



Florida Department of
Environmental Protection

Memorandum

TO: Joseph Kahn, Division of Air Resource Management
THROUGH: Trina L. Vielhauer, Bureau of Air Regulation 
Jonathan Holtom, Title V Section 
FROM: Yousry Attalla, Title V Section *YHA.*
DATE: March 5, 2009
SUBJECT: Air Permit No. 0090180-005-AV
Oleander Power Project, L.P.
Oleander Power Project
CAIR Part Revision

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

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

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

Attachments

NOTICE OF FINAL PERMIT

In the Matter of an
Application for Permit by:

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

Air Permit No. 0090180-005-AV
Oleander Power Project
CAIR Part Revision Project
Brevard County, Florida

Responsible official:
Joseph Miller, Operations Manager

Enclosed is final permit No. 0090180-005-AV. This Title V air operation permit revision is being issued to incorporate the Clean Air Interstate Rule (CAIR) provisions into Title V permit No. 0090180-006-AV. The existing facility is located at 555 Townsend Road, Cocoa, Brevard County, Florida. This permit is issued pursuant to Chapter 403, Florida Statutes.

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

Executed in Tallahassee, Florida.

Trina Vielhauer, Chief
Bureau of Air Regulation

TLV/jh/yha

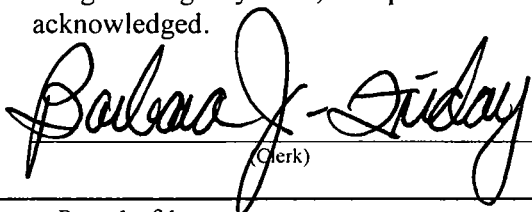
CERTIFICATE OF SERVICE

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

- 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, Southern Company: raschaff@southernco.com
- Mr. James Bradner, DEP-CD: 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

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

 3/6/09
Clerk (Date)

FINAL DETERMINATION

PERMITTEE:

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

PERMITTING AUTHORITY

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

PROJECT

Air Permit No. 0090180-005-AV
Oleander Power Project

The purpose of this Title V air operation permit revision project is to incorporate the Clean Air Interstate Rule (CAIR) provisions into Title V permit No. 0090180-006-AV.

NOTICE AND PUBLICATION

The Department distributed an Intent to Issue Permit package on January 21, 2009. The applicant published the Public Notice of Intent to Issue in the Florida Today on January 29, 2009. The Department received the proof of publication on February 5, 2009.

COMMENTS

No comments on the draft/proposed permit were received from the US EPA Region 4 Office. No comments were received from the public during the 30-day public comment period.

DEPARTMENT INITIATED CHANGES

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

CONCLUSION

The final action of the Department is to issue the final permit with no changes.

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 effective on January 1, 2009. This Title V Air Operation Permit Revision is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210 and 62-213, F.A.C. In accordance with the terms and conditions of this permit, the above named permittee is hereby authorized to operate the facility as shown on the application and approved drawings, plans, and other documents, on file with the permitting authority.

Oleander Power Project, L.P. Oleander Power Project

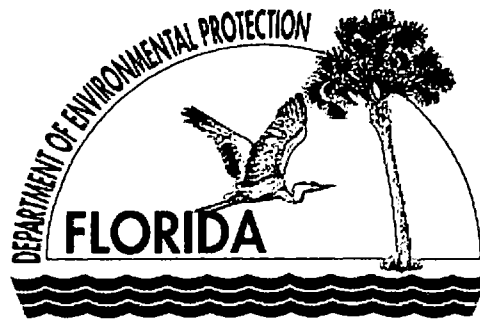
Facility ID No. 0090180

Brevard County

Title V Air Operation Permit Revision

Final 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

2600 Blair Stone Road

Mail Station #5505

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

Final Permit No. 0090180-005-AV

Table of Contents

Section Page Number

I. Facility Information. 2

 A. Facility Description. 2

 B. Summary of Emissions Units. 2

 C. Applicable Regulations. 2

II. Facility-wide Conditions. 4

III. Emissions Units and Conditions. 6

 A. Emission Units 001-004, Simple-Cycle Combustion Turbine-Electrical Generators. 6

 B. Emission Unit 005, Simple-Cycle Combustion Turbine-Electrical Generator. 14

IV. Acid Rain Part. 21

V. Clean Air Interstate Rule Part. 26

VI. Appendices. 32

 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.

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.



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

PERMITTEE:

Joseph Miller, Operations Manager
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: March 5, 2009
Renewal Application Due Date: May 20, 2013
Expiration Date: December 31, 2013

Joseph Kahn, Director
Division of Air Resource Management

TLV/jh/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(e) 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

**STEP 3,
Continued**

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

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)
--

**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.

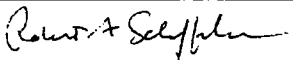
No provision of the CAIR NO_x Ozone Season Trading Program, a CAIR Part, or an exemption under 40 CFR 96.305 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO_x Ozone Season source or CAIR NO_x Ozone Season unit from compliance 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

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

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: 0090180005AVCAIRNoticeofFinalPermit.pdf

Dear Sir/ Madam:

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

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

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

Attention: Yousry Attalla

Owner/Company Name: OLEANDER POWER PROJECT, LP
Facility Name: OLEANDER POWER PROJECT
Project Number: 0090180-005-AV
Permit Status: FINAL
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)

Friday, Barbara

From: Miller, Joseph L. (SPC) [JLMILLER@southernco.com]
To: Friday, Barbara
Sent: Friday, March 06, 2009 3:21 PM
Subject: Read: OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: JLMILLER@southernco.com
Subject:

was read on 3/6/2009 3:21 PM.

Friday, Barbara

From: Miller, Joseph L. (SPC) [JLMILLER@southernco.com]
Sent: Friday, March 06, 2009 3:24 PM
To: Friday, Barbara
Cc: White, Kevin; Schaffeld, Robert A. (SPC); Starks, Circe (SPC)
Subject: RE: OLEANDER POWER PROJECT; 0090180-005-AV

Barbara,

This email is to confirm that I can access the permit project documents referenced below.

Have a great weekend.
Joseph Miller

From: Friday, Barbara [mailto:Barbara.Friday@dep.state.fl.us]
Sent: Friday, March 06, 2009 3:17 PM
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 **Notice of Final Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". **We must receive verification that you are able to access the documents.** Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:
http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0090180.005.AV.F_pdf.zip

Attention: Yousry Attalla

Owner/Company Name: OLEANDER POWER PROJECT, LP
Facility Name: OLEANDER POWER PROJECT
Project Number: 0090180-005-AV
Permit Status: FINAL
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)

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: White, Kevin [KWHITE@southernco.com]
To: undisclosed-recipients
Sent: Friday, March 06, 2009 5:15 PM
Subject: Read: OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: KWHITE@southernco.com
Subject:

was read on 3/6/2009 5:15 PM.

Friday, Barbara

From: Schaffeld, Robert A. (SPC) [RASCHAFF@southernco.com]
To: Friday, Barbara
Sent: Friday, March 06, 2009 3:47 PM
Subject: Read: OLEANDER POWER PROJECT; 0090180-005-AV

Your message

To: RASCHAFF@southernco.com
Subject:

was read on 3/6/2009 3:47 PM.

Friday, Barbara

From: Schaffeld, Robert A. (SPC) [RASCHAFF@southernco.com]
Sent: Friday, March 06, 2009 3:48 PM
To: Friday, Barbara; Miller, Joseph L. (SPC)
Cc: White, Kevin; Bradner, James; Forney, Kathleen@epamail.epa.gov; Oquendo.Ana@epamail.epa.gov; Gibson, Victoria; Attalla, Yousry; Holtom, Jonathan
Subject: RE: OLEANDER POWER PROJECT; 0090180-005-AV

I am able to access the documents.

Robert A. Schaffeld
Southern Power Company

From: Friday, Barbara [mailto:Barbara.Friday@dep.state.fl.us]
Sent: Friday, March 06, 2009 2:17 PM
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 **Notice of Final Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". **We must receive verification that you are able to access the documents.** Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

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

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

Attention: Yousry Attalla

Owner/Company Name: OLEANDER POWER PROJECT, LP
Facility Name: OLEANDER POWER PROJECT
Project Number: 0090180-005-AV
Permit Status: FINAL
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)

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: System Administrator
To: Bradner, James
Sent: Friday, March 06, 2009 3:17 PM
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: 3/6/2009 3:17 PM

was delivered to the following recipient(s):

Bradner, James on 3/6/2009 3:17 PM

Friday, Barbara

From: Mail Delivery System [MAILER-DAEMON@mseive01.rtp.epa.gov]
Sent: Friday, March 06, 2009 3:17 PM
To: Friday, Barbara
Subject: Successful Mail Delivery Report
Attachments: Delivery report; Message Headers

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

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

The mail system

<Forney.Kathleen@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent 49B184C7_8053_47630_1 AE305443AB

<Oquendo.Ana@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent 49B184C7_8053_47630_1 AE305443AB

Friday, Barbara

From: System Administrator
To: Gibson, Victoria; Attalla, Yousry
Sent: Friday, March 06, 2009 3:17 PM
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: 3/6/2009 3:17 PM

was delivered to the following recipient(s):

Gibson, Victoria on 3/6/2009 3:17 PM
Attalla, Yousry on 3/6/2009 3:17 PM

Friday, Barbara

From: Gibson, Victoria
To: Friday, Barbara
Sent: Friday, March 06, 2009 3:19 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; Quendo.Ana@epamail.epa.gov; Gibson, Victoria;
Attalla, Yousry; Holtom, Jonathan
Subject: OLEANDER POWER PROJECT; 0090180-005-AV
Sent: 3/6/2009 3:17 PM

was read on 3/6/2009 3:19 PM.

Friday, Barbara

From: Attalla, Yousry
To: Friday, Barbara
Sent: Friday, March 06, 2009 5:24 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: 3/6/2009 3:17 PM

was read on 3/6/2009 5:23 PM.

Friday, Barbara

From: System Administrator
To: Holtom, Jonathan
Sent: Friday, March 06, 2009 3:17 PM
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: 3/6/2009 3:17 PM

was delivered to the following recipient(s):

Holtom, Jonathan on 3/6/2009 3:17 PM

Friday, Barbara

From: Holtom, Jonathan
To: Friday, Barbara
Sent: Friday, March 06, 2009 3:22 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: 3/6/2009 3:17 PM

was read on 3/6/2009 3:22 PM.