



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

MAY 13 2004

OFFICE OF
AIR AND RADIATION

Barry E. Pulskamp
Vice President, Generation
Authorized Account Representative
Cinergy Power Generation Services, LLC
139 East Fourth Street, EA502
P.O. Box 960
Cincinnati, OH 45201-0960

Re: Petition to Extend the CEMS Certification Deadline for Unit 2 at
the Tuscola Energy Plant (Facility ID (ORISPL) 55245)

Dear Mr. Pulskamp:

EPA has reviewed your August 26, 2002 petition under §75.66, in which Trigen Cinergy Solutions of Tuscola (Trigen) requested an extension of the deadline for the installation, certification, and operation of continuous emission monitoring systems used to measure nitrogen oxides (NO_x) emissions and heat input from Unit 2 at the Tuscola Energy Plant, Tuscola, Illinois. EPA approves the petition, with conditions, as discussed below.

Background

Unit 2 at the Trigen facility in Tuscola, Illinois is a coal-fired boiler which is subject to the NO_x Budget Trading Program, under Illinois regulations at Title 35, Subtitle B, Chapter I, Subchapter C, Part 217. Under §217.456(c) of these regulations, Trigen is required to monitor and report NO_x mass emissions and heat input data for Unit 2 in accordance with Subpart H of 40 CFR Part 75, beginning on May 1, 2003. For Unit 2, this would involve installing and certifying continuous emission monitoring systems (CEMS), and starting to report emissions, in accordance with Part 75 by May 1, 2003.

In the August 26, 2002 petition, Trigen stated its intention to temporarily shut down Unit 2 prior to May 1, 2003. Trigen further stated that it did not plan to operate Unit 2 during the entire 2003 ozone season (i.e., from May 1 through September 30, 2003) or at any time in the foreseeable future. In view of these considerations, Trigen requested an indefinite extension of the May 1, 2003 deadline to install, certify, and report emissions for Part 75-compliant CEMS on Unit 2.

EPA's Determination

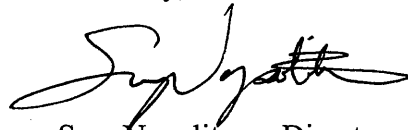
Under the NO_x Budget Trading Program, Trigen is required to comply with Part 75 monitoring requirements for Unit 2 by May 1, 2003 and must monitor and report NO_x mass emissions from the unit in each ozone season, starting with the 2003 ozone season. Further, Trigen is required to hold NO_x allowances covering such emissions starting with the 2004 ozone season (May 31 through September 30, 2004).

EPA has clarified during recent telephone conversations with Trigen that Unit 2 has not operated since 1995, remains shut down with zero emissions, and will continue to be shutdown for the foreseeable future. Certification testing of any CEMS at Unit 2 cannot be completed unless the unit operates. Under these circumstances, EPA approves an extension of the monitoring certification deadline for Unit 2. However, EPA is not granting the indefinite extension requested by Trigen. Rather, EPA approves an extension of the deadline for installation and certification of CEMS at Unit 2 until 720 unit operating hours from the hour in which Unit 2 recommences operation after the temporary shutdown.

The extension of the monitor certification deadline is conditioned on the following. If the unit operates in any hour during the 2004 ozone season (or in a subsequent ozone season) before the certification of the monitoring systems is completed, Trigen Cinergy Solutions must report the maximum potential NO_x emission rate in accordance with Part 75, Appendix A, section 2.1.2.1(b) and the maximum rated unit heat input for any such hour until completion of the Part 75 monitoring system certifications.

EPA's determination in this letter relies on the accuracy and completeness of Trigen's August 26, 2002 petition and its clarifications in recent phone conversations noted above, and is appealable under Part 78. If you have any questions regarding this determination, please contact Travis Johnson at (202) 343-9018.

Sincerely,



Sam Napolitano, Director
Clean Air Markets Division

cc: Cecelia Mijares, Region 5
Todd Brown, Ohio EPA
Louis Nichols, CAMD
Travis Johnson, CAMD