United States Department of the Interior

FISH AND WILDLIFE SERVICE
National Wildlife Refuge System
Branch of Air Quality
7333 W. Jefferson Ave., Suite 375
Lakewood, CO 80235-2017

IN REPLY REFER TO:

FWS/ANWS-AR-AQ

October 26,2009

Mr. Thomas G. Rogers, Administrator
Air Modeling and Data Assessment Section
Division of Air Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5500
Tallahassee, Florida 32399-2400

Dear Mr. Rogers:

On August 27,2009, the State of Florida published the Preliminary Draft of the Florida State Implementation Plan (SIP) for Regional Haze. This plan describes improvements to air quality regional haze impacts at mandatory Class I areas across your region. We appreciate the opportunity to work closely with the State through the initial evaluation, development, and, now, subsequent reviews of this plan. Cooperative efforts such as these ensure that, together, we will continue to make progress toward the Clean Air Act's goal of natural visibility conditions at the most pristine National Parks and Wilderness Areas for future generations.

This letter acknowledges that the U.S. Department of the Interior, U.S. Fish and Wildlife Service (FWS) and the National Park Service (NPS) have received and conducted a substantive review of your Preliminary Draft Regional Haze Rule implementation plan in fulfillment of your requirements under the federal regulations 40 CFR 51.308(i)(2). As outlined in a letter to each State dated August 1,2006, our review focused on eight basic content areas. The content areas reflect priorities for the Federal Land Manager agencies, and we have enclosed comments associated with these priorities. Please note, however, that only the U.S. Environmental Protection Agency (EPA) can make a final determination regarding the document's completeness and, therefore, ability to receive federal approval from EPA.

On September 14, 2009, we discussed via conference call, comments for you to consider regarding the Preliminary Draft State Implementation Plan. As has been communicated, the State of Florida is working to address these comments and will provide the FWS and NPS with a summary when it has been completed. With this letter, we are formalizing and providing comments regarding the Regional Haze SIP and the Best Available Retrofit Technology (BART). In addition, we are providing comments on supplemental information that has been provided since the teleconference call. We ask that these

TAKE PRIDE IN AMERICA

comments be placed in the official public record, and that the State consider these issues as it proceeds with its regulatory process.

Again, the State of Florida is commended for the high quality of work and clear and concise writing of Preliminary Draft Regional Haze SIP. We compliment you on your hard work and dedication to significant improvement in our nation's air quality related values and visibility.

Sincerely,

Sandra V. Silva
Chief, Branch of Air Quality
U.S. Fish and Wildlife Service

Christine L. Shaver
Chief, Air Resources Division
National Park Service

Enclosure (1)

cc:

Kay Prince, Chief, Air Planning Branch
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Michele Notarianni
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Annette Sharp, Executive Director
CENRAP
10005 S. Pennsylvania, Ste. C
Oklahoma City, Oklahoma 73159

VISTAS Technical Coordinator
2090 U.S. 70 Highway
Swannanoa, North Carolina 28778

Brian McManus, Deputy Chief
FWS Branch of Fire Management
National Interagency Fire Center
3833 South Development Ave.
Boise, Idaho 83705

Jon Andrew, Chief,
National Wildlife Refuge System
USFWS Southeast Region
1875 Century Center
Atlanta, Georgia 30345

George Constantino, Project Leader
Okefenokee National Wildlife Refuge
Route 2, Box 3330
Folkston, GA 31537

Jane Griess, Project Leader
Wolf Island National Wildlife Refuge
Savannah Coastal Refuges
Parkway Business Center
1000 Business Center Drive, Suite 10
Savannah, Georgia 31405

James Burnett, Refuge Manager
St. Marks National Wildlife Refuge
P.O. Box 68
St. Marks, Florida 32355

James Kraus, Refuge Manager
Chassahowitzka National Wildlife Refuge
1502 SE Kings Bay Drive
Crystal River, Florida 34429-4661

U.S. Fish and Wildlife Service and National Park Service Comments Regarding Florida Preliminary Draft Regional Haze State Implementation Plan

On August 27,2009, the State of Florida submitted a Preliminary Draft of the State Implementation Plan (SIP) Revision for the Regional Haze Program, pursuant to the requirements codified in Federal rule at 40 CFR 51.308(i)(2), to the U.S. Department of the Interior, U.S. Fish and Wildlife Service (FWS) and the National Park Service (NPS).

The air program staff of the FWS and the NPS have conducted a substantive review of the Florida Preliminary Draft SIP and provided verbal comments on September 14,2009. Florida has said that it is working to address these comments and will provide the FWS and NPS with a summary when it has been completed. This is a summary of the issues discussed during that conference call and additional comments on the supplemental information submitted since the call.

We applaud the Florida Department of Environmental Protection (FDEP) for developing a SIP that is responsive to the key policy areas that we identified as important in our August 1,2006, letter. We particularly appreciate the descriptive narrative explaining the rationale for conclusions made to address Regional Haze.

We are providing these comments to the State and ask that they be placed in the official public record. We look forward to your response as per section 40 CFR 51.308(i)(3), and we are willing to work with the Florida DEP staff towards addressing any of the issues discussed in this letter. For further information, please contact Tim Allen with FWS at (303) 914-3802.

Overall Comments

Overall, the Florida Preliminary Draft Regional Haze State Implementation Plan (SIP) includes the necessary elements and offers all the information needed to adequately address regional haze, and the technical support documentation is sufficient. The SIP is a comprehensive and well written plan and a good example for other states to follow.

Clarifications

<u>Enforceable Emission Limits in the SIP</u>

Enforceable emission limits and compliance schedules are required to be in the SIP for reasonable progress and for BART. For the final SIP the relevant permits and BART determinations must be submitted.

Prevention of Significant Deterioration (PSD) Permitting Program

A description of how the current PSD permitting program and how it interrelates to the Regional Haze SIP should be included in the SIP.

Smoke Management Plan

In Section 7.2, the Smoke Management Plan (SMP) should be summarized in the paragraph and the SMP can be included as an Appendix to the SIP. The summary paragraph should include whether the SMP is voluntary or mandatory and whether the SMP includes Class I areas as a sensitive receptor and some basic statements on whether emissions from fire are anticipated to shrink, stay the same, or increase over the ten year planning period.

Construction Activity

The preliminary draft SIP does contain a brief discussion on State limits on emissions resulting from construction activity, however the discussion could be more descriptive. This is a required element of the Regional Haze SIP.

Best Available Retrofit Technology (BART)

The BART determinations were processed separately and subject to public comment at a different time. These determinations are summarized in the SIP, however it is recommended that they be included in the SIP Appendices to ensure that the SIP package is complete.

Specific Best Available Retrofit Technology (BART) for Florida Class I Areas

The efforts on Best Available Retrofit (BART) of the Florida Department of Environmental Protection (FDEP) and the companies involved are to be commended. The bottom-line results on visibility improvement due to the deployment of control initiatives are significant. Our comments are not meant in any way to minimize the significance of the reductions due to the agreed upon emission controls, but rather to suggest areas to maximize the benefits of the final products.

Each of six facilities in Florida were allowed to be exempted from BART by implementing emission controls and/or accepting emission limitations under Florida BART Rule 62-296.340(5), after providing dispersion modeling showing that its highest visibility impact on the nearest Class I area did not exceed 0.5 deciviews. Regarding Smurfit-Stone Container Enterprises, Inc. – Panama City Mill, at the request of FDEP, the source also modeled recovery boiler maintenance operations and showed impacts that exceeded the 0.5 dv threshold (0.541 dv with the new IMPROVE algorithm). According the September 14,2009, conference call, the same situation exists at Smurfit-Stone Container Enterprises, Inc. – Fernandina Beach Mill. The sources stated that they did not

feel this maintenance operation should be considered in determining whether a BART analysis is required. It is curious that FDEP asked that the maintenance emissions from the recovery boilers be included in the analysis (since fuel oil is used and the maintenance is a routine operation), but then excluded these results in determining the exemption from the BART requirements. The Federal Land Managers (FLMs) believe that this routine maintenance occurring every six weeks (which is not startup, shutdown or malfunction) is considered to be a routine operation and that modeling with those emissions must be included as the 24-hour maximum rate. This may result in needing a BART determination on those facilities unless the emissions are further curtailed or reduced.

Also, four of the six facilities seem to have compliance dates later than the date the Regional Haze SIP will be submitted to EPA; namely, CF Industries, Inc. (December 2013), Mosaic Fertilizer, LLC – New Wales (April 2012 for Scenario A, April 2013 for Scenario B), Mosaic Fertilizer, LLC – Riverview (May 2010) and Georgia Pacific – Palatka (future dates not specific in proposal). Question 20 contained in "Additional Regional Haze Questions – September 27,2006 Revision" addresses this issue by stating, ". . . a State may allow a BART-eligible source to reduce its emissions such that individual source dispersion modeling shows the source's impact falls below the contribution threshold established by the State. . . the mechanism containing these enforceable limits would need to be in place prior to the date that the Regional Haze SIP is submitted to EPA."[1] The introduction to the questions and answers relates that EPA has some latitude in applying these policies, so this comment is meant to merely highlight the issue for further discussion.

Five facilities in Florida were determined to be subject to the Best Available Retrofit Technology (BART) requirements under the Regional Haze Rule. Specific comments on some of the BART determinations follow. The facilities are as follows:

Facility	**Owned By**
CEMEX Cement Brooksville Plant	CEMEX Cement, Inc.
Suwannee River/Swift Creek Complex	White Springs Agricultural Chemicals, Inc.
Turkey Point Fossil Power Plant Units 1 and 2	Florida Power & Light Company
Crystal River Power Plant	Progress Energy Florida, Inc.
Purdom Power Plant	City of Tallahassee

White Springs Agricultural Chemicals, Inc. Suwannee River/Swift Creek Complex

FDEP states that the existing double-absorption process on the "C" and "D" Sulfuric Acid Plants (EU-021 and EU-022) represents the "top control option" which satisfies steps 1-4 in the BART analysis and that it is not necessary to determine visibility impacts if the top control option is selected as BART. However, the use of cesium catalyst, catalyst loading, installation of a 5th catalyst bed and improving the oxygen/SO_2 ratio are viable and likely cost-effective improvements that FDEP only suggested the Company consider on page 22 of the Revised Technical Evaluation & Preliminary Determination.

It seems that a proper mix of the above improvements might be required by FDEP to undergo the stepwise BART analysis before concluding that the existing controls are the most stringent. This position is consistent with the EPA BART Guidelines which state that, "Many control techniques . . . . can perform at a wide range of levels . . . It is important, however, that in analyzing the technology you take into account the most stringent emission control level that the technology is capable of achieving."[2]

Florida Power & Light Company -- Turkey Point Fossil Power Plant Units 1 and 2

Additional information submitted to FDEP by the Company on October 22 and 24,2008, as indicated on page 100 of the Regional Haze SIP cannot be located in the record. Please make these documents and any other documents submitted by the Company related to the BART determination accessible to the reviewers and available in the record. Just as the visibility benefits of controlling a combination of particulate matter and SO_2 using the proposed BART (0.6 dv) exceed the visibility benefits of ESPs controlling particulate matter alone (0.1 dv), so might the examination of lower sulfur oils result in even higher cost-effective benefits over the use of 0.7% sulfur oil. Such BART alternatives should have been considered in the analysis along with the new multi-cyclones for Units 1 and 2. While the general FDEP approach to reduce fuel sulfur content is supported, the option to switch to 0.5% sulfur residual oil should be considered. The Massachusetts DEP has proposed to require all of its residual-oil-fired BART EGUs to switch to 0.5% sulfur residual oil.

City of Tallahassee -- Purdom Power Plant

Given that the Purdom Generating Station, Unit 7 is planned to be permanently shut down by March 2011 and this is prior to the effective date when BART controls must be in place, no further BART evaluation is required for Unit 7. Of course, the State should terminate the facility's operating permit prior to the 2013 BART effective date if for any reason the plant does not shut down as scheduled. Also, a new Prevention of Significant Deterioration (PSD) permit application, review and approval must occur prior to any initiation of operations at a future date.

Progress Energy Florida, Inc. -- Crystal River Power Plant

The proposed date for permanent shut down of December 31,2020, should be affirmatively documented and be federally enforceable.

S e e "Additional Regional Haze Questions – September 27,2006 **Revision", Question** 20.

[2] See 40 CFR **Part** 51, **Appendix Y, Section N.E.4. The U.S. Environmental Protection Agency finalized it's BART Guidelines on June 15,2005, and published the preamble and final rule text in the Federal Register on July** 6,2005. **The rulemaking action added Appendix Y to Part** 51, **titled "Guidelines for BART Determinations Under the Regional Haze Rule." The section of the Appendix referenced above appeared in the Federal Register at** 70 FR 39166, **July** 6,2005.