Appendix AR-1, Acid Rain.

Florida Power & Light Company
Cutler Plant

DRAFT/PROPOSED Permit No.: 0250001-003-AV

The emissions units listed below are regulated under Acid Rain Program, Phase II.

E.U. ID No.	Description
-003	Fossil Fuel Fired Steam Generator #5
-004	Fossil Fuel Fired Steam Generator #6

The Designated Representative of these acid rain units applied for a Phase II permit by submitting to the Department a completed "Revised (Renewal) Acid Rain Part Application" form (DEP Form No. 62-210.900(1)(a), F.A.C., Effective: 06/16/03) signed by the Designated Representative on 06/27/07.

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.

This submission is: ☐ New ☒ Revised

STEP 1
Identify the source by plant name, State, and ORIS code

Plant Name: **Cutler Plant**	State: **Florida**	ORIS Code: **000610**

STEP 2

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

a Unit ID#	b Unit will hold allowances in accordance with 40 CFR 72 9(c)(1)	c New Units Commence Operation Date	d New Units Monitor Certification Deadline
PCU 5	**Yes**	**N/A**	**N/A**
PCU 6	**Yes**	**N/A**	**N/A**
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		

Cutler Plant
Plant Name (from Step 1)

STEP 3
Read the standard requirements

Acid Rain Part Requirements

(1) The designated representative of each Acid Rain source and each Acid Rain unit at the source shall:
(i) Submit a complete Acid Rain part application (including a compliance plan) under 40 CFR part 72 and Rules 62-214 320 and 330 F A C in accordance with the deadlines specified in Rule 62-214.320, F.A.C.; and
(ii) Submit in a timely manner any supplemental information that the Department determines is necessary in order to review an Acid Rain part application and issue or deny an Acid Rain part;
(2) The owners and operators of each Acid Rain source and each Acid Rain unit at the source shall:
(i) Operate the unit in compliance with a complete Acid Rain part application or a superseding Acid Rain part issued by the Department; and
(ii) Have an Acid Rain Part

Monitoring Requirements

(1) The owners and operators and, to the extent applicable, designated representative of each Acid Rain source and each Acid Rain unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75, and Rule 62-214.420, F.A.C.
(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program
(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source

Sulfur Dioxide Requirements

(1) The owners and operators of each source and each Acid Rain unit at the source shall:
(i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another Acid Rain unit at the same source to the extent provided in 40 CFR 73 35(b)(3) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
(ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
(3) An Acid Rain unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
(i) Starting January 1, 2000, an Acid Rain unit under 40 CFR 72.6(a)(2); or
(ii) Starting on the later of January 1 2000 or the deadline for monitor certification under 40 CFR part 75 an Acid Rain unit under 40 CFR 72.6(a)(3)
(4) Allowances shall be held in deducted from or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain part application, the Acid Rain part, or an exemption under 40 CFR 72 7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization
(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right

Nitrogen Oxides Requirements The owners and operators of the source and each Acid Rain unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides

Excess Emissions Requirements

(1) The designated representative of an Acid Rain unit that has excess emissions in any calendar year shall submit a proposed offset plan as required under 40 CFR part 77
(2) The owners and operators of an Acid Rain unit that has excess emissions in any calendar year shall:
(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty as required by 40 CFR part 77; and
(ii) Comply with the terms of an approved offset plan as required by 40 CFR part 77

Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the source and each Acid Rain unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created This period may be extended for cause at any time prior to the end of 5 years, in writing by the EPA or the Department:
(i) The certificate of representation for the designated representative for the source and each Acid Rain unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation in accordance with Rule 62-214.350, F.A.C ; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
(ii) All emissions monitoring information, in accordance with 40 CFR part 75 provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply;
(iii) Copies of all reports compliance certifications and other submissions and all records made or required under the Acid Rain Program; and

Cutler Plant
Plant Name (from Step 1)

STEP 3
Cont'd.

Recordkeeping and Reporting Requirements (cont)

(iv) Copies of all documents used to complete an Acid Rain part application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program

(2) The designated representative of an Acid Rain source and each Acid Rain unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program including those under 40 CFR part 72 subpart I and 40 CFR part 75

Liability

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain part application, an Acid Rain part, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect
(4) Each Acid Rain source and each Acid Rain unit shall meet the requirements of the Acid Rain Program.
(5) Any provision of the Acid Rain Program that applies to an Acid Rain source (including a provision applicable to the designated representative of an Acid Rain source) shall also apply to the owners and operators of such source and of the Acid Rain units at the source.
(6) Any provision of the Acid Rain Program that applies to an Acid Rain unit (including a provision applicable to the designated representative of an Acid Rain unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76 11 (NO_x averaging plans) and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75 18) the owners and operators and the designated representative of one Acid Rain unit shall not be liable for any violation by any other Acid Rain unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
(7) Each violation of a provision of 40 CFR parts 72, 73, 75 76, 77, and 78 by an Acid Rain source or Acid Rain unit or by an owner or operator or designated representative of such source or unit shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program an Acid Rain part application an Acid Rain part or an exemption under 40 CFR 72 7or 72 8 shall be construed as:
(1) Except as expressly provided in title IV of the Act exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an Acid Rain source or Acid Rain unit from compliance with any other provision of the Act including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
(2) Limiting the number of allowances a unit can hold; *provided* that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established

STEP 4

Read the certification statement, sign, and date

Certification

I am authorized to make this submission on behalf of the owners and operators of the Acid Rain source or Acid Rain units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information including the possibility of fine or imprisonment

Name: **R. Bryan Fennell**	
Signature	Date 6-27-07

Acid Rain Program
Instructions for
Acid Rain Part Application
(40 CFR 72.30 - 72.31 and Rule 62-214.320, F.A.C.)

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

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

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

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

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

Submission Deadlines

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

Submission Instructions

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