



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

4APT-ARB

FEB 26 1999

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 Corporation
DeBary Facility
Permit No. 1270028-001-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 Corporation, DeBary Facility, which was posted on DEP's web site on January 4, 1999. 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 bases 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 contain 40 C.F.R. §60.333(a) as an applicable requirement, and 3) the permit contains language that limits the type of information that can be used to evaluate the compliance status of the facility.

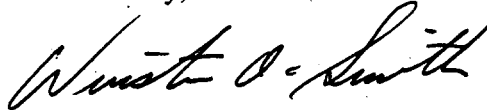
Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or 40 C.F.R. Part 70. EPA and DEP are in agreement that the receipt date of a proposed permit is considered to be the date when EPA receives electronic notification of the permit's availability on DEP's web site. Although the permit was posted on DEP's web site on January 4, 1999, EPA was not officially notified of the availability of the proposed permit. On February 11, 1999, EPA staff notified the State of this discrepancy and EPA agreed to issue comments expeditiously without requiring the State to re-post the proposed title V permit. Therefore, EPA considers issuance of this objection letter to be within the official 45 day time frame allowed in section 70.8(c) for EPA's review. 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,



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

Enclosure

cc: Mr. W. Jeffrey Pardue, Director
Environmental Services Dept.
Florida Power Corporation

G.R.Danois.02/22/99.fpc-debary.gd2.x9119.

<i>KPS</i> 2/25/99		<i>USP</i> 2/25/99		
Danois	Crum-EAD	Pierce	Cody	Neeley
			<i>FC</i> 2/25/99	<i>JWW</i> 2/25/99
Fox <i>2/25</i>	Smith <i>2/26/99</i>			

2/25
PM

2/26/99

Enclosure

**U.S. EPA Region 4 Objection
Proposed Part 70 Operating Permit
Florida Power Corporation
DeBary Station
Permit no. 1270028-001-AV**

I. EPA Objection Issues

1. **Periodic Monitoring:** The permit does not require sufficient periodic monitoring to ensure compliance with the applicable opacity standard. The permit for FPC-DeBary only requires an annual one hour Method 9 visible emissions reading. In most cases, this does not constitute adequate periodic monitoring to ensure continuous compliance with the opacity standard. The permit must require that the source conduct visible emissions observations on a daily basis when burning fuel oil, or a technical demonstration must be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.
2. **Periodic Monitoring:** The permit does not require sufficient periodic monitoring to ensure compliance with the applicable SO₂, PM/PM10, CO, and VOC, limits in Section III, subsection B. The FPC- DeBary permit only requires testing once every year for these pollutants. This monitoring scheme does not appear to constitute adequate periodic monitoring to ensure compliance with the limits contained in the permit. In order for infrequent testing to be approved as the periodic monitoring method for this facility, the State must provide a technical demonstration that no additional monitoring is warranted to ensure compliance with the limits listed above. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year. If it is determined that additional monitoring is necessary to ensure compliance with the permit conditions, more frequent testing requirements must be included in the permit.
3. **Periodic Monitoring:** Section III, subsection B, condition B.19 establishes that a one hour opacity test with values no greater than 10%, may serve as the annual particulate test. In order for this to be approved as periodic monitoring for PM, the permit or the statement of basis must contain a technical demonstration of the correlation between these two parameters and the methodology that the source will follow to assess compliance with the particulate matter standard in this permit.

4. **Missing Applicable Requirement:** Section III, subsection B, condition B.8, does not appear to ensure compliance with 40 CFR § 60.333(a). The permit must include the requirements contained in 40 CFR § 60.333(a), or the statement of basis must include an explanation of why this portion of the regulations do not apply to this facility.

5. **Credible Evidence:** Section III, subsection B, condition B.25, appear to limit the type of information that may be used to evaluate the compliance status of this facility. The source should be aware that any credible evidence may be used to ensure compliance and for enforcement associated with the title V permit. Although the intent of this provision is to specify the applicable test methods to be used, it could be misconstrued to be the exclusive means of determining compliance with the applicable emission limits. As EPA has previously explained, the reference test methods are to be used as test methods of reference against which other data will be measured. Thus, the reference test methods will be used as the standard for determining credibility and precision of other emissions data and measurements, but not as the sole means of determining compliance. In an effort to clarify that such permit conditions are not meant to limit the use of any credible evidence, the statement of basis must include the following language:

"This permit contains provisions which require specific test methods or procedures be used as a demonstration of compliance with permit limits, but are not intended as the only means of demonstrating or certifying compliance with permit limits. No provision in this permit precludes the use of any credible evidence for compliance and enforcement purposes."

II. General Comments

1. **Section III, subsection B, condition B.4:** Please add the appropriate regulatory citation to this condition. If the condition stems from the BACT determination, the date of the determination should also be cited.

2. **Section III, subsection B, condition B.7:** If this condition also assures compliance with 40 CFR § 60.332, the appropriate citation needs to be added to the condition.

