



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 30 2002

OFFICE OF
AIR AND RADIATION

Mr. Paul Barnard,
Project Manager
Hays Energy Limited Partnership
1601 Francis Harris Lane
San Marcos, TX 78666

Re: Petition for a 45-day extension to complete the CEMS certification test for Hays Energy Unit 4

Dear Mr. Barnard:

The United States Environmental Protection Agency (EPA) has received your April 4 2002 petition, under §75.66(a) of the Acid Rain regulations, for the Hays Energy (ORIS Code # 55075). The petition requests an extension of 45-days beyond the 90-day regulatory deadline to complete the certification of continuous emission monitoring system (CEMS) for a new unit, Unit 4. For the reasons discussed below, EPA approves the petition, with conditions.

Background

Hays Energy has a dual fuel combined cycle turbine cogeneration plant in Texas. The affected unit is a 250 MW Alstom GT24B, with a heat recovery steam generator (HRSG) that does not have supplemental firing. The unit is fired only with natural gas.

The unit commenced commercial operation (as defined in 40 CFR §72.2) on January 25, 2002 when the combustion turbine was first synchronized to the grid. Since then, Hays Energy states that the project has had major delays. According to Hays Energy, technical problems related to re-cabling work on about 2000 wires at the unit cause a 5-week delay. Further, the main water cooler discharge valve actuator was set in an incorrect position. This damaged the gearbox with the consequent burn of the motor, resulting in a delay of about 3 to 4 weeks.

Hays Energy states that it tried to mitigate the delays by establishing extended working days and that it expects to certify the CEMs by May. It is expected that the combustion turbine

will be running at base load and therefore could complete the certification process immediately. For these reasons, Hays Energy requests an extension of 45 days of the certification deadline.

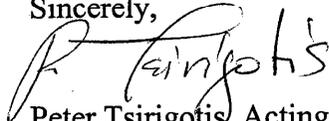
EPA's Determination

As discussed above, the petitioner experienced unavoidable technical problems during the startup of the new unit at Hays Energy. These difficulties adversely affected operation of the unit and the company's ability to comply with the certification deadline. Hays Energy appears to have made reasonable efforts to resolve these problems.

The purposes of Part 75 include ensuring that each CEMS is certified in a timely manner to provide consistent, accurate emission data throughout the operations of the affected unit. However, Hays Energy was not able to complete commissioning of the equipment at Unit 4 and to complete CEMS certification due to technical difficulties. EPA therefore approves the petition for an extension of the CEMS certification deadline for 45 days. However, EPA conditions the extension on Hays Energy reporting substitute data in accordance with Section 2.1.2.1 of Appendix A of Part 75, starting from the original certification deadline and continuing until the provisional certification of the CEMS is completed for any hour of unit operation.

EPA's determination relies on the accuracy and completeness of the information in the April 4, 2002 petition and is appealable under part 78 of the Acid Rain regulations. If you have any further questions about this matter, please contact Ruben Deza at (202) 564-3956.

Sincerely,



Peter Tsirigotis, Acting Director
Clean Air Markets Division

✓
cc. Joseph Winkler, Region VI