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BUREAU OF AIR REGULATION

November 9, 2004

Mr. Jeff Koerner  
Florida Department of Environmental Protection  
Division of Air Resource Management  
111 South Magnolia Drive, Suite 4  
Tallahassee, Florida 32301

**Via FedEx**  
**Airbill No. 7919 7636 5671**

**Re: Tampa Electric Company  
H.L. Culbreath Bayside Power Station  
(Formerly the F. J. Gannon Station)  
Revision of Permit No. PSD-FL-301A  
Renewal of Title V Air Operation Permit  
DEP File Nos. 0570040-021-AC and 0570040-023-AV**

Dear Mr. Koerner:

As a follow up to the November 5, 2004 telephone conversation, Tampa Electric Company (TEC) is providing additional copies of the "Retired Units Exemption" form, which was submitted to the Florida Department of Environmental Protection (FDEP) on March 31, 2004. Tampa Electric Company did not include a copy of the "Retired Units Exemption" form with the Renewal of the Bayside Power Station Title V application, since FDEP already had the form on file. Also enclosed is a copy of modified "Acid Rain Part Application" DEP form No. 62-210.900(1)(a). Both of these documents were fax to you on Friday, November 5, 2004. If you have any questions or comments, please direct them to Raiza Calderon at (813) 228-4369.

Sincerely,

Laura R. Crouch  
Manager - Air Programs  
Environmental, Health and Safety

EA/bmr/RC196

c/enc: Mr. Al Linero, FDEP  
Mr. Jerry Kissel, FDEP SW District  
Mr. Jerry Campbell – EPCHC



March 31, 2004

U.S. Environmental Protection Agency  
Acid Rain Program (6204J)  
Attn: Retired Unit Exemption  
401 M St., SW  
Washington, D.C. 20460

**Via FedEx**  
**Airbill No. 7918 0879 7947**

Mr. Al Linero  
Florida Department of Environmental Protection  
111 South Magnolia Drive, Suite 4  
Tallahassee, FL 32301

**Via FedEx**  
**Airbill No. 7905 9593 6143**

**Re: Tampa Electric Company  
Retired Unit Exemption  
F.J. Gannon Station  
ORIS Plant Code 000646  
AIRS 0570040, EPA ID: GN01-GN06**

Dear Sir or Madam:

Per Tampa Electric Company's (TEC) conversation with Ms. Laurel DeSantis (USEPA) on March 29, 2004, the six oil fired boilers at TEC's F.J. Gannon Station were shutdown as follows:

GN05-01/30/03  
GN02-04/15/03  
GN01-04/16/03  
GN06-09/30/03  
GN04-10/12/03  
GN03-11/01/03

Please find enclosed retired unit exemption forms for EPA ID: GN01- GN06. These units were retired as of January 1, 2004, per the Acid Rain provisions governing the retired unit exemption under Rule 62-214.340(2), F.A.C.

TAMPA ELECTRIC COMPANY  
P.O. BOX 111 TAMPA, FL 33601-0111

(813) 226-4111

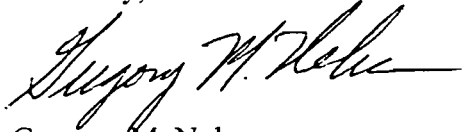
AN EQUAL OPPORTUNITY COMPANY  
[HTTP://WWW.TAMPAELECTRIC.COM](http://www.tampaelectric.com)

CUSTOMER SERVICE:  
HILLSBOROUGH COUNTY (813) 223-0600  
OUTSIDE HILLSBOROUGH COUNTY 1 (888) 223-0600

U.S. EPA  
Mr. Al Linero  
March 31, 2004  
Page 2 of 2

If you have any questions, please call Ms. Greer Briggs or me at (813) 228-4302.

Sincerely,



Gregory M. Nelson  
Director  
Environmental, Health & Safety

EA/bmr/GMB1669

Enclosure

c: Mr. Jerry Campbell, EPCHC  
Ms. Trina Vielhauer, FDEP  
Mr. Jerry Kissel - FDEP SW



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### Shipment Details

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| <b>Ship To:</b><br>Mr. Al Linero<br>FDEP<br>111 S. Magnolia Drive<br>Suite 4<br>Tallahassee, FL 32301<br>US<br>850-488-1344                                | <b>Package type:</b> FedEx Envelope<br><b>Pickup/Drop Off</b> will use scheduled pickup<br><b>Total Weight:</b> 1 LBS<br><b>Dimensions:</b> 0 X 0 X 0<br><b>Declared Value:</b> 0 USD<br><b>Shipper Account Number:</b> 033603029<br><b>Bill Shipment To:</b> 33603029<br><b>Courtesy Rate Quote*:</b> *11.33<br><b>Special Services</b><br><b>Shipment type:</b> Express |
| <b>From:</b><br>BRANDY M RHIND<br>TAMPA ELECTRIC<br>COMPANY<br>702 NORTH FRANKLIN<br>STREET<br>PLAZA 4<br>TAMPA,FL 33602<br>US<br>8132284483               |   |
| <b>Tracking Number:</b> 790595936143<br><b>Your reference</b> 984-50659-18-830<br><b>Ship date:</b> Mar 31 2004<br><b>Service type:</b> Priority Overnight |   |

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FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.

# Retired Unit Exemption

For more information, see instructions and refer to Rule 62-214.340(2), F.A.C., and 40 CFR 72.8

This submission is:

New

Revised

Page 1

## STEP 1

Identify the unit by plant name, State, ORIS code and unit ID#.

|                     |         |           |          |
|---------------------|---------|-----------|----------|
| F.J. Gannon Station | Florida | 0646      | GN01     |
| Plant Name          | State   | ORIS Code | Unit ID# |

## STEP 2

Identify the first full calendar year in which the unit meets (or will meet) the requirements of Rule 62-214.340(2)(a), F.A.C.

January 1, 2004

## STEP 3

Read the special provisions.

### Special Provisions

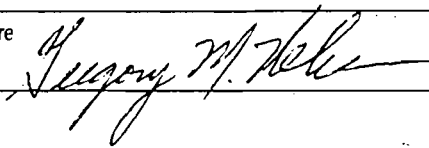
- (1) A unit exempt under Rule 62-214.340(2), F.A.C., shall not emit any sulfur dioxide and nitrogen oxides starting on the date that the exemption takes effect. The owners and operators of the unit will be allocated allowances in accordance with 40 CFR part 73 subpart B. If the unit is a Phase I unit, for each calendar year in Phase I, the designated representative of the unit shall submit a Phase I permit application in accordance with 40 CFR part 72 subparts C and D and an annual certification report in accordance with 40 CFR 72.90 through 72.92 and is subject to 40 CFR 72.95 and 72.96.
- (2) A unit exempt under Rule 62-214.340(2), F.A.C., shall not resume operation unless the designated representative of the source that includes the unit submits a complete Acid Rain part application under Rule 62-214.320, F.A.C., for the unit not less than 24 months prior to the date on which the unit is first to resume operation.
- (3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under Rule 62-214.340(2), F.A.C., shall comply with the requirements of Chapter 62-214, F.A.C., and the Acid Rain Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.
- (4) For any period for which a unit is exempt under Rule 62-214.340(2), F.A.C., the unit is not an Acid Rain unit and is not eligible to be an opt-in source under 40 CFR part 74. As a non-Acid Rain Unit, the unit shall continue to be subject to any other applicable requirements under 40 CFR part 70.
- (5) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under Rule 62-214.340(2), F.A.C., shall retain at the source that includes the unit records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the EPA or the Department. The owners and operators bear the burden of proof that the unit is permanently retired.
- (6) On the earlier of the following dates, a unit exempt under Rule 62-214.340(2), F.A.C., shall lose its exemption and become an Acid Rain Unit: (i) the date on which the designated representative submits an Acid Rain part application under paragraph (2); or (ii) the date on which the designated representative is required under paragraph (2) to submit an Acid Rain part application. For the purpose of applying monitoring requirements under 40 CFR part 75, a unit that loses its exemption under Rule 62-214.340(2), F.A.C., shall be treated as a new unit that commenced commercial operation on the first date on which the unit resumes operation.

### Certification (for designated representatives only)

## STEP 4

Read the appropriate certification and sign and date.

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      | Gregory M. Nelson   |                 |
| Signature |  | Date<br>3/31/04 |

# Retired Unit Exemption

For more information, see instructions and refer to Rule 62-214.340(2), F.A.C., and 40 CFR 72.8

This submission is:  New  Revised

Page 1

**STEP 1**  
Identify the unit by plant name, State, ORIS code and unit ID#.

|            |                     |       |         |           |      |          |      |
|------------|---------------------|-------|---------|-----------|------|----------|------|
| Plant Name | F.J. Gannon Station | State | Florida | ORIS Code | 0646 | Unit ID# | GN02 |
|------------|---------------------|-------|---------|-----------|------|----------|------|

**STEP 2**  
Identify the first full calendar year in which the unit meets (or will meet) the requirements of Rule 62-214.340(2)(a), F.A.C.

January 1, 2004

**STEP 3**  
Read the special provisions.

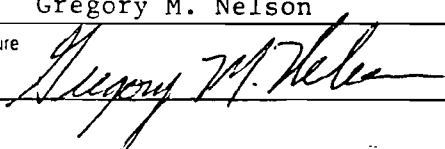
**Special Provisions**

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**STEP 4**  
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|           |  |                   |         |
|-----------|--|-------------------|---------|
| Name      |  | Gregory M. Nelson |         |
| Signature |  | Date              | 3/31/04 |

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This submission is:

New

Revised

Page 1

## STEP 1

Identify the unit by plant name, State, ORIS code and unit ID#.

|                                   |                  |                   |                  |
|-----------------------------------|------------------|-------------------|------------------|
| F.J. Gannon Station<br>Plant Name | Florida<br>State | 0646<br>ORIS Code | GN03<br>Unit ID# |
|-----------------------------------|------------------|-------------------|------------------|

## STEP 2

Identify the first full calendar year in which the unit meets (or will meet) the requirements of Rule 62-214.340(2)(a), F.A.C.

January 1, 2004

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Read the special provisions.

### Special Provisions

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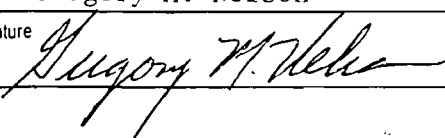
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|   |      |
|---|------|
| Name<br>Gregory M. Nelson   |      |
| Signature<br> | Date |

# Retired Unit Exemption

For more information, see instructions and refer to Rule 62-214.340(2), F.A.C., and 40 CFR 72.8

This submission is:

New

Revised

Page 1

## STEP 1

Identify the unit by plant name, State, ORIS code and unit ID#.

|                     |         |           |          |
|---------------------|---------|-----------|----------|
| F.J. Gannon Station | Florida | 0646      | GN04     |
| Plant Name          | State   | ORIS Code | Unit ID# |

## STEP 2

Identify the first full calendar year in which the unit meets (or will meet) the requirements of Rule 62-214.340(2)(a), F.A.C.

January 1, 2004

## STEP 3

Read the special provisions.

### Special Provisions

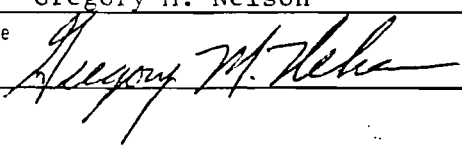
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|           |  |                 |
|-----------|--|-----------------|
| Name      | Gregory M. Nelson  |                 |
| Signature |  | Date<br>3/31/04 |



# Retired Unit Exemption

For more information, see instructions and refer to Rule 62-214.340(2), F.A.C., and 40 CFR 72.8

This submission is:  New  Revised

Page 1

**STEP 1**

Identify the unit by plant name, State, ORIS code and unit ID#.

|                                   |                  |                   |                  |
|-----------------------------------|------------------|-------------------|------------------|
| F.J. Gannon Station<br>Plant Name | Florida<br>State | 0646<br>ORIS Code | GN05<br>Unit ID# |
|-----------------------------------|------------------|-------------------|------------------|

**STEP 2**

Identify the first full calendar year in which the unit meets (or will meet) the requirements of Rule 62-214.340(2)(a), F.A.C.

January 1, 2004

**STEP 3**

Read the special provisions.

**Special Provisions**

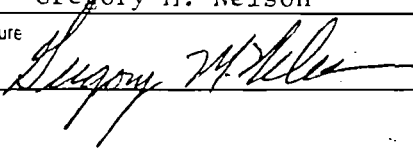
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|  |                 |
|--|-----------------|
| Name<br>Gregory M. Nelson  |                 |
| Signature<br> | Date<br>3/31/04 |

# Retired Unit Exemption

For more information, see instructions and refer to Rule 62-214.340(2), F.A.C., and 40-CFR 72.8

This submission is:  New  Revised

**STEP 1**  
Identify the unit by plant name, State, ORIS code and unit ID#.

|                     |         |           |          |
|---------------------|---------|-----------|----------|
| F.J. Gannon Station | Florida | 0646      | GN06     |
| Plant Name          | State   | ORIS Code | Unit ID# |

**STEP 2**  
Identify the first full calendar year in which the unit meets (or will meet) the requirements of Rule 62-214.340(2)(a), F.A.C.

January 1, 2004

**STEP 3**  
Read the special provisions.

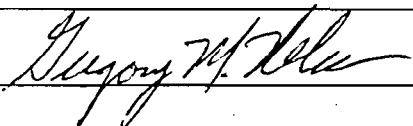
**Special Provisions**

- (1) A unit exempt under Rule 62-214.340(2), F.A.C., shall not emit any sulfur dioxide and nitrogen oxides starting on the date that the exemption takes effect. The owners and operators of the unit will be allocated allowances in accordance with 40-CFR part 73 subpart B. If the unit is a Phase I unit, for each calendar year in Phase I, the designated representative of the unit shall submit a Phase I permit application in accordance with 40 CFR part 72 subparts C and D and an annual certification report in accordance with 40 CFR 72.90 through 72.92 and is subject to 40 CFR 72.95 and 72.96.
- (2) A unit exempt under Rule 62-214.340(2), F.A.C., shall not resume operation unless the designated representative of the source that includes the unit submits a complete Acid Rain part application under Rule 62-214.320, F.A.C., for the unit not less than 24 months prior to the date on which the unit is first to resume operation.
- (3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under Rule 62-214.340(2), F.A.C., shall comply with the requirements of Chapter 62-214, F.A.C., and the Acid Rain Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.
- (4) For any period for which a unit is exempt under Rule 62-214.340(2), F.A.C., the unit is not an Acid Rain unit and is not eligible to be an opt-in source under 40 CFR part 74. As a non-Acid Rain Unit, the unit shall continue to be subject to any other applicable requirements under 40 CFR part 70.
- (5) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under Rule 62-214.340(2), F.A.C., shall retain at the source that includes the unit records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the EPA or the Department. The owners and operators bear the burden of proof that the unit is permanently retired.
- (6) On the earlier of the following dates, a unit exempt under Rule 62-214.340(2), F.A.C., shall lose its exemption and become an Acid Rain Unit: (i) the date on which the designated representative submits an Acid Rain part application under paragraph (2); or (ii) the date on which the designated representative is required under paragraph (2) to submit an Acid Rain part application. For the purpose of applying monitoring requirements under 40 CFR part 75, a unit that loses its exemption under Rule 62-214.340(2), F.A.C., shall be treated as a new unit that commenced commercial operation on the first date on which the unit resumes operation.

**STEP 4**  
Read the appropriate certification and sign and date.

**Certification ( for designated representatives only )**

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<br>Gregory M. Nelson  |                 |
| Signature<br> | Date<br>3/31/04 |



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### Shipment Details

|                         |   |                                |                           |
|-------------------------|---|--------------------------------|---------------------------|
| <b>Ship To:</b>         | Acid Rain Program (6204J)<br>US EPA<br>401 M Street, SW<br>Washington, DC 20460<br>US<br>202-272-0167                         | <b>Package type:</b>           | FedEx Envelope            |
| <b>From:</b>            | BRANDY M RHIND<br>TAMPA ELECTRIC<br>COMPANY<br>702 NORTH FRANKLIN<br>STREET<br>PLAZA 4<br>TAMPA, FL 33602<br>US<br>8132284483 | <b>Pickup/Drop Off</b>         | will use scheduled pickup |
| <b>Tracking Number:</b> | 791808797947  | <b>Total Weight:</b>           | 1 LBS                     |
| <b>Your reference</b>   | 984-50659-18-830  | <b>Dimensions:</b>             | 0 X 0 X 0                 |
| <b>Ship date:</b>       | Mar 31 2004   | <b>Declared Value:</b>         | 0 USD                     |
| <b>Service type:</b>    | Priority Overnight  | <b>Shipper Account Number:</b> | 033603029                 |
|                         |   | <b>Bill Shipment To:</b>       | 33603029                  |
|                         |   | <b>Courtesy Rate Quote*:</b>   | *12.48                    |
|                         |   | <b>Special Services</b>        |                           |
|                         |   | <b>Shipment type:</b>          | Express                   |

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### Please Note

\*The courtesy rate shown here may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the [FedEx Rate Sheets](#) for details on how shipping charges are calculated.

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current [FedEx Service Guide](#) apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our [Service Guide](#). Written claims must be filed within strict time limits; Consult the applicable [FedEx Service Guide](#) for details.

# Acid Rain Program

## Instructions for Acid Rain Part Application

(40 CFR 72.30 - 72.31 and Rule 62-214.320, F.A.C.)

*The Acid Rain Program requires the designated representative to submit an Acid Rain part application for each source with an Acid Rain unit. A complete Certificate of Representation must be received by EPA before the part application is submitted to the title V permitting authority. A complete Acid Rain part application, once submitted, is binding on the owners and operators of the Acid Rain source and is enforceable in the absence of an Acid Rain part until the title V permitting authority either issues an Acid Rain part to the source or disapproves the application.*

Please type or print. The alternate designated representative may sign in lieu of the designated representative. If assistance is needed, contact the title V permitting authority.

**STEP 1** Use the plant name and ORIS Code listed on the Certificate of Representation for the plant. An ORIS code is a 4 digit number assigned by the Energy Information Agency (EIA) at the U.S. Department of Energy to power plants owned by utilities. If the plant is not owned by a utility but has a 5 digit facility code (also assigned by EIA), use the facility code. If no code has been assigned or if there is uncertainty regarding what the code number is, contact EIA at (202) 287-1730 (for ORIS codes), or (202) 287-1927 (for facility codes).

**STEP 2** For column "a," identify each Acid Rain unit at the Acid Rain source by providing the appropriate unit identification numbers, consistent with the unit identification numbers entered on the Certificate of Representation and with unit identification numbers used in reporting to DOE and/or EIA. For new units without identification numbers, owners and operators may assign such numbers consistent with EIA and DOE requirements.

For columns "c" and "d," enter the commence operation date(s) and monitor certification deadline(s) for new units in accordance with 40 CFR 72.2 and 75.4, respectively.

### Submission Deadlines

For new units, an initial Acid Rain part application must be submitted to the title V permitting authority 24 months before the date the unit commences operation. Acid rain part renewal applications must be submitted at least 6 months in advance of the expiration of the acid rain portion of a title V permit, or such longer time as provided for under the title V permitting authority's operating permits regulation.

### Submission Instructions

Submit this form to the appropriate title V permitting authority. If you have questions regarding this form, contact your local, State, or EPA Regional acid rain contact, or call EPA's Acid Rain Hotline at (202) 564-9620.

# Acid Rain Part 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

|            |                              |       |           |           |             |
|------------|------------------------------|-------|-----------|-----------|-------------|
| Plant Name | <b>Bayside Power Station</b> | State | <b>FL</b> | ORIS Code | <b>7873</b> |
|------------|------------------------------|-------|-----------|-----------|-------------|

**STEP 2**  
Enter the unit ID# for every Acid Rain unit at the Acid Rain source in column "a." For new units, enter the requested information in columns "c" and "d."

| a<br>Unit ID# | b<br>Unit will hold allowances in accordance with 40 CFR 72.9(c)(1) | c<br>New Units<br><br>Commence Operation Date | d<br>New Units<br><br>Monitor Certification Deadline |
|---------------|---|---|--|
| <b>GN1</b>    | <b>Yes</b>  |   |  |
| <b>GN2</b>    | <b>Yes</b>  |   |  |
| <b>GN3</b>    | <b>Yes</b>  |   |  |
| <b>GN4</b>    | <b>Yes</b>  |   |  |
| <b>GN5</b>    | <b>Yes</b>  |   |  |
| <b>GN6</b>    | <b>Yes</b>  |   |  |
| <b>CT1A</b>   | <b>Yes</b>  | <b>03/01/03</b>                               | <b>06/01/03</b>                                      |
| <b>CT1B</b>   | <b>Yes</b>  | <b>03/01/03</b>                               | <b>06/01/03</b>                                      |
| <b>CT1C</b>   | <b>Yes</b>  | <b>03/01/03</b>                               | <b>06/01/03</b>                                      |
| <b>CT2A</b>   | <b>Yes</b>  | <b>01/01/04</b>                               | <b>04/01/04</b>                                      |
| <b>CT2B</b>   | <b>Yes</b>  | <b>01/01/04</b>                               | <b>04/01/04</b>                                      |
| <b>CT2C</b>   | <b>Yes</b>  | <b>01/01/04</b>                               | <b>04/01/04</b>                                      |
| <b>CT2D</b>   | <b>Yes</b>  | <b>01/01/04</b>                               | <b>04/01/04</b>                                      |

|                              |
|------------------------------|
| <b>Bayside Power Station</b> |
| Plant Name (from Step 1)     |

Plant Name (from Step 1)

**STEP 3**  
**Read the standard requirements**

Acid Rain Part 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 and 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 Department determines is necessary in order to review an Acid Rain part application and issue or deny an Acid Rain part;
- (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 Department; 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)), or in the compliance subaccount of another Acid Rain unit at the same source to the extent provided in 40 CFR 73.35(b)(3), 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) 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 part application, the Acid Rain part, or an exemption under 40 CFR 72.7 or 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 EPA or the Department:
  - (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, provided that to the extent that 40 CFR part 75 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 Acid Rain Program; and,

|                              |
|------------------------------|
| <b>Bayside Power Station</b> |
| Plant Name (from Step 1)     |

STEP 3,  
Cont'd.

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 an 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 40 CFR 76.11 (NO<sub>x</sub> averaging 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, 76, 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 an 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.

STEP 4

**Certification**

Read the certification statement, sign, and date

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.

|                          |              |
|--------------------------|--------------|
| <b>Gregory M. Nelson</b> |              |
| Name                     |              |
| Signature                | Date 11/5/04 |