

Petition for Administrative Hearing

Petitioner:

Clarence Rowe
418 Pennsylvania Ave.
Rockledge, FL 32955
Telephone: (407) 636-8762

Applicant:

Oleander Power Project, L.P.
Mr. Richard L. Wolfinger, Vice President
250 West Pratt Street, 23rd Floor
Baltimore, MD 21201

Permit File Number: DEP File No. 0090180-001-AC (PSD-FL-258)

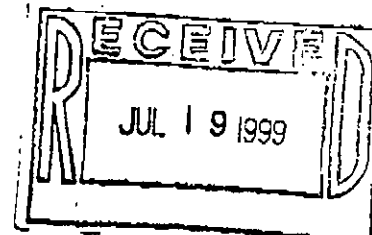
County in Which Project is Proposed: Brevard

Statement of how petitioner received notice:

An article in "Florida Today" newspaper, March 30, 1999

Statement of when petitioner received notice:

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I, Clarence Rowe, the petitioner, believe that the health, well being, and quality of life of my family, grand children, and citizens of Brevard County will be significantly damaged by air emissions from the applicant's proposed project.

Statement of material facts disputed by the petitioner:

The petitioner disputes the findings of the Florida Department of Environmental Protection, herein referred to as DEP, that the applicant has demonstrated the proposed facility will not cause or contribute to, air pollution in excess of any: (a) maximum allowable increase or maximum allowable concentration for any pollutant stipulated in the Clean Air Act of the United States, (b) the national air quality standard that is applicable for the region of the proposed project, or any other applicable emission standard or standard of performance under the Clean Air Act of the United States.

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DATE: August 26, 1999.

TO:

Kim Jobe

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922-6979

Fax No.

Fax No.

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jlavia@landersandparsons.com

Telephone: (850)681-0311 Fax: (850)224-5595

MESSAGE:

Here's the exhibit list we discussed.

IF ANY PROBLEMS, PLEASE CALL Rhonda AT: (850) 681-0311

CONFIDENTIALITY NOTE

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CLARENCE ROWE)	
)	
Petitioner,)	
)	
v.)	DOAH CASE NO. 99-2581
)	
OLEANDER POWER PROJECT, L.P. and)	
STATE OF FLORIDA DEPARTMENT OF)	
ENVIRONMENTAL PROTECTION,)	
)	
Respondents.)	

OLEANDER POWER PROJECT'S EXHIBIT LIST

Respondent, Oleander Power Project, L.P. ("Oleander") will introduce one or more of the following exhibits into evidence at the final hearing in this case.

1. The "Air Permit Application and Prevention of Significant Deterioration Analysis for the Oleander Power Project, Brevard County, Florida" (the "Application") (dated November 1998).
2. A letter dated November 25, 1998, from the Florida Department of Environmental Protection ("DEP") acknowledging receipt of Oleander's Application.
3. A letter dated December 17, 1998, from DEP to Oleander requesting additional information concerning the Application.
4. A "Technical Review of PSD Application" dated December 18, 1998, from the United States Fish and Wildlife Service concerning Oleander's Application.
5. A letter dated December 22, 1998, from DEP to Oleander requesting additional information concerning the Application.

6. A letter dated February 1, 1999, from Golder Associates to DEP, plus the following attachments:
 - a. Attachment 1 - "Isopleths of Maximum Ground-level Pollutant Concentrations Due to the Oleander Power Project"
 - b. Attachment 2 - "Receptor Locations Used in Air Quality Impact Analysis"
 - c. Attachment 3 - "PSD Application Replacement Tables"
 - d. Attachment 4 - Correspondence from Florida Gas Transmission Company and Sonat Energy Services
7. A copy of the public notice published by DEP in the Florida Administrative Weekly on February 19, 1999, providing notice of a public meeting on March 3, 1999, concerning the Oleander Power Project.
8. A copy of the notice published by DEP in the Orlando Sentinel on February 23, 1999, providing notice of a public meeting on March 3, 1999, concerning the Oleander Power Project.
9. A letter dated February 25, 1999, from Golder Associates to DEP confirming that Oleander will limit fuel oil use at the Project to a maximum of 1000 hrs/year.
10. A letter dated March 17, 1999, from Golder Associates to DEP, plus an attachment labeled "PSD Application Replacement Pages, Text and Tables."
11. A transmittal letter dated March 26, 1999, from DEP, plus the following attachments: DEP's "Intent to Issue"; a draft Air Construction Permit; Technical Evaluation and Preliminary Determination; and DEP's draft Best Available Control Technology ("BACT") Determination.

12. An affidavit of publication of notice in Florida Today (April 8, 1999) of a "Public Notice of Intent to Issue Air Construction Permit", which includes a notice of a public meeting on May 13, 1999 concerning the Oleander Power Project.
13. A letter dated May 6, 1999, from Golder Associates to DEP responding to DEP's intent to issue and the United States Fish and Wildlife Service's Technical Review.
14. Resume of Kennard F. Kosky.
15. Resume of Robert C. McCann, Jr.
16. Resume of Richard A. Zwolak.
17. A copy of the notice of public hearing in Florida Today, dated February 28, 1999, providing notice of a public meeting on March 3, 1999, concerning the Oleander Power Project.
18. Resume of Michael P. Halpin
19. Resume of Al Linero
20. A table entitled "Summary of Maximum Pollutant Concentrations Predicted for the Proposed Oleander Power Project."
21. A table entitled "Summary of Maximum Pollutant Concentrations Predicted for the Proposed Oleander Power Project with Other Air Emission Sources."
22. A graph entitled "Comparison of Predicted SO₂ Impacts to Ambient Standards (Proposed Project Alone)." (comparing SO₂ impacts on the basis of concentration in ug/m³)
23. A graph entitled "Comparison of Predicted SO₂ Impacts to Ambient Standards (Proposed Project Alone)." (comparing SO₂ impacts on the basis of the percentage of the applicable ambient air quality standard and PSD Class II increment)

24. A graph entitled "Comparison of Predicted PM Impacts to Ambient Standards (Proposed Project Alone)." (comparing PM impacts on the basis of concentration in $\mu\text{g}/\text{m}^3$)
25. A graph entitled "Comparison of Predicted PM_{10} Impacts to Ambient Standards (Proposed Project Alone)." (comparing PM_{10} impacts on the basis of the percentage of the applicable ambient air quality standard and PSD Class II increment)
26. A graph entitled "Comparison of Predicted NO_2 Impacts to Ambient Standards (Proposed Project Alone)." (comparing NO_2 impacts on the basis of concentration in $\mu\text{g}/\text{m}^3$)
27. A graph entitled "Comparison of Predicted NO_2 Impacts to Ambient Standards (Proposed Project Alone)." (comparing NO_2 impacts on the basis of the percentage of the applicable ambient air quality standard and PSD Class II increment)
28. A table entitled "Emissions of the Oleander Power Project."
29. A table entitled "Emissions of the Oleander Power Project Compared to the Prevention of Significant Deterioration (PSD) Review Criteria."
30. A table entitled "Summary of Best Available Control Technology (BACT) Evaluation for the Oleander Power Project."
31. A composite exhibit containing copies of published notices of public workshops and neighborhood meetings held by Oleander to educate the public concerning the Oleander Power Project.
32. Rebuttal exhibits
33. Demonstrative exhibits



Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Jeb Bush
Governor

David Struhs
Secretary

FAX COVER SHEET

TO:

Kim Jones

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Heather

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COMMENTS:

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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OLEANDER POWER PROJECT, L.P.,)	
and DEPARTMENT OF ENVIRONMENTAL)	
PROTECTION,)	
)	
Respondent.)	
)	

NOTICE OF HEARING

A hearing will be held in this case beginning on August 25, 1999, commencing at 9:30 a.m., or as soon thereafter as possible; at the Brevard County Government Center, Housing and Human Services, Building B, First Floor Conference Room, 2725 Judge Fran Jamison Way, Viera, Florida. Continuances will be granted only by order of the Administrative Law Judge for good cause shown.


ISSUES: As stated in the Petition For Administrative Hearing.

AUTHORITY: Section 230.23(4)(m), Florida Statutes; and Chapter 28-106, Parts I and II, Florida Administrative Code.

The parties shall arrange to have all witnesses and evidence present at the time and place of hearing. Arrangements for the court reporter will be made by the agency. Subpoenas will be issued by the Administrative Law Judge upon request of the parties. All parties have the right to present oral argument and to cross-examine opposing witnesses. All parties have the right

to be represented by counsel or other qualified representative, in accordance with Rule 28-106.106, Florida Administrative Code. As envisioned by Rule 28-106.211, Florida Administrative Code, failure to appear at this hearing may be grounds for entry of an order of dismissal or recommended order of dismissal, as appropriate.

July 27, 1999



DANIEL MANRY
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
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1820 Garden Street
Titusville, Florida 32796

David Dee, Esquire
Landers & Parsons, P.A.
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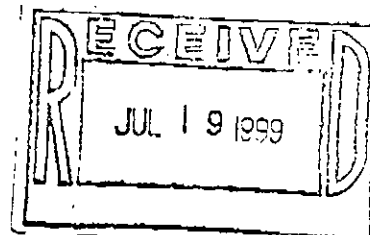
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Facsimile Transmission

Date: July 19, 1999

To: Mr. David S. Dee, Esq. FAX (850) 224-5595

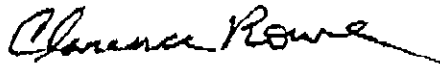
To: Mr. Daniel Manry FAX (850) 921-6847
 Administrative Law Judge

From: Clarence Rowe

Subject: Submittal of Petition for Administrative Hearing

Number of Pages (Including Cover Page): 4

Signed:



Clarence Rowe
Petitioner

JUL-19-99 01:16P

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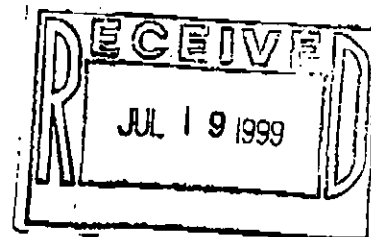
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