#### Sheplak, Scott

file.

From: Bumar, Rich [Rich.Bumar@disney.com]

Sent: Friday, July 18, 2008 10:00 AM

To: Sheplak, Scott

Cc: Schmudde, Lee; Garcia, Jose M; Kindle, Bob; Rodriguez, Armando; Tucker, Steve; Budnik, Bernie

Subject: Comment: DRAFT/PROPOSED Title V Permit Revision No.: 0950111-031-AV - Walt Disney World

Company - Reedy Creek Improvement District

July 18, 2008

Mr. Scott Sheplak, P.E.
Bureau of Air Regulation
Division of Air Resource Management
State of Florida, Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Walt Disney World Title V Permit CAIR Modification

. Permit number 0950111-031-AV

#### Dear Mr. Sheplak:

On July 11, 2008, the D.C. Circuit issued an opinion vacating CAIR. Accordingly, we request that the CAIR Part of the above referenced permit not be sent to EPA in proposed form, and not be finalized at this time. Once the court's ruling is final, we request that this permit-revision process be terminated, either by withdrawing the draft permit, returning our application or treating it as withdrawn. In the event the court's ruling is reheard or overturned on appeal, we can discuss how best to continue this permit-revision process, and whether additional language needs to be added to the Statement of Basis or Permit.

If you have any questions or need any further information, please call me at 407-824-7129 or email me at rich.bumar@disney.com.

Sincerely,

Rich Bumar, P.E.

Sr. Environmental Control Representative

Walt Disney World Co. Environmental Control Dept.

cc: Bernie Budnik

Jose Garcia

Bob Kindle

Armando Rodriguez

Lee Schmudde (w/o attachment)

Steve Tucker

#### Permit File Scanning Request from Elizabeth

Priority: □-ASA	P (Public Records	Request, etc.)	X	-Place in Normal Sca	anning Queue	e
Facility ID	Project#	Туре	PSD#	Submittal Date	Batch #	
0950111	031	DEAV		SEP 3 0 2010		
	For Disposal		ndence 🗖	Intent $\square$ Permit	□ Draft	
☐ Return File to	BAR	☐ Amendme	ent 🗆 Appl	ication 🗖 OGC 🗖	<b>1</b> Proposed	
· ·	,	Document Da	ate	7-18-05	<b>,</b>	

#### Sheplak, Scott

From: Sheplak, Scott

**Sent:** Wednesday, July 09, 2008 2:27 PM

To: 'Kathleen Forney'

Subject: RE: Public Notice notification for Draft/Proposed CAIR projects

For the following projects I therefore show the Day 45's (end of EPA review period) to be:

WALT DISNEY WORLD = 8/2

**DEBARY = 8/12** 



## RECEIVED

JUL 08 2008

July 3, 2008

BUREAU OF AIR REGULATION

Mr. Scott Sheplak, P.E.
Bureau of Air Regulation
Division of Air Resource Management
State of Florida, Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Public notice of intent to issue permit
Permit number 0950111-031-AV
Walt Disney World Title V Permit CAIR Modification

Dear Mr. Sheplak:

Enclosed is the proof of publication of the public notice for the above referenced permit modification, which appeared in the <u>June 18, 2008</u> edition of the <u>Orlando Sentinel</u>. If you have any questions or need any further information, please call me at 407-824-7129 or email me at rich.bumar@disney.com.

Sincerely,

Rich Bumar, P.E.

Sr. Environmental Control Representative

Walt Disney World Co. Environmental Control Dept.

cc: Jose Garcia

Bob Kindle

Lee Schmudde (w/o attachment)

### BEST AVAILABLE COPY

# Orlando

**Published Daily** 

State of Florida COUNTY OF ORANGE S.S.

Before the undersigned authority personally appeared Deborah M. Toney, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at Orlando in Orange County, Florida; that the attached copy of advertisement, being a Public Notice in the matter of Permit #0950111-031-AV In the Orange Court, was published in said newspaper in the issue; of 06/18/08.

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

The foregoing instrument was acknowledge before me this day of June, 2008, by Deborah M. Toney, who is personally known to me and who did take an oath.

(SEAL)

JULIA M. NICHOLS Comm# DD0484109 Expires 10/20/2009 Florida Notary Assn., Inc.

Order# 753520

#### PUBLIC NOTICE

Florida Department of Inmental Protection Division

Permit No.
Ant Disney Won.
Index Creek Improvement District Uses Reedy Creek Improvement District Poly Bervice Services as its primary vendor to operate the facility.

Facility Location: The Reedy Creek Improvement District Uses Reedy Creek Improvement Distric

Petitions: A person who substantial interests are fected by the proposed printing decision may be tion for an administratil hearing in accordance w Walt Disney World Resort Complex.

Permitting Authority: Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter the provisions of Chapter 1403, Fonda Starutes (F.S.) and Chapters 624, 62:210, and 62:296, 470 of the Florida Administrative ments and a Title V air operation permit is required from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Resulation is the Permitting Authority responsible for making operation permit determination for his project. The Permitting Authority is sponsible for making other permitting Authority's horse. 1200 Blair Stone Road, MS #5505, Tallahassee, Florida. The Permitting Authority's mailing address is: 2000 Blair Stone Road, MS #5505, Tallahassee, Florida 3239-2400. The Permitting Authority's mailing address is: 2000 Blair Stone Road, MS #5505, Tallahassee, Florida 3239-2400. The Permitting Authority's mailing address is: 2000 Blair Stone Road, MS #5505, Tallahassee, Florida 3239-2400. The Permitting Authority's mailing address is: 2000 Blair Stone Road, MS #5505, Tallahassee, Florida 3239-2400. The Permitting Authority's mailing address is: 2000 Blair Stone Road, MS #5505, Tallahassee, Florida 3239-2400. The Permitting Authority's mailing address is: 2000 Blair Stone Road, MS #5505, Tallahassee, Florida 3239-2400. The Permitting Authority's mailing address is: 2000 Blair Stone Road, MS #5505, Tallahassee, Florida 3239-2400. The Permitting Authority's mailing address is: 2000 Blair Stone Road, MS #5505, Tallahassee, Florida 3239-2400. The Permitting Florida 3239-32400. The Permitting Authority's mailing address is: 2000 Blair Stone Road, MS #5505, Tallahassee, Florida 3239-2400. The Permitting Florida 3239-32400. ate time period shall constitute a waiver of that per son's right to request an acministrative determination (hearing) under Section 120.559 and 120.557. E.S. or tintervene in this proceeding and participate as a pairt of the proceeding the section of the proceeding the tention (in a proceeding in the vention (in a proceeding in the vention of the presiding of the president pre

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 sitle or identification number, if known, (b) 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 bothone number listed above.

Notice of latent to Issue Air Permit The Permitting Authority gives notice of its infent 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 importair quality and that the proposed explored provided reasonable assurance that operation of proposed explored provided reasonable assurance that operation of proposed explored provided in the proposed DRAFT/PRO 2527, F.A.C. The Permitting Authority will issue a FI-NAL Permit in accordance with the conditions of the proposed DRAFT/PRO 2520, Permit unless a timely petition for an administrative hearing, is slied under Sections 120.559 and 120.557, F.S. or unless public comment received in accordance with this notice ministrative hearing is filed under Sections 120.50 and 120.57%. So or unless sublic comment received in a cocordance with this notice; results in a different decision or a significant change of terms or conditions.

cysiproposed action: (f) As fulles on, statutes the specific titles on sinciding on explanation of how the alleged facts relate to titles specific rules or, statutes; and (g) A statement; of the specific rules ought; by, the petitioner, stating precisely the action, the specific rules of the degracy's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is such facts and listed that have and otherwise shall state that he same information as set forth above, as required by such statis information as set forth above, as required by such statis on the same information as set forth above, as required by

Because the administrative hearing process is designed hearing process is designed to formulate final eggency action. He filling of a seri, iton means industhe Rermiting Authority's final sction may be different from the position taken by it in this public Notice of Intent to Issue Air Permit Persons whose substantial interests will be affected by any such final decision of the Permiting Authority on the application to become a party to the proceeding, in accordance with the requirements

Mediation: Mediation is not available for this proceed-

FPA-Review: E-PA-has, agreed to treat the DRAE-T/PRO-POSED ITHIE V. air roperation permit as a Proposed Title V. air roperation permit as a Proposed Title V. air roperation permit and to perform this 45-day review provided by the law and regulations concurrent. IV. with the public comment period, Although: E-A S-45-day review period will be performed concurrently with the public comment period, and the E-PA-Administrator will be determined as TiE-PA's 45-day review period as performed after the public comment period has ended. The F-NAL Title V. air poperation permit will be issued after, the issued after, the conclusion of, the 45-day review period so long as no adverses comments are received that results in a different decision or significant change of terms or conditions. The status respording E-PA's 45-day review of this project and the following website and citzen petition can be found at the following website and change website and change website and change and the following website and change and the following website and on the following website and the follow

bletiniss. Finally, pursuant of the control of the

OR753520

## BEST AVAILABLE COPY

#### Sheplak, Scott

-file -

From: Bumar, Rich [Rich.Bumar@disney.com]

**Sent:** Thursday, June 12, 2008 8:21 AM

To: Sheplak, Scott

Subject: RE: DRAFT/PROPOSED Title V Permit Revision No.: 0950111-031-AV - Walt Disney World Company - Reedy

Creek Improvement District

Looks good. We'll get it published ASAP.

Thanks!

Rich

From: Sheplak, Scott [mailto:Scott.Sheplak@dep.state.fl.us]

Sent: Wednesday, June 11, 2008 5:40 PM

To: Bumar, Rich

Subject: RE: DRAFT/PROPOSED Title V Permit Revision No.: 0950111-031-AV - Walt Disney World Company - Reedy Creek

Improvement District

How does this look?

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.

and the second of the second s

**From:** Bumar, Rich [mailto:Rich.Bumar@disney.com]

**Sent:** Wednesday, June 11, 2008 3:10 PM

To: Sheplak, Scott Scott

Subject: RE: DRAFT/PROPOSED Title V Permit Revision No.: 0950111-031-AV - Walt Disney World Company - Reedy Creek

Improvement District

Scott,

I ran this by our RO who happens to be an attorney and he suggested the following language for the Applicant and Facility Location sections:

**Applicant**: The applicant for this project is Walt Disney World Company, Reedy Creek Improvement District. The applicant's authorized representative and mailing address is: Mr. Bernie Budnik, Manager, Energy Plants, Walt Disney World Company, Reedy Creek Improvement District, P.O. Box 10,000, Orlando, Florida 328301000. Reedy Creek Improvement District uses Reedy Creek Energy Services as its primary vendor to operate the facility.

**Facility Location**: The Reedy Creek Improvement District owns and operates the Reedy Creek Power Plant, which is located at 5300 Center Drive, Lake Buena Vista, Florida.

Thanks, and we'll get the notice out as soon as we hear from you.

#### Rich Bumar, PE

Sr. Environmental Control Representative

Walt Disney World Co.

6/12/2008

#### Permit File Scanning Request from Elizabeth

Priority:	□-ASA	P (Public Records	Request, etc.)	⊠.	-Place in Normal So	canning Queue
Facility	ID	Project#	Туре	PSD#	Submittal Date	Batch #
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☑ File Ap	•	For Disposal BAR	•		Intent 🗖 Permi	
			Document D	ate (	,-12-00	

#### 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. 0950111-031-AV
Walt Disney World Company, Reedy Creek Improvement District
Orange County, Florida

**Applicant**: The applicant for this project is Walt Disney World Company, Reedy Creek Improvement District. The applicant's authorized representative and mailing address is: Mr. Bernie Budnik, Manager, Energy Plants, Walt Disney World Company, Reedy Creek Improvement District, P.O. Box 10,000, Orlando, Florida 32830-1000. Reedy Creek Improvement District uses Reedy Creek Energy Services as its primary vendor to operate the facility

**Facility Location**: The Reedy Creek Improvement District owns and operates the Reedy Creek Power Plant, which is located at 5300 Center Drive, Lake Buena Vista, Florida.

**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 Reedy Creek Power Plant is an existing combined cycle combustion turbine (CT) system followed by an associated natural gas-fired duct burner and a heat recovery steam generator (HRSG) at the Walt Disney World Resort Complex.

**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 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: <a href="http://www.dep.state.fl.us/air/eproducts/apds/default.asp">http://www.dep.state.fl.us/air/eproducts/apds/default.asp</a> 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, 62-296, 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.

Comments: The Permitting Authority will accept written comments concerning the DRAFT/PROPOSED Title V air operation Permit for a period of thirty (30) days from the date of publication of this 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

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

location on the official web site for notices at Florida Administrative Weekly (FAW) at <a href="http://faw.dos.state.fl.us/">http://faw.dos.state.fl.us/</a> 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. 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 this Public Notice or receipt of a written notice, 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 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 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. 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 Public 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 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 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

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

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 sixty (60) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to 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 thirty (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.

#### SECTION V. CAIR PART FORM

#### CLEAN AIR INTERSTATE RULE PROVISIONS

Clean Ai	r Inters	state Ru	ule (CA	JR) P	art	OF AIR REG	MOITALIUK
Clean Ai	ee instructions and This subn	refer to 40 CFR 96.1	121, 96 122, 96 221	, 96.222, 96.321	and 96.322; and F	Rule 62-296.470,	F.A.C.
EP 1 entify the source by ant name and ORIS EIA plant code	Plant Name:				State: Florida ORIS or EIA PI		
			•				
	a	Ь	c	d	е		1
column "a" enter the it ID# for every CAIR it at the CAIR source.	Unit ID#	Unit will hold nitrogen oxides (NO <sub>X</sub> ) allowances in accordance with 40 CFR 96.106(c)(1)	Unit will hold sulfur dioxide (SO <sub>2</sub> ) allowances in accordance with 40 CFR 96.206(c)(1)	Unit will hold NO <sub>X</sub> Ozor Season allowances in accordanc with 40 CFR 96.306(c)(1)	Expecte Commer Commer	ed E	ew Units xpected Monitor entification Deadline
columns "b," "c," Id "d," Indicate to Inich CAIR program(s) Ich unit is subject by	32432	X	Х	X .			
or new units, enter the quested information columns "e" and "f.							
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DEP Form No. 62-210:900(1)(b) - Form Effective: 3/16/08

#### Appendix AR-1, Acid Rain.

Walt Disney World Company Walt Disney World Resort Complex FINAL Permit No.: 0950111-029-AV

Facility ID No.: 0950111

The emissions unit listed below is regulated under Acid Rain Program, Phase II.

E.U. ID No.	Brief Description
	Reedy Creek Improvement District
-088 (CEP-1)	CCCT with natural gas fired Heat Recovery Steam Generator

The Designated Representative of this acid rain unit applied for a Phase II permit by submitting to the Department a completed "Renewal Acid Rain Part Application" form (DEP Form No. 62-210.900(1)(a) - Form, Effective: 06/16/03) signed by the Designated Representative on 06/29/07.

The submitted form was scanned and is attached in this appendix.

## 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

	For more intor	For more information, see instructions and refer to 40 GFR 72.30 and 72.31 and Chapter 62-214, F.A.C.					
	This submission	on is: New TRe	vised Renewal				
STEP 1 Identify the source by plant name, State, and ORIS code	Plant Name Reedy Creek		State FL	ORIS Gode 7254			
			•				
STEP 2	a	b	c	<b>d</b> :			
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."	Unit ID#	Unit will hold allowances in accordance with 40 CFR 72.9(c)(1)	New Units  Commence Operation Date	New Units  Monitor Certification Deadline			
	CT/HRSG 1	Yes	N/A	N/A			
		Yes					
		Yes					
		Yes					
		Yes					
		Yes					
		Yes					

Yes

Yes Yes