



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

September 10, 2017

Noah Valenstein, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3000

Paul L. Carpinone, Director, Environmental Health & Safety
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601-0111

RE: No Action Assurance for Tampa Electric Company in Response to the
Emergency Request for Hurricane Irma-Related Relief

Dear Secretary Valenstein and Mr. Carpinone:

On Thursday, September 7, 2017, the Tampa Electric Company (TEC) contacted the United States Environmental Protection Agency (EPA), Florida Department of Environmental Protection (FDEP), and the Environmental Protection Commission of Hillsborough County, Florida (Hillsborough County EPC) requesting relief from permit conditions and permitting requirements at its electric generating sites, including emission limits, hours of operation limits, fuel usage restrictions, and restrictions on the shutdown or bypass of pollution control equipment, as it relates to damage from Hurricane Irma. Pursuant to a request from FDEP, EPA deferred action on the request pending FDEP's analysis. On Saturday, September 9, FDEP issued its response to TEC's request and asked EPA for its concurrence. This letter is in response to the TEC and FDEP requests for a No Action Assurance (NAA) in order for TEC to maintain the supply of electricity to customers and critical facilities in Florida, and to facilitate the expeditious restoration of lost electrical service caused by Hurricane Irma.

On September 9, 2017, the State of Florida's Emergency Response Team provided an update indicating that nearly all the Florida peninsula will be impacted by Hurricane Irma. The National Weather Service is predicting severe impacts from the Hurricane along all of Florida's southwest coast. The Tampa area is currently under a Hurricane Warning, and the National Hurricane Center predicts 8 to 12-foot storm surges for Southwest Florida. Rainfall in this area is predicted as high 15 inches.

In light of the imminent emergency in the State of Florida, the EPA will exercise its discretion not to pursue enforcement for violations of Title V permit requirements, and the underlying requirements contained therein, at TEC's Big Bend Station (Title V Permit No. 0570039-097-AV), Polk Power Station (Title V Permit No. 1050233-039-AV), and Bayside Power Station (Title V Permit No. 0570040-035-AV) if units at those generating stations are unable to comply due to impacts from Hurricane Irma. The violations to which this exercise of enforcement discretion applies are as follows:

- Emissions limits from operating these units at high or load output levels necessitated by the circumstances;
- Operation in excess of operating and fuel restrictions;
- Unit and/or control equipment malfunctions, shutdowns or restarts;
- Inoperable or damaged process, production, control or monitoring equipment;
- Disruptions in fuel or material supplies (e.g., ammonia, demineralized water, etc.);
- Alternative fuel and material handling procedures;
- Use of backup fuels in excess of permit restrictions;
- Use of available, but off-specification fuels (e.g., higher sulfur fuels);
- Temporary operation of large mobile diesel generators to restore power and start units and auxiliary equipment; and
- The shutdown or bypass of air pollution control equipment to shed parasitic load.

Pursuant to this NAA, the EPA will not enforce the violations described above, subject to the following conditions:

1. To the extent practicable, TEC shall exercise good air pollution control practices to minimize excess emissions and the duration of excess emissions. This includes the use of available natural gas and the operation of available air pollution control equipment at all times during which such operations are technically feasible;
2. TEC shall promptly return to normal operations as soon as practicable;
3. For units in which air pollution control equipment is either shut down or bypassed in order to shed parasitic load, the units must be fired on natural gas or at least 50 percent of the heat input rate must be provided by natural gas (on average across the units), or the Florida Reliability Coordinating Council must have issued a Generating Capacity Alert (GCA). In the case of a GCA, TEC shall provide the GCA to the EPA (as provided below), FDEP's Division of Air Resource Management, and Hillsborough County EPC along with the following information: controls to be shut down, expected duration of shutdown, fuels currently being fired, and fuels planned for future operation;
4. As soon as practicable after system restoration, TEC shall notify the EPA (as provided below), the FDEP, and the Hillsborough County EPC of any exceedances or unpermitted activities implemented in response to Hurricane Irma. This notification should include a detailed description (e.g., cause, duration, quantity of excess emissions) and supporting

documentation that each exceedance or activity was essential to provide electric service to TEC's customers;

5. Any maintenance and repairs performed outside of the NAA period and outside of damage caused by Hurricane Irma shall not be covered by the NAA and will subject to Clean Air Act requirements as appropriate; and
6. TEC shall comply with Rule 62-4.130, Florida Administrative Code (Plant Operation – Problems) and provide notification of permit violations due to breakdown of equipment or destruction by fire, wind or other cause, to each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. Such notification shall include pertinent information as to the cause of the problem, steps being taken to correct the problem and prevent future recurrence, and, where applicable, the owner's intent toward reconstruction of destroyed facilities.

The notifications identified above should be sent to the EPA via email to Jason Dressler, at dressler.jason@epa.gov.

The issuance of an NAA for this period of time is in the public interest. Through today's NAA, the EPA is continuing its commitment to address the very difficult circumstances caused by Hurricane Irma. Nothing in this NAA is intended to override state or local authorities.

The NAA terminates at 11:59 PM EDT, September 19, 2017. The EPA reserves the right to extend, revoke or modify the NAA if the EPA believes that such action is necessary to protect public health and the environment. This NAA does not apply to any other federal requirements that may apply to regulated activities at these facilities other than those listed above.

Nothing in this exercise of enforcement discretion relieves any person of the obligation under law, if any, to report emissions from the operation of equipment covered by this action.

If you have any questions please contact Phillip A. Brooks, at 202-564-0652 or brooks.phillip@epa.gov.

Sincerely,


Lawrence Starfield
Acting Assistant Administrator

cc: Onis "Trey" Glenn III, Regional Administrator, EPA Region 4