

Sheplak, Scott

From: Forney.Kathleen@epamail.epa.gov
Sent: Thursday, December 18, 2003 9:16 AM
To: Sheplak, Scott
Cc: Worley.Gregg@epamail.epa.gov; Danois.Gracy@epamail.epa.gov;
Forney.Kathleen@epamail.epa.gov; Huey.Joel@epamail.epa.gov
Subject: Comments on FL Utility Title V Renewal Permits

Scott,

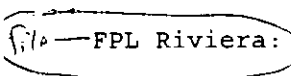
Sorry I didn't get this to you yesterday, but better late than never, right? :-) I am also faxing EPA's congressional responses to you now.

FPL Manatee and Lakeland Electric:

1. Verify that the descriptions of the units listed in Appendix I-1 (insignificant activities) and Appendix U-1 (unregulated activities) include any applicable size thresholds (i.e., fuel oil tank sizes, emergency generator sizes, etc...) or content restrictions (i.e., halogenated vs. non-halogenated solvents.)
2. Verify that the permit condition titled DEP Method 9 has been included for the units which have visible emission limits and to which there are exceptions to the incorporation of EPA Method 9.

JEA Northside/SJRPP:

1. To make Appendix CP-1 a part of the permit, it needs to be cross-referenced in subsection H of the permit either by adding a sentence to condition H.25 or by adding a separate requirement.

 FPL Riviera:

1. The Statement of Basis should include the monitoring justification language from the initial Title V's SOB, since the language was originally included to resolve an objection issue.
2. Verify that the permit condition titled DEP Method 9 has been included for the units which have visible emission limits and to which there are exceptions to the incorporation of EPA Method 9.
3. Verify that the descriptions of the units listed in Appendix I-1 (insignificant activities) and Appendix U-1 (unregulated activities) include any applicable size thresholds (i.e., fuel oil tank sizes, emergency generator sizes, etc...) or content restrictions (i.e., halogenated vs. non-halogenated solvents.)
4. There is a typo in Table 2-1. We understand the table is for informational purposes only; however, for clarity, we suggest that you make Table 2-1 consistent with condition A.22 by including Method 5F for PM testing instead of Method 5C.
5. Since one of the comments received during the public comment period expressed concerns about environmental justice (EJ), EPA has requested a set of EJ maps and will forward those to you when we receive them.

If you have any questions, feel free to contact me at 404-562-9130.

Thanks,
Katy Forney
Air Permits Section
EPA - Region 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 17 2003

The Honorable E. Clay Shaw, Jr.
Member, United States House of Representatives
222 Lakeview Avenue, Suite 225
West Palm Beach, Florida 33401

Dear Congressman Shaw:

Thank you for your October 29, 2003, letter on behalf of Anthony Gigliotti and Karen Marcus concerning the Florida Power and Light Riviera Beach power plant. The Riviera Beach plant is currently in the process of renewing its existing title V operating permit.

The Environmental Protection Agency (EPA) received the proposed title V permit from the Florida Department of Environmental Protection (FDEP) on October 28, 2003, and EPA's 45-day review period has begun. As part of EPA's comprehensive review, public comments received by FDEP during the public comment period will be considered, as well as FDEP's responses to those comments.

The main concern expressed by Mr. Gigliotti is with the "grandfathered" status of the Riviera Beach plant, along with the desire to have the plant either shut down or re-powered with another fuel source. The title V permitting process is not the appropriate vehicle for taking such an action. Parts of the Riviera Beach plant are "grandfathered" because it was constructed prior to the establishment of the Clean Air Act. According to 40 CFR Part 70, the title V operating permit may not "impose substantive new requirements" on a source. Therefore, the title V program does not grant the authority to allow the changes Mr. Gigliotti and Ms. Marcus seek in their letters. Rather, the appropriate mechanism to address the "grandfathered" status of sources existing prior to Clean Air Act enactment would be through a statutory change.

If you have any questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A handwritten signature in black ink, appearing to read "J. I. Palmer, Jr.", written in a cursive style.

J. I. Palmer, Jr.
Regional Administrator



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REGION 4
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61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 17 2003

The Honorable Bob Graham
United States Senator
2252 Killbuck Center Boulevard, Suite 300
Tallahassee, Florida 32309-3573

Dear Senator Graham:

Thank you for your October 21, 2003, letter on behalf of Anthony Gigliotti, concerning the Florida Power and Light Riviera Beach power plant. The Riviera Beach plant is currently in the process of renewing its existing title V operating permit.

The Environmental Protection Agency (EPA) received the proposed title V permit from the Florida Department of Environmental Protection (FDEP) on October 28, 2003, and EPA's 45-day review period has begun. As part of EPA's comprehensive review, public comments received by FDEP during the public comment period will be considered, as well as FDEP's responses to those comments.

The main concern expressed by Mr. Gigliotti is with the "grandfathered" status of the Riviera Beach plant, along with the desire to have the plant either shut down or re-powered with another fuel source. The title V permitting process is not the appropriate vehicle for taking such an action. Parts of the Riviera Beach plant are "grandfathered" because it was constructed prior to the establishment of the Clean Air Act. According to 40 CFR Part 70, the title V operating permit may not "impose substantive new requirements" on a source. Therefore, the title V program does not grant the authority to allow the changes Mr. Gigliotti seeks in his letter. Rather, the appropriate mechanism to address the "grandfathered" status of sources existing prior to Clean Air Act enactment would be through a statutory change.

If you have any questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A handwritten signature in black ink, which appears to read "J. I. Palmer, Jr.", is centered below the "Sincerely," text.

J. I. Palmer, Jr.
Regional Administrator

Friday, Barbara

To: KKosky@Golder.com; Jim

Cc: Svec, Ed

Subject: FINAL Title V Permit Renewal - FP&L-Riviera Plant #0990042-003-AV

Find attached the zip file for subject FINAL Permit Renewal for your files and information.

If I may be of further assistance, please feel free to contact me.

Barbara J. Friday
Planner II
Title V Section
Bureau of Air Regulation
(850)921-9524
Barbara.Friday@dep.state.fl.us

12/19/2003