



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 05 2013

RECEIVED

FEB 12 2013

DIVISION OF AIR
RESOURCE MANAGEMENT

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Karen Sheffield
Director, Polk Power Station
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601-0111

Dear Ms. Sheffield:

The purpose of this letter is to request information as part of a U.S. Environmental Protection Agency investigation to determine the compliance status of the Sulfuric Acid Plant at the Tampa Electric Company, Polk Power Station located in Mulberry, Florida, with the Clean Air Act (CAA), 42 U.S.C. § 7401, *et seq.*

Section 114(a) of the CAA, 42 U.S.C § 7414(a), authorizes the Administrator of the EPA to require any person who owns or operates an emission source, whom the Administrator believes may have information necessary for the purposes of Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Air, Pesticides, and Toxics Management Division, Region 4.

Therefore, pursuant to Section 114(a), Tampa Electric Company is directed to respond to the Information Request (See Enclosure B) within **forty-five (45) days** of receipt of this letter. The EPA, for good cause shown, may extend the deadline for responding to the request. You should respond to this Information Request as completely as possible. Please see Enclosure D for the Statement of Certification. Instructions to aid in preparing the response are in Enclosure A. The response must be delivered to the EPA or postmarked no later than the above deadline. Send one complete copy of your response, including supporting documentation, to the following address:

Rosalyn Hughes
South Air Enforcement Section
U.S. EPA, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

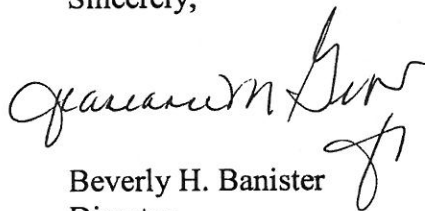
You are entitled to assert a claim of business confidentiality covering all or part of any required information except emission data, in the manner described at 40 C.F.R. §2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil, and criminal proceedings. If you make a business confidentiality claim, you will receive a letter inviting your comments on the questions identified in Enclosure C.

Failure to comply with this requirement to provide information is a violation of Section 114 of the CAA and could result in an enforcement action for the recovery of civil penalties not to exceed \$37,500 per day, per violation, or for injunctive relief or both. Section 113, 42 U.S.C. §7413, of the CAA gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the CAA.

This required submittal of information is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

If you have any questions relating to this Information Request, you may consult with the EPA prior to the above specified time. Questions should be directed to Ms. Rosalyn Hughes at (404) 562-9206 or by email at hughes.rosalyn@epa.gov. Thank you for your cooperation in this matter.

Sincerely,



Beverly H. Banister
Director
Air, Pesticides, and Toxics
Management Division

Enclosures

cc: Jeff Littlejohn (w/enclosures), Florida DEP
Brian Accardo (w/enclosures), Florida DEP
Jeff Koerner (w/enclosures), Florida DEP

ENCLOSURE A INSTRUCTIONS

1. Please identify the individual(s), including title, responsible for responding to this request.
2. Provide a separate narrative response to each question and subpart of a question set forth in the Information Request.
3. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
4. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
7. Requested information can be submitted in electronic form, if applicable.

DEFINITIONS

All terms used in this Information Request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401, C.F.R. Part 60 or other Clean Air Act (CAA) implementing regulations. Reference is made to the EPA regulatory provisions only; however, you should apply the applicable Federally-approved state provisions when appropriate. Definitional clarification is specified below.

1. The term "capital expenditure," "capital appropriation," or "capital project" means a monetary expenditure on depreciable equipment, including any costs to design, engineer, transport, and install said equipment. The term "construction" means fabrication, erection, or installation of depreciable equipment.
2. The term "continuous emissions monitoring system" means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.
3. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and

readable by U.S. EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any document.

4. The term "modification" or "modify" means any physical or operational change.
5. The term "capital appropriation request" shall mean the document used by plant personnel in seeking management approval for planned capital expenditures at the facility. These documents are also known as authorizations for expenditure, capital requests or other, similar names.
6. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and include an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
7. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
8. The term "air construction permit" shall mean any permit to construct, install, or modify any source of air pollution issued under rules or regulations promulgated under the CAA.
9. The term "replacement" or "upgrade" shall mean the replacement of depreciable equipment.
10. The term "source" means "major source" as defined in Section 501 of the CAA, 42 U.S.C. § 7661.
11. The term "tons" means short tons or 2,000 pounds.
12. "Nominal Dollars" means dollars unadjusted for inflation.

ENCLOSURE B
INFORMATION REQUEST

You are hereby required, in accordance with § 114(a) of the Act, 42 U.S.C. § 7414(a), unless otherwise stated for questions 1 through 13, to provide the following information for Tampa Electric Company, Polk Power Station, Mulberry, Florida.

1. Please provide the following information:
 - a) A brief description of the operational status of the sulfuric acid plant;
 - b) The original rated capacity and the current rated capacity expressed as tons per day;
 - c) The original date of construction;
 - d) A description of any air pollution control equipment;
 - e) A detailed process flow diagram;
 - f) Describe the role of the sulfuric acid plant in the integrated coal gasification combined cycle process and what happens to the sulfuric acid after it is produced; and
 - g) Explain whether or not Tampa Electric Company regards the sulfuric acid plant as an “affected facility” or “existing facility” for the purposes of New Source Performance Standards (NSPS) as defined under 40 C.F.R. § 60.2 and why.
2. The total cost, in nominal dollars, of the original purchase and installation of the sulfuric acid plant.
3. The maximum 100% sulfuric acid production rate of the sulfuric acid plant achievable in practice as of the date of construction, in short tons per day. Provide a list of all changes to this value since that date.¹ Please include with this response any documentation that supports this data.
4. The monthly production of sulfuric acid and related products (i.e. oleum) from each sulfuric acid plant each year since the date of construction in tons. Include year-to-date production information for 2012. Please provide this information in an electronic format that may be edited by a spreadsheet program such as Microsoft Excel.
5. Provide the current maximum 100% sulfuric acid production rate of the sulfuric acid plant achieved in practice, in tons per day.
6. A list of all capital expenditures greater than \$25,000 commenced at the sulfuric acid plant since completion of its installation/construction until the present. This list should contain the approximate date of each project, a brief description of each project, a breakdown of expenses, vendor information, and the fixed capital cost of each project in nominal dollars.
7. For any capital construction project commenced since the plant’s original date of construction costing over \$100,000, provide copies of the capital appropriations requests justifying the expenditure.
8. Please provide copies of all documents or reports including, but not limited to, all supplemental or supporting documents including engineering analysis, designs, and drawings, spreadsheets, electronic files, handwritten calculations, and conversion factors and values, or other documentation

¹ In responding to this request, it is not necessary to list any changes to the production rate achievable in practice caused by ambient weather conditions, catalyst deterioration, catalyst maintenance, or routine catalyst replacement. These values should be provided assuming beginning-of-run catalyst and ideal ambient weather conditions.

generated by or prepared on behalf of the sulfuric acid plant between January 1, 1996 and the present that discuss plans to replace, modify, or upgrade equipment at the sulfuric acid plant. All NSPS applicability requests submitted by the company are also responsive to this request.

9. A list of all turnarounds of the sulfuric acid plant since the plant's original date of construction. Please include the date the turnaround commenced, the date the plant was restarted, and a brief description of work performed during the turnaround.
10. A summary of the results of all emission test runs, emissions characterizations, or emissions studies (including potential to emit calculations for PM, SO₂, CO, NO_x, and VOC), conducted or attempted at each sulfuric acid plant since January 1, 1996 (it is not necessary to provide the full emission test report). Include with this information relevant operating parameters measured during these tests/studies, such as 100% sulfuric acid production rate and stack gas flow rates.
11. For each sulfuric acid plant equipped with an SO₂ continuous emissions monitoring system (CEMS), provide the hourly measurement of each parameter monitored by the CEMS each day since the date of initial startup. Please provide this information in an electronic format that may be edited by a spreadsheet program such as Excel or comparable software.
12. A description of the CEMS associated with each sulfuric acid plant. In this description, provide the following information:
 - a) a list of each analyzer in service along with a brief description;
 - b) each analyzer's dates of service;
 - c) whether each analyzer is in conformance with the applicable EPA Performance Specification in 40 C.F.R. Part 60 Appendix B; and
 - d) the parameters monitored by each CEMS (i.e. mass emission rate, concentration, production based emission rate and corresponding conversion factors).
13. All permit application materials, including any related correspondence to the Florida Department of Environmental Protection or any local permitting authority, for each air construction permit issued to construct or modify any sulfuric acid plant currently in operation at the facility since the original construction.

ENCLOSURE C

CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. §7414, and 40 CFR Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 CFR Part 2, subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. See 40 CFR §2.201(e).

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 CFR §2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 CFR §2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business' competitive edge. See 40 CFR §2.208 (a)-(d). Emission data, as defined at 40 CFR §2.301(a)(2), is expressly not entitled to confidential treatment under 40 CFR Part 2, subpart B. See 42 U.S.C. §7414(c); 40 CFR § 2.301(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 CFR Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 CFR Part 2, subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.

2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 CFR §2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 CFR §2.204(e)(1).

ENCLOSURE D

This is to be signed and dated by a duly authorized official of Tampa Electric Company, Polk Power Station.

STATEMENT OF CERTIFICATION

I hereby certify that the foregoing responses and information provided to EPA in response to its Clean Air Act, Section 114, Information Request were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information or that I consulted with individuals having personal knowledge (note, please identify such individuals). I certify that the responses are true, accurate, and complete to the best of my knowledge.

Signature and Date

Title

