



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

OFFICE OF
AIR AND RADIATION

Steven K. Miller
Doswell Limited Partnership
2112 W. Laburnum Ave, Suite 108
Richmond, VA 23227

Dear Mr. Miller:

The Acid Rain Division has received your request for an applicability determination for the Doswell Limited Partnership facility in Hanover County, Virginia ("Doswell") under 40 CFR Part §72.6(c). This letter represents EPA's official determination of applicability for Doswell which commenced commercial operation in May, 1992 (ORISPL number 52019).

As described in your letter, Doswell consists of two gas and oil-fired combined cycle trains. Each train has two 127 MWe combustion turbines serving heat recovery steam generators headered to one 147 MWe steam turbine. The facility is the subject of a January, 1990 power sales agreement with Virginia Power for 363 MWe from each unit (726 MWe total). The installed capacity of the facility is 802 MWe. You also submitted information demonstrating that the facility meets the definition for an independent power production facility and that the power sales agreement meets the definition of a qualifying power purchase commitment.

Based on the information above, both units at Doswell are not affected under the Acid Rain Program. Section 405(g)(6) of the Act, implemented at 40 CFR §72.6, provides that independent power production facilities with power purchase commitments prior to November 15, 1990 are exempt from all requirements under Title IV. The implementing regulations require that the power purchase commitment(s), as of November 15, 1990, represent at least 15 percent of the total planned net output capacity. This condition is met by the Doswell-Virginia Power agreement. However, the regulations limit the exempted facility to 130 percent of the total planned net output capacity. Thus, if more than 944 MWe of net output capacity is ever constructed at the facility, one or more units serving the capacity in excess of that amount will become affected by the Acid Rain Program requirements. (See 40 CFR §72.6(b)(5)(ii).)

This determination is based solely on the representations made in your letter of December 14, 1993. According to 40 CFR 72.6(c)(5), this decision may be appealed under 40 CFR part 78. 40 CFR §72.6(c) requires you to send copies of this letter to each owner or operator of Doswell.

If you have further questions regarding the Acid Rain Program, please contact Kathy Barylski of my staff at (202) 233-9074.

Sincerely,

/s/ (December 20, 1994)

Brian J. McLean, Director
Acid Rain Division

cc: OECA