

January 4, 2007

Ron Wilkosz
Plant Manager
Indian River Operations, Inc.
P.O. Box 408
Millsboro, Delaware 19966

Subject: BART Eligible Units

Dear Mr. Wilkosz:

The Delaware Department of Natural Resources and Environmental Control – Air Quality Management Section (the Department) has determined that certain units at your facility are subject to the Best Available Retrofit Technology (BART) requirements of the federal Regional Haze Rule. A BART-eligible source is that portion of a stationary source consisting of those emission units or processes that individually or in aggregate:

1. Have the potential to emit 250 tons per year or more of any visibility-impairing pollutant;
2. Fall into any of the 26 source categories in *Attachment 1*; and
3. Were in existence on August 7, 1977 and began operation after August 7, 1962.

The BART requirements of the Regional Haze Rule may be satisfied in one of two ways. The first way is that you may opt to restrict the combined emissions from BART-eligible units to below 250 tons per year for each visibility impairing pollutant – SO₂, NO_x, and PM₁₀. This restriction may be implemented through a practicably enforceable consent order or permit and must be requested prior to **March 1, 2007** in order to ensure inclusion in our Regional Haze State Implementation Plan (SIP), which is due to EPA in December, 2007. If you do not choose to limit the emissions of the BART-eligible units to below the BART threshold, you must either propose the appropriate BART control level for each such unit for each visibility impairing pollutant, or demonstrate that existing controls for those units meet BART. BART controls are defined as the most stringent technologically feasible system of controls that can reasonably be installed at each facility eligible for BART.

Because your units are EGUs, participating in the Clean Air Interstate Rule (CAIR) cap-and-trade program meets BART requirements for SO₂ and NO_x, but not PM₁₀. However, the Department will still require documentation on how you intend to implement CAIR, and/or the Delaware Multi-Pollutant Regulation for SO₂ and NO_x

To establish the appropriate BART control level described above, we are asking you to undertake a BART analysis of alternative control measures for each BART-eligible unit in accordance with the BART Guidelines issued by the United States Environmental Protection Agency (EPA). This review must address the five statutory factors required by the Clean Air Act (CAA) including: the costs of compliance; the energy and non-air quality environmental impacts of compliance; any existing pollution control technology in use at the source; the remaining useful life of the source; and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. The BART guidelines may be found at http://www.epa.gov/air/visibility/pdfs/guidelines_2005_6_24.pdf. After our review of the analysis results, you may be required to install BART controls at your facility for PM.

The Delaware Regional Haze SIP will identify those facilities that are subject to BART. The SIP must include enforceable emission limitations and compliance schedules that ensure BART controls, if needed, will be installed and in effect by 2013 at each BART-eligible facility, subject to BART.

Requested Action

Please carefully review the information concerning your facility in *Attachment 2 - Delaware BART Eligible Units* and:

- 1) If you have information demonstrating that the units at your facility are not BART-eligible (see definition above), please contact us immediately.
- 2) If your facility would like to consider a permitted emission cap limiting the combined emissions from all BART-eligible units to less than 250 tons per year of each visibility impairing pollutant [sulfur dioxide (SO₂), oxides of nitrogen (NO_x), and particulate matter (PM₁₀)] please submit an application requesting this limit as soon as practicable but no later than **March 1, 2007**.
- 3) Submit to the Department your facility's plans to implement CAIR and/or Delaware's Multi-Pollutant regulation to satisfy BART for SO₂ and NO_x by **June 1, 2007**.

If the information in *Attachment 2* for units at your facility is correct and your facility is not interested in taking an emissions cap, then please conduct your BART analysis and submit your proposed BART control level(s) to this department no later than **June 1, 2007**. The Department will determine BART controls based upon review of the BART analysis submitted by your facility.

If you have any questions on this material or the requested actions, please contact Jack Sipple at the address on this letterhead or by e-mail at john.sipple@state.de.us.

Sincerely,

Ronald Amirikian
Acting Program Manager II
Air Quality Management Section

Enclosures

C: Ali Mirzakhali, DNREC
 Paul Foster, DNREC
 Jack Sipple, DNREC
 Tim Allen, USFWS
 Bruce Polkowsky, NPS
 Niel Bigioni, USEPA, Region 3
 Ray Palpasky, NJDEP

January 4, 2007

Albert F. Kirby
Sr. Vice President of Generation and Engineering
Conectiv Energy
P. O. Box 6066
Mail Code: 92DC72
Newark, DE 19714

Subject: BART Eligible Units

Dear Mr. Kirby:

The Delaware Department of Natural Resources and Environmental Control – Air Quality Management Section (the Department) has determined that certain units at your facility are subject to the Best Available Retrofit Technology (BART) requirements of the federal Regional Haze Rule. A BART-eligible source is that portion of a stationary source consisting of those emission units or processes that individually or in aggregate:

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 Ray Palpasky, NJDEP

January 4, 2007

Dean Blaha
Plant Manager
North American Energy Services
880 Buttner Place

Subject: BART Eligible Units

Dear Mr. Blaha:

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7. Have the potential to emit 250 tons per year or more of any visibility-impairing pollutant;
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Sincerely,

Ronald Amirikian
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 Ray Palpasky, NJDEP

Attachment 1

List of Source Categories

The BART requirement only applies to sources in specific categories listed in the Clean Air Act. These categories are:

1. Fossil-fuel fired steam electric plants of more than 250 million British thermal units (BTU) per hour heat input,
2. Coal cleaning plants (thermal dryers),
3. Kraft pulp mills,
4. Portland cement plants,
5. Primary zinc smelters,
6. Iron and steel mill plants,
7. Primary aluminum ore reduction plants,
8. Primary copper smelters,
9. Municipal incinerators capable of charging more than 250 tons of refuse per day,
10. Hydrofluoric, sulfuric, and nitric acid plants,
11. Petroleum refineries,
12. Lime plants,
13. Phosphate rock processing plants,
14. Coke oven batteries,
15. Sulfur recovery plants,
16. Carbon black plants (furnace process),
17. Primary lead smelters,
18. Fuel conversion plants,
19. Sintering plants,
20. Secondary metal production facilities,
21. Chemical process plants,
22. Fossil-fuel boilers of more than 250 million BTUs per hour heat input,
23. Petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels,
24. Taconite ore processing facilities,
25. Glass fiber processing plants, and
26. Charcoal production facilities.

<i>Attachment 2</i>								
Delaware BART Eligibility Survey								
Facility	BART eligible	MW	Date Built/Modification	Existing Controls	POTENTIAL TO EMIT			
					PM	SO2	NOx	VOC
<i>Connectiv Edgemoor</i>								
Boiler 3	no	84	1954	Cold-side ESP SCNR	261	2,906	813	NA
Boiler 4	yes	167	1966	Cold-side ESP Low NO _x burners	518	9,658	2,984	NA
Boiler 5	yes	435	1973	Low NO _x burners	1,531	18,491	8,970	NA
<i>City of Dover - McKee Run</i>								
Boiler 1	no	17	1961	None	187	1045	414	5
Boiler 2	no	17	1961	None	187	1045	414	5
Boiler 3	yes	102	1975	None	1551	5479	2584	26
<i>NRG - Indian River</i>								
Boiler 1	no	91	1957	Cold-side ESP	1432	11164	2196	2
Boiler 2	no	91	1959	Cold-side ESP	1558	12148	2390	2
Boiler 3	yes	165	1970	Cold-side ESP + SNCR during ozone season	2502	19502	3836	3
Boiler 4	no	420	1980	Cold-side ESP + SNCR	2230	26758	10257	8