F.A.C., Operation Permits for Major Sources of Air Pollution	

PROJECT REVIEW

The CAIR Part Form is now a part of this permit and has been incorporated as Section V, CAIR Part Form. This section identifies the units that must comply with the standard requirements and special provisions set forth in the CAIR Part Form. Section V - Appendices was renumbered to section VI - Appendices. In addition, Facility-wide condition FW10 of the renewed Title V permit, No. 0090180-006-AV, which was effective on January 1, 2009, is hereby deleted.

STATEMENT OF BASIS

~~FW10. Clean Air Interstate Rule (CAIR) Applicable Units. This facility contains emissions units that are subject to CAIR. On July 11, 2008, the U.S. Court of Appeals for the District of Columbia recommended vacature of the Clean Air Interstate Rule. Because of this decision, the applicable CAIR requirements that were identified in the renewal application are not being included in the permit at this time. If, and at such time that, CAIR is ultimately upheld, you must begin complying with the CAIR program requirements contained in the renewal application and the Title V permit must be revised accordingly. [Rules 62-213.440 and 62-296.470, F.A.C.]~~

CONCLUSION

This project revises Title V air operation permit No. 0090180-006-AV, which was issued on January 1, 2009, Title V Air Operation Permit Revision is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-213, F.A.C. In accordance with the terms and conditions of this permit, the above named permittee is hereby authorized to operate the facility as shown on the application and approved drawings, plans, and other documents, on file with the permitting authority.

DRAFT/PROPOSED

Oleander Power Project, L.P.
Oleander Power Project
Facility ID No. 0090180
Brevard County

Title V Air Operation Permit Revision

Draft/Proposed Permit No. 0090180-005-AV
(1st Revision of Title V Air Operation Permit No. 0090180-006-AV)

Permitting Authority

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

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

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

Compliance Authority

State of Florida
Department of Environmental Protection
Central District Office

3319 Maguire Boulevard
Suite 232
Orlando, FL 32803

Telephone: (407) 894-7555
Fax: (407) 897-2966

Title V Air Operation Permit Revision

Draft/Proposed Permit No. 0090180-005-AV

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 - Appendix NSPS, Subpart GG.
 - Appendix NSPS, Subpart KKKK.
 - Appendix RR, Facility-wide Reporting Requirements.
 - Appendix TR, Facility-wide Testing Requirements.
 - Appendix TV, Title V General Conditions.
 - Appendix U, List of Unregulated Emissions Units and/or Activities.
- Referenced Attachments. At End
 - Figure 1, Summary Report-Gaseous and Opacity Excess Emission and Monitoring System Performance (40 CFR 60, July, 1996).
 - Table H, Permit Histories.

(Draft/Proposed)

PERMITTEE:

Oleander Power Project, L.P.
555 Townsend Road
Cocoa, Florida 32926

Permit No. 0090180-005-AV
Facility ID No. 0090180
SIC Nos.: 49, 4911
Project: Title V CAIR Part Revision

The purpose of this permit is for the revision of Title V Air Operation Permit No. 0090180-006-AV to incorporate the Clean Air Interstate Rule (CAIR) Part as an enforceable section of the permit. The existing facility is located in Brevard County at 555 Townsend Road, Cocoa, FL. UTM Coordinates are: Zone 17, 520.12 km E, 3137.58 km N. Latitude is: 28° 21' 51" North; and Longitude is: 80° 47' 41" West. In addition, Facility-wide condition FW10 of the recently renewed Title V permit, No. 0090180-006-AV, is hereby deleted.

The 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 operate the facility shown on the application and approved drawings, plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Effective Date: January 1, 2009

Revision Effective Date:

Renewal Application Due Date: May 20, 2013

Expiration Date: December 31, 2013

(Draft/Proposed)

Joseph Kahn, Director
Division of Air Resource Management

JK/tlv/jkh/yha

SECTION V. CAIR PART FORM
CLEAN AIR INTERSTATE RULE PROVISIONS

Clean Air Interstate Rule (CAIR).

Operated by: Oleander Power Project, L.P.

Plant: Oleander Power Project

ORIS Code: 55286

The emissions are regulated under the Clean Air Interstate Rule.

EU No.	Brief Description
001	Simple-Cycle Combustion Turbine-Electrical Generator (nominal 190 megawatt)
002	Simple-Cycle Combustion Turbine-Electrical Generator (nominal 190 megawatt)
003	Simple-Cycle Combustion Turbine-Electrical Generator (nominal 190 megawatt)
004	Simple-Cycle Combustion Turbine-Electrical Generator (nominal 190 megawatt)
005	Simple-Cycle Combustion Turbine-Electrical Generator (nominal 190 megawatt)

1. Clean Air Interstate Rule Application. The Clean Air Interstate Rule Part Form submitted for this facility is a part of this permit. The owners and operators of these CAIR units as identified in this form must comply with the standard requirements and special provisions set forth in the CAIR Part Form (DEP Form No. 62-210.900(1)(b)) dated March 16, 2008, which is attached at the end of this section. [Chapter 62-213, F.A.C. and Rule 62-210.200, F.A.C.]

SECTION V. CAIR PART FORM
CLEAN AIR INTERSTATE RULE PROVISIONS

Oleander Power Project, L.P.
Plant Name (from STEP 1)

STEP 3

**Read the
standard
requirements.**

CAIR NO_x ANNUAL TRADING PROGRAM

CAIR Part Requirements.

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

Monitoring, Reporting, and Recordkeeping Requirements.

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

NO_x Emission Requirements.

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

Excess Emissions Requirements.

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

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

Recordkeeping and Reporting Requirements.

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

SECTION V. CAIR PART FORM
CLEAN AIR INTERSTATE RULE PROVISIONS

Oleander Power Project, L.P.
Plant Name (from STEP 1)

**STEP 3,
Continued**

Liability.

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

Effect on Other Authorities.

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

CAIR SO₂ TRADING PROGRAM

CAIR Part Requirements.

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

Monitoring, Reporting, and Recordkeeping Requirements.

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

SO₂ Emission Requirements.

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

Excess Emissions Requirements.

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

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

SECTION V. CAIR PART FORM
CLEAN AIR INTERSTATE RULE PROVISIONS

Oleander Power Project, L.P.
Plant Name (from STEP 1)

**STEP 3,
Continued**

Recordkeeping and Reporting Requirements.

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

Liability.

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

Effect on Other Authorities.

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

CAIR NO_x OZONE SEASON TRADING PROGRAM

CAIR Part Requirements.

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

Monitoring, Reporting, and Recordkeeping Requirements.

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

NO_x Ozone Season Emission Requirements.

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

**SECTION V. CAIR PART FORM
CLEAN AIR INTERSTATE RULE PROVISIONS**

CAIR NO_x Ozone Season allowance to or from a CAIR NO_x Ozone Season unit's compliance account is incorporated automatically in any CAIR Part of the source that includes the CAIR NO_x Ozone Season unit.

Oleander Power Project, L.P. Plant Name (from STEP 1)
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**STEP 3,
Continued**

Excess Emissions Requirements.

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

Recordkeeping and Reporting Requirements.

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

Liability.

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

Effect on Other Authorities.


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

STEP 4

Certification (for designated representative or alternate designated representative only)

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

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

Name	Robert A. Schaffeld	Title	Compliance and Corporate Affairs Director	
Company Owner Name	Southern Power - Florida, LLC			
Phone	(205) 257-6311	E-mail Address	raschaff@southernco.com	
Signature			Date	4-21-08

SECTION VI. APPENDICES.

The Following Appendices Are Enforceable Parts of This Permit:

- Appendix A, Glossary.
- Appendix I, List of Insignificant Emissions Units and/or Activities.
- Appendix NSPS, Subpart A – General Provisions.
- Appendix NSPS, Subpart GG.
- Appendix NSPS, Subpart KKKK.
- Appendix RR, Facility-wide Reporting Requirements.
- Appendix TR, Facility-wide Testing Requirements.
- Appendix TV, Title V General Conditions.
- Appendix U, List of Unregulated Emissions Units and/or Activities.

Friday, Barbara

To: Miller, Joseph L. (SPC)
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Bradner, James;
Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria;
Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV
Attachments: Oleander0090180005WrittenNoticeofIntent.pdf

Dear Sir/ Madam:

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

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

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0090180.005.AV.D_pdf.zip

Attention: Yousry Attalla

Owner/Company Name: OLEANDER POWER PROJECT, LP
Facility Name: OLEANDER POWER PROJECT
Project Number: 0090180-005-AV
Permit Status: DRAFT/PROPOSED
Permit Activity: PERMIT REVISION
Facility County: BREVARD

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

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

Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9524

Friday, Barbara

From: Miller, Joseph L. (SPC) [JLMILLER@southernco.com]
To: undisclosed-recipients
Sent: Thursday, January 22, 2009 1:01 PM
Subject: Read: OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: JLMILLER@southernco.com
Subject:

was read on 1/22/2009 1:01 PM.

Friday, Barbara

From: White, Kevin [KWHITE@southernco.com]
To: undisclosed-recipients
Sent: Thursday, January 22, 2009 2:01 PM
Subject: Read: OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: KWHITE@southernco.com
Subject:

was read on 1/22/2009 2:01 PM.

Friday, Barbara

From: White, Kevin [KWHITE@southernco.com]
Sent: Thursday, January 22, 2009 2:04 PM
To: Friday, Barbara
Cc: Miller, Joseph L. (SPC)
Subject: RE: OLEANDER POWER PROJECT; 0090180-005-AV

Barbara,

Thank you. We have received the documents.

Kevin W.

From: Friday, Barbara [mailto:Barbara.Friday@dep.state.fl.us]
Sent: Thursday, January 22, 2009 10:32 AM
To: Miller, Joseph L. (SPC)
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Bradner, James; Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria; Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV

Dear Sir/ Madam:

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

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

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0090180.005.AV.D_pdf.zip

Attention: Yousry Attalla

Owner/Company Name: OLEANDER POWER PROJECT, LP
Facility Name: OLEANDER POWER PROJECT
Project Number: 0090180-005-AV
Permit Status: DRAFT/PROPOSED
Permit Activity: PERMIT REVISION
Facility County: BREVARD

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

Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-

Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9524

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

Friday, Barbara

From: Schaffeld, Robert A. (SPC) [RASCHAFF@southernco.com]
To: Friday, Barbara
Sent: Thursday, January 22, 2009 12:17 PM
Subject: Read: OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: RASCHAFF@southernco.com
Subject:

was read on 1/22/2009 12:17 PM.

Friday, Barbara

From: System Administrator
To: Bradner, James
Sent: Thursday, January 22, 2009 11:32 AM
Subject: Delivered:OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: Miller, Joseph L. (SPC)
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Bradner, James;
Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria;
Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV
Sent: 1/22/2009 11:32 AM

was delivered to the following recipient(s):

Bradner, James on 1/22/2009 11:32 AM

Friday, Barbara

From: Bradner, James
Sent: Thursday, January 22, 2009 1:30 PM
To: Friday, Barbara
Subject: RE: OLEANDER POWER PROJECT; 0090180-005-AV

Received—thank you.

From: Friday, Barbara
Sent: Thursday, January 22, 2009 11:32 AM
To: Miller, Joseph L. (SPC)
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Bradner, James; Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria; Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV

Dear Sir/ Madam:

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

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

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0090180.005.AV.D_pdf.zip

Attention: Yousry Attalla

Owner/Company Name: OLEANDER POWER PROJECT, LP
Facility Name: OLEANDER POWER PROJECT
Project Number: 0090180-005-AV
Permit Status: DRAFT/PROPOSED
Permit Activity: PERMIT REVISION
Facility County: BREVARD

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Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9524

Friday, Barbara

From: Bradner, James
To: Friday, Barbara
Sent: Thursday, January 22, 2009 1:30 PM
Subject: Read: OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: Miller, Joseph L. (SPC)
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Bradner, James;
Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria;
Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV
Sent: 1/22/2009 11:32 AM

was read on 1/22/2009 1:29 PM.

Friday, Barbara

From: Mail Delivery System [MAILER-DAEMON@mseive02.rtp.epa.gov]
Sent: Thursday, January 22, 2009 11:32 AM
To: Friday, Barbara
Subject: Successful Mail Delivery Report
Attachments: Delivery report; Message Headers

This is the mail system at host mseive02.rtp.epa.gov.

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

The mail system

<Forney.Kathleen@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent 49789F6C_12154_83114_5 1CCC21DC00B

<Oquendo.Ana@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent 49789F6C_12154_83114_5 1CCC21DC00B

Friday, Barbara

From: System Administrator
To: Attalla, Yousry; Gibson, Victoria
Sent: Thursday, January 22, 2009 11:32 AM
Subject: Delivered:OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: Miller, Joseph L. (SPC)
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Bradner, James;
Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria;
Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV
Sent: 1/22/2009 11:32 AM

was delivered to the following recipient(s):

Attalla, Yousry on 1/22/2009 11:32 AM
Gibson, Victoria on 1/22/2009 11:32 AM

Friday, Barbara

From: Attalla, Yousry
To: Friday, Barbara
Sent: Thursday, January 22, 2009 12:52 PM
Subject: Read: OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: Miller, Joseph L. (SPC)
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Bradner, James;
Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria;
Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV
Sent: 1/22/2009 11:32 AM

was read on 1/22/2009 12:51 PM.

Friday, Barbara

From: Gibson, Victoria
To: Friday, Barbara
Sent: Thursday, January 22, 2009 11:32 AM
Subject: Read: OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: Miller, Joseph L. (SPC)
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Bradner, James;
Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria;
Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV
Sent: 1/22/2009 11:32 AM

was read on 1/22/2009 11:32 AM.

Friday, Barbara

From: System Administrator
To: Holtom, Jonathan
Sent: Thursday, January 22, 2009 11:32 AM
Subject: Delivered:OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: Miller, Joseph L. (SPC)
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Bradner, James;
Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria;
Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV
Sent: 1/22/2009 11:32 AM

was delivered to the following recipient(s):

Holtom, Jonathan on 1/22/2009 11:32 AM

Friday, Barbara

From: Holtom, Jonathan
To: Friday, Barbara
Sent: Thursday, January 22, 2009 11:33 AM
Subject: Read: OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: Miller, Joseph L. (SPC)
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Bradner, James;
Forney.Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria;
Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV
Sent: 1/22/2009 11:32 AM

was read on 1/22/2009 11:33 AM.