



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Sent by Electronic Mail – Received Receipt Requested

Jamie Hunter, Lead Environmental Specialist
Progress Energy Florida, Inc.
P.O. Box 14042 – PEF 903
St. Petersburg, Florida 33733

Re: Extension of Air Construction Permit Expiration Date
Progress Energy Florida, Inc., Crystal River Power Plant
Project No. 0170004-039-AC/PSD-FL-392(A)
Extension of Original Air Permit No. 0170004-018-AC/PSD-FL-392 for South Cooling Tower

Dear Mr. Hunter:

On November 7, 2012, Progress Energy Florida, Inc. (PEF) requested an extension of the expiration date of air construction Permit No. 0170004-018-AC/PSD-FL-392 for the Crystal River Power Plant located in Citrus County north of Crystal River, west of U.S. 19 in Crystal River, Florida. The submitted requests states that PEF is in need of an extension of the expiration date of the air construction permit (0170004-018-AC/PSD-FL-392) authorizing the construction of the South Cooling Tower. This proposed cooling tower was originally associated with the Crystal River 3 Uprate Project. As completion of that project continues to be postponed due to the unforeseen issues related to the containment structure delamination, construction of the new South Cooling Tower has not yet begun. PEF is requesting that the permit expiration date be extended by three years (until January 1, 2016) to accommodate the delay in the associated CR 3 Uprate Project. Based on the circumstances and information provided, the Department approves this request subject to the following requirement.

A review of the BACT/RACT/ LAER Clearinghouse reveals that the original design specification for the drift rate from the South Cooling Tower of no more than 0.0005% of the circulating water flow is still consistent with Best Available Control Technology (BACT), so no design changes are required in conjunction with this extension request. However, if construction does not commence within 18 months of the effective date of this extension, a review of current representative BACT determinations for similar projects shall be performed at that time to determine if the original design still constitutes BACT. If design standards change, the BACT determination shall be revisited prior to commencing construction.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Department of Environmental Protection's Office of Permitting and Compliance is the Permitting Authority responsible for making a determination for this project. The Permitting Authority's physical address is: 2600 Blair Stone Road, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

Determination: The expiration date is hereby extended from **January 1, 2013** to **January 1, 2016** to provide the necessary time to complete construction and to submit a complete application for a Title V air operation permit revision. This permitting action does not authorize any new construction. A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions must be filed within 14 days of receipt of this permit extension. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that

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person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this written notice. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Jeffery F. Koerner, Program Administrator
Office of Permitting and Compliance
Division of Air Resource Management

JFK/jh

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this air construction permit extension was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. Jamie Hunter, PEF: john.hunter@pgnmail.com
Ms. Kelly Boatwright, DEP SWD: kelley.m.boatwright@dep.state.fl.us
Ms. Cindy Mulkey, DEP Siting Office: cindy.mulkey@dep.state.fl.us
Ms. Alisa Coe, Earth Justice: acoe@earthjustice.org
Ms. Kathleen Forney, EPA Region 4: forney.kathleen@epa.gov
Ms. Heather Ceron, EPA Region 4: ceron.heather@epa.gov
Ms. Lynn Searce, DEP OPC: lynn.searce@dep.state.fl.us

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.