



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

October 19, 1998

4APT-ARB

Howard L. Rhodes, Director
Air Resources Management Division
Florida Department of Environmental Protection
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permit
Florida Power & Light Company
Cape Canaveral Plant
Permit No. 0090006-001-AV

Dear Mr. Rhodes:

The purpose of this letter is to provide comments to the Florida Department of Environmental Protection (DEP) on the proposed title V operating permit for Florida Power & Light Company, Cape Canaveral Plant, which was posted on DEP's web site on September 4, 1998. Based on the Environmental Protection Agency's (EPA's) review of the proposed permit and the supporting information for this facility, EPA formally objects, under the authority of Section 505(b) of the Clean Air Act (the Act) and 40 C.F.R. 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the title V permit for this facility. The basis of EPA's objection are as follows: 1) the permit does not fully meet the periodic monitoring requirements of 40 C.F.R. 70.6(a)(3)(i), 2) the permit does not identify 40 C.F.R. Part 61, Subpart M as an applicable requirement, 3) the permit does not contain the appropriate averaging time for the particulate matter standard, 4) the permit identifies a condition affecting the compliance testing for particulate matter and visible emissions as not federally enforceable, and 5) the permit contains insufficient language regarding the permit shield.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or 40 C.F.R. Part 70. Section 70.8(c)(4) and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised

permit be submitted in advance in order that any outstanding issues may be addressed prior to the expiration of the 90-day period.

Pursuant to 40 C.F.R. 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. Part 70. The enclosure also contains general comments applicable to the permit.

If you have any questions or wish to discuss this further, please contact Ms. Carla E. Pierce, Chief, Operating Source Section at (404) 562-9099. Should your staff need additional information they may contact Ms. Gracy R. Danois, Florida Title V Contact, at (404) 562-9119, or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

/s/ Carla E. Pierce for

Winston A. Smith
Director
Air, Pesticides & Toxics
Management Division

Enclosure

cc: Mr. John Franklin
Plant General Manager
Florida Power & Light

Enclosure

U.S. EPA Region 4 Objection
Proposed Part 70 Operating Permit
Florida Power & Light Company
Cape Canaveral Plant
Permit No. 0090006-001-AV

I. EPA Objection Issues

1. **Periodic Monitoring:** The permit is unclear regarding the frequency of testing that the facility needs to follow for particulate matter. Conditions A.27 and A.30 establish that the facility will conduct testing once a year if fuel oil is burned for more than 400 hours, and no testing is required otherwise. However, condition A.28 provides that the facility must conduct annual particulate matter testing with a 40% opacity limit, as stipulated in the January 2, 1986, FDEP Order. The permit must specify which one of these conditions the facility needs to follow to determine compliance with the particulate matter limit.

A similar situation occurs with the frequency of testing that the facility needs to follow for visible emissions (VE). Condition A.28 states that VE testing "will be conducted annually regardless of the option selected." However, condition A.29 requires VE testing only if the facility burns fuel oil for more than 400 hours. The permit must specify which one of these conditions the facility needs to follow to determine compliance with the VE limit.

2. **Appropriate Averaging Times:** In order for the emissions standard for particulate matter to be practicably enforceable, the appropriate averaging time must be specified in the permit. An approach that can be used to address this deficiency is to include general language in the permit to indicate that the averaging times for all specified emission standards are tied to or based on the run time of the test method(s) used for determining compliance.
3. **Periodic Monitoring:** Condition A.34 indicates that the source is required to maintain hourly fuel records of the amount of fuel fired, the ratio of fuel oil to natural gas if co-fired, the heating value, and sulfur content of each fuel fired. Condition A.34 also indicates that the sulfur content and heating value of the fuel will be determined by taking a daily sample of the fuel fired, combining those samples into a monthly composite, and analyzing a representative sample. Analyzing a monthly composite sample does not provide reasonable assurance of compliance with the applicable SO₂ standard which is based on a three-hour rolling average. Since the fuel records required in Condition A.34 need to be "of sufficient detail" to identify the testing requirements of Condition A.32 (Operating Conditions During Testing - PM and VE), and A.14 (sulfur dioxide monitoring operations to demonstrate compliance with the sulfur dioxide limit based on a 3-hour rolling average), the permit must require the facility to take daily fuel samples and analyze on a daily basis. Please refer to Enclosure 1, item no. 5 of the December 11, 1998, objection letter for a complete discussion of EPA's position on this subject.

4. **Compliance Testing Requirements:** The statement of basis for the proposed permit states that "fuel additives such as, but not limited to, magnesium hydroxide are used to enhance combustion and facilitate cleaning, in a manner consistent with Best Operational Practices." Attachment PCCU1_10.txt of the permit application states that the facility uses additives when burning fuel oil. Also, condition A.33 requires that testing is conducted "while injecting additives consistent with normal operations." Therefore, EPA does not understand why condition A.31 of the permit refers to the use of additives as a possibility, contrary to what has been established by the permit application, condition A.33 of the permit, and the statement of basis. Furthermore, since the use of additives affects the performance of the facility, this condition must be identified as federally enforceable.
5. **Applicable Requirements:** The permit application for Cape Canaveral states that the facility is subject to the Asbestos NESHAP (40 CFR part 61, subpart M). In section II.B, the facility reported as applicable regulations the following requirements of part 61: 61.05, 61.12(b), 61.19, 61.145, 61.148, and 61.150. Both the permit and the statement of basis are silent with regard to these requirements. The information contained in the application did not provide a clear picture of the activities that may be subject to these requirements. The State must include permit conditions that address these requirements or must include an explanation in the statement of basis to justify not including these requirements in the permit.
6. **Permit Shield:** The effective date for the proposed title V permit for Cape Canaveral is January 1, 1999. We understand that the issuance of this permit may precede this effective date. The "Order Extending Permit Expiration Date" indicates that the facility must comply with the existing permit terms and conditions until its Title V permit becomes effective. The Order extends the expiration date(s) of the facility's existing valid permit(s) until the effective date of the Title V permit. However, this Order does not address the effective date of the permit shield. Condition 53 of Appendix TV-1, Title V Conditions, dated 12/2/97, indicates that the permit shield becomes effective upon permit issuance. It should be noted that the permit shield is not actually in effect until the Title V permit becomes effective on January 1, 1999. We recommend that clarifying language be added to the permit stating that the shield becomes effective not upon issuance, but rather, upon the title V permit effective date (January 1, 1999).

II. EPA General Comments

1. Section II, condition 10: Replace "Operating Source Section" with "Air & EPCRA Enforcement Branch, Air Compliance Section."
2. Section III, subsection A, conditions A.18 and A.41: EPA recommends that conditions A.18 and A.41 be combined into one, since these conditions establish the use of COMs for periodic monitoring purposes. In order to make the permit consistent, the State should consider using language similar to the one contained in condition A.21 to treat the permittee's agreement to use the COM as periodic monitoring for VE.

3. Section III, subsection A, condition A.34: Condition A.34 refers to paragraphs "b and c" of condition A.14. Condition A. 14 only contains two paragraphs: a and b. It appears that the reference in Condition A. 34 is in error.

4. Section III, subsection A, conditions A.29, and A.30: Based upon monitoring data submitted under the provisions of the acid rain continuous emission monitoring rule [Cost and Quality of Fuels for Electric Utility Plants 1996 Tables, DOE/EIA-0191(96)], it appears that Units 1 and 2 burn fuel oil for substantially more than 400 hours per year. Therefore, unless it is likely that these units will operate fewer than 400 hours per year in the future, EPA recommends that these conditions which address testing waivers for infrequently operated units (i.e., those that operate fewer than 400 hours per year) be removed from the permit for this facility.