

Exhibit 1
EPA Region 4's Brief Regarding Reviewability of Permit



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

NOV - 5 1985

REF: 4APT-AP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Victoria J. Tschinkel
Secretary, Department of
Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301

RE: Partial Delegation Request

Dear Ms. Tschinkel:

This is in response to your letter of October 9, 1985, requesting responsibility for implementation of the technical and administrative portions of the Prevention of Significant Deterioration (PSD) of Air Quality program as it is applied to sources subject to or reviewed under the Electrical Power Plant Siting Act, PHC §§403.501-403.517 and regulated under FAC Chapter 17-17. We have determined that the procedures for new source review by the State of Florida provide an adequate and effective procedure for the implementation of the technical and administrative portions of the PSD program for the sources described above. Therefore, pursuant to 40 CFR Subpart A (General Provisions) and 40 CFR §52.21(u) (Delegation of Authority), we hereby delegate our authority for the technical and administrative portions of the federal PSD program, as described in 40 CFR §52.21, to the State of Florida as follows:

- A. EPA delegates its authority for the technical and administrative review of all sources which are subject to or reviewed under the Electrical Power Plant Siting Act located or to be located in the State of Florida and subject to review under the federal regulations for the Prevention of Significant Air Quality Deterioration, promulgated in 40 CFR §52.21.
- B. EPA delegates to the State of Florida its authority and procedures for technical review and evaluation of new sources and public participation pursuant to 40 CFR §124.3-124.14, but not its authority under 40 CFR §124.15-124.19 to take final action on an application or its authority to take enforcement action.
- C. For purposes of and in accordance with paragraph B above, the State of Florida shall follow the procedures in 40 CFR §§124.3-124.14, except that the word "Director" and the phrase "Regional Administrator" shall mean "State Director". A copy of the State's preliminary determination, a copy of all materials submitted by the owner or operator of the source seeking the PSD permit, a copy or summary of the materials (if any) considered by the State in making its preliminary determination, and a copy

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of the notice shall be sent to the EPA Regional Office immediately upon issuance of a preliminary determination. Immediately upon issuance of a final determination, the state shall forward a copy of the final analysis to the EPA Regional Office. Upon receipt of the State's final analysis, the EPA Regional Office shall take final action on an application pursuant to 40 CFR §124.15.

D. This delegation is based upon the following conditions:

1. Quarterly reports containing pertinent information relating to the status of sources subject to 40 CFR §52.21 (or other reports as required by the Regional Administrator) will be submitted to EPA by the State of Florida as part of the existing reports normally submitted to EPA through program plan reporting.
2. In accomplishing the delegated PSD technical and administrative review, the State of Florida will apply all applicable federal air permitting rules and follow the applicable federal permit processing procedures. If at any time it is determined the state rules or statutes prohibit the Department from applying any such standard or procedure, the pertinent portion of the delegation may be revoked.
3. If the Regional Administrator determines that the State procedure for implementing the technical and administrative portions of PSD is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Florida Department of Environmental Regulation.
4. Acceptance of this delegation of presently promulgated PSD regulations (40 CFR §52.21, as amended 8/7/80) does not commit the State of Florida to accept responsibility for new federal standards or requirements promulgated after the effective date of this delegation.
5. Public availability of information shall be in accordance with 40 CFR §52.21(q).
6. EPA shall overview the conduct of the technical and administrative portions of the PSD program through an overview program consistent with that described in the State/EPA agreement.

The State and EPA will develop a system of communication sufficient to guarantee a program that includes the items described below:

- A. Each agency is informed of the current compliance status of subject sources in the State of Florida.
- B. Prior EPA concurrence is obtained on any matter involving interpretation of 40 CFR §52.21 (including unique questions of applicability of the standards).

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A notice announcing this delegation will be published in the Federal Register in the near future. The notice will state, among other things, that effective immediately, all reports required pursuant to PSD regulations by covered sources located or to be located in the State of Florida should be submitted to the Bureau of Air Quality Management, Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida, 32301. Any such reports which have been or may be received by EPA, Region IV, will be promptly transmitted to the State Agency.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within ten (10) days of receipt of this letter, the State will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,



Jack E. Ravan
Regional Administrator

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