

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In Re:  
Gulf Power Company  
Crist Electric Generating Plant  
Escambia County, Florida

OGC CASE NO.: 04.1741

FDEP Draft Permit No.: 0330045-009-AV

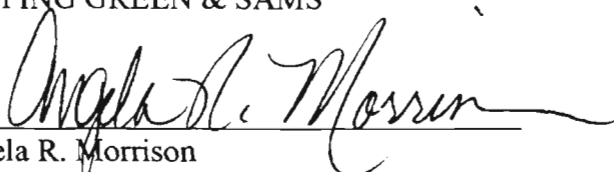
**NOTICE OF WITHDRAWAL OF REQUEST FOR ENLARGEMENT OF TIME**

Gulf Power Company, ("Gulf Power"), by and through undersigned counsel, hereby withdraws its Third Request for Enlargement of Time to file a Petition for Administrative Proceedings in accordance with Chapter 120, Florida Statutes. Gulf Power filed its third request for enlargement of time until November 15, 2004, in response to the "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 0330045-009-AV) for the Crist Electric Generating Plant, located on Governors Bayou off 10 Mile Road in Pensacola, Escambia County, Florida, to negotiate certain changes in the Draft Title V permit.

The withdrawal is conditioned upon changes agreed to between the Department of Environmental Protection (DEP) and Gulf Power, which are reflected in the document attached as Exhibit A.

Respectfully submitted this 12th day of November, 2004.

HOPPING GREEN & SAMS

  
\_\_\_\_\_  
Angela R. Morrison  
Florida Bar No. 0855766  
123 South Calhoun Street  
Post Office Box 6526 (32314)  
Tallahassee, Florida 32301  
(850) 222-7500

Attorney for Gulf Power Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 12th day of November, 2004.

  
\_\_\_\_\_  
Angela R. Morrison

**THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an  
Application for Permit by:

OGC CASE NO.:  
FDEP Draft Permit No. 0330045-009-AV

Gulf Power Company  
Crist Electric Generating Plant  
Escambia County, Florida

**RECEIVED**

NOV 08 2004

**THIRD REQUEST FOR ENLARGEMENT OF TIME** BUREAU OF AIR REGULATION

By and through undersigned counsel, Gulf Power Company (Gulf Power) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 15th, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Gulf Power states the following:

1. On or about September 29th, 2004, Gulf Power Company received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" and accompanying "Draft Permit," (Draft Permit No. 0330045-009), for the Crist Electric Generating Plant, located on Governors Bayou off 10 Mile Road in Pensacola, Escambia County, Florida.

2. Based on Gulf Power's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

3. November 1st, 2004, Gulf Power filed a request for second extension of time to file a petition challenging the Draft Permit so that the parties could have time to discuss potential clarifications or corrections.

4. By subsequent Order, the Department granted the requested extension until November 8th, 2004.


5. Gulf Power and the Department are continuing to discuss potential clarification or corrections that may resolve Gulf Power's concerns about the Draft Permit. However, additional time is needed to complete those discussions.

6. This request is filed simply as a protective measure to avoid waiver of Gulf Power's right to challenge certain conditions contained in the Draft Title V Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

7. Undersigned counsel conferred with Ms. Trina Vielhauer of the Department's Division of Air Resource Management and is authorized to state that the Department does not object to the granting of this request.

WHEREFORE, Gulf Power Company respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Permit No. 0330045-009-AV be formally extended to and including November 15th, 2004.

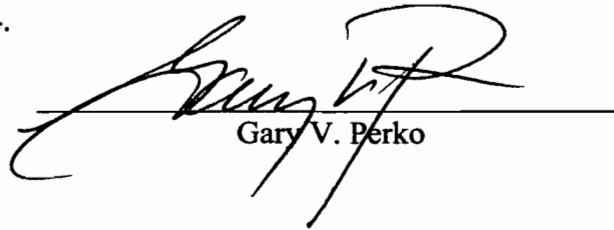
RESPECTFULLY SUBMITTED this 8th day of November, 2004.

By:   
\_\_\_\_\_  
Gary V. Perko  
Fla. Bar No. 0855898  
Hopping, Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

Attorneys for Gulf Power Company

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Gary V. Perko

## Gibson, Victoria

---

**From:** Vielhauer, Trina  
**Sent:** Monday, November 01, 2004 1:16 PM  
**To:** Holtom, Jonathan; Gibson, Victoria  
**Subject:** RE: Gulf Power - Crist -- Expiration date will be Nov 8th and not the 12th

Yes, the 8<sup>th</sup> is what they told me by telephone. If the comment period ends this Friday at 5, that will give us the 8<sup>th</sup> to get the proposed ready. Hopefully they can withdraw that once the permit shield language is resolved and we can go proposed on the 8<sup>th</sup>.

-----Original Message-----

**From:** Holtom, Jonathan  
**Sent:** Monday, November 01, 2004 1:10 PM  
**To:** Gibson, Victoria  
**Cc:** Vielhauer, Trina  
**Subject:** RE: Gulf Power - Crist -- Expiration date will be Nov 8th and not the 12th

Thanks, the 12<sup>th</sup> was too long. The public comment periods ends on the 5<sup>th</sup>.

-Jonathan

-----Original Message-----

**From:** Gibson, Victoria  
**Sent:** Monday, November 01, 2004 12:34 PM  
**To:** Vielhauer, Trina; Holtom, Jonathan; Pennington, Jim  
**Subject:** RE: Gulf Power - Crist -- Expiration date will be Nov 8th and not the 12th

FYI,

Expiration date will be November 8th on this one and not the 12th.

Vickie

-----Original Message-----

**From:** Gibson, Victoria  
**Sent:** Monday, November 01, 2004 12:23 PM  
**To:** Vielhauer, Trina; Holtom, Jonathan; Pennington, Jim  
**Subject:** RE: Gulf Power - Crist

We have received the request for extension of time on Gulf just now. I will type up the order to grant and send over to OGC with an expiration date of 11/12.

Vickie

-----Original Message-----

**From:** Vielhauer, Trina  
**Sent:** Monday, November 01, 2004 9:32 AM  
**To:** Gibson, Victoria; Holtom, Jonathan; Pennington, Jim  
**Subject:** RE: Gulf Power - Crist

Gulf will be filing a new request for extension of time until next Monday they told me on Friday.

-----Original Message-----

**From:** Gibson, Victoria  
**Sent:** Monday, November 01, 2004 9:31 AM  
**To:** Holtom, Jonathan; Pennington, Jim

**Cc:** Vielhauer, Trina  
**Subject:** Gulf Power - Crist

Good morning.

The extension of time on Gulf Power - Crist Electric will expire today. What is the status on this permit?

0330045-009-AV

Thank you.

*Vickie*

Victoria Gibson, Administrative Secretary  
Bureau Chief's Office  
DEP/Bureau of Air Regulation  
victoria.gibson@dep.state.fl.us  
850-921-9504

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Monday, November 01, 2004 1:14 PM  
**To:** Línero, Alvaro; Pennington, Jim; Holtom, Jonathan  
**Cc:** Gibson, Victoria  
**Subject:** Title V renewals

After our meeting with Mike C. this morning on the heat input issue and discussions of how to proceed and what legal actions are pending out there, I thought this would be helpful for you and all of our permittees.

Priority #1: demonstrating that the heat input issue is resolved

The renewals that are affected by this issue [according to my records] follow. For those in which extensions of time have been filed, we need to email a draft proposed permit to their attorney and a cc. to the responsible official. **IF THE COMMENT PERIOD HASN'T EXPIRED YET, WE SHOULD NOTE THAT, BARRING ANY COMMENTS, HERE IS WHAT WE INTEND TO ISSUE.** Once they've reviewed and concurred and the comment period has passed, their attorney will withdraw the extensions of time [or notify us they will not be petitioning]. Mike requested this be done by Tuesday afternoon for as many as possible. I suggest we start with those permits where heat input is the only outstanding issue.

Gulf Power Smith	no outstanding requests for extensions of time
Gulf Power Schultz	no outstanding requests for extensions of time
OUC Stanton	no outstanding requests for extensions of time
KUA	no outstanding requests for extensions of time
GRU	no outstanding requests for extensions of time
Tiger Bay	facility has requested a 2 <sup>nd</sup> extension of time; has not been acted upon [so they'd need to withdraw that request once they see the proposed and are ok with it]
DeBary check LCT: 1270028-007AV.	I'm not showing a list of any extensions requested? Vickie- can you double
Sanford	facility requested an extension of time; has not been acted upon [so they'd need to withdraw that request once they see the proposed and are ok with it]
Crist	just filed new request for extension until November 8 bc. southern company's in house attorney out of town to discuss permit shield language. I told them we need to get these out but the 8 <sup>th</sup> would be ok.
Anclote	we resolved, attorney filed withdrawal of extension of time and has gone proposed already so case can be closed in LCT

Priority #2: getting the other renewals to proposed status

The biggest issues I've heard on drafts have been CAM or heat input. Are there others we need to discuss internally? We need to get these to proposed status in the next 2 weeks also. Here is a status on extensions of time on these other renewals. I'm not sure when each permit's 30 day comment period ends.

Bartow	extension of time expires today
--------	---------------------------------

11/1/2004



Progress Suwannee

extension of time expires today

Progress Turner

we denied 3<sup>rd</sup> extension request; have until today to file full petition

Progress u of f

we denied extension of time; have until today to file a full petition

Crystal River

extension of time expires today

Seminole

extension of time expires today

TECO Big Bend

extension of time expires today

TECO Bayside

no extensions of time filed

TECO Polk

no extensions of time filed

Reliant Indian River

proposed sent to EPA

Indiantown cogen

Vickie- can you refresh my memory. Did they request extension of time?

Stock Island

no extensions of time filed

FPL Canaveral

proposed sent to EPA

**THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an  
Application for Permit by:

OGC CASE NO.  
FDEP Draft Permit No. 0330045-009-AY  
**RECEIVED**

Gulf Power Company  
Crist Electric Generating Plant  
Escambia County, Florida

OCT 29 2004

BUREAU OF AIR REGULATION

**SECOND REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Gulf Power Company (Gulf Power) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 8, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Gulf Power states the following:

1. On or about September 29, 2004, Gulf Power Company received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" and accompanying "Draft Permit," (Draft Permit No. 0330045-009), for the Crist Electric Generating Plant, located on Governors Bayou off 10 Mile Road in Pensacola, Escambia County, Florida.
2. Based on Gulf Power's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.
3. October 13, 2004, Gulf Power filed a request for an extension of time to file a petition challenging the Draft Permit so that the parties could have time to discuss potential clarifications or corrections.
4. By Order dated October 18th, 2004, the Department granted the requested extension until November 1, 2004.

5. Gulf Power and the Department are continuing to discuss potential clarification or corrections that may resolve Gulf Power's concerns about the Draft Permit. However, additional time is needed to complete those discussions.

6. This request is filed simply as a protective measure to avoid waiver of Gulf Power's right to challenge certain conditions contained in the Draft Title V Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

7. Undersigned counsel conferred with Ms. Trina Vielhauer of the Department's Division of Air Resource Management and is authorized to state that the Department does not object to the granting of this request.

WHEREFORE, Gulf Power Company respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Permit No. 0330045-009-AV be formally extended to and including November 8, 2004.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of October, 2004.

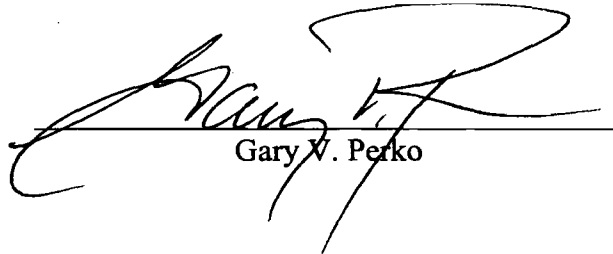
By: 

Gary V. Perko  
Fla. Bar No. 0855898  
Hopping, Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

Attorneys for Gulf Power Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 29th day of October, 2004.



Gary W. Perko

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Permit by:

OGC CASE NO.:  
FDEP Draft Permit No.: 0330045-009, AV

Gulf Power Company  
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1. On or about September 29, 2004, Gulf Power Company received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" and accompanying "Draft Permit," (Draft Permit No. 0330045-009), for the Crist Electric Generating Plant, located on Governors Bayou off 10 Mile Road in Pensacola, Escambia County, Florida.

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WHEREFORE, Gulf Power Company respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Permit No. 0330045-009-AV be formally extended to and including November 8, 2004.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of October, 2004.

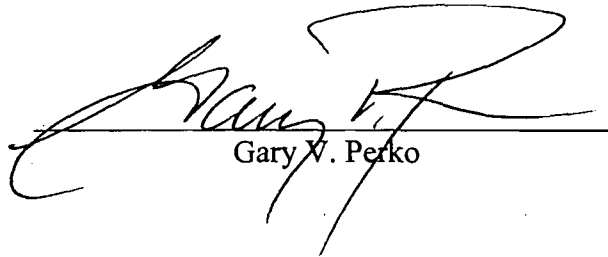
By: 

Gary V. Perko  
Fla. Bar No. 0853898  
Hopping, Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
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(850) 222-7500  
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Attorneys for Gulf Power Company

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\_\_\_\_\_  
Gary V. Perko

**BEST AVAILABLE COPY**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

GULF POWER COMPANY  
Crist Electric Generating Plant

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

OGC #04-1741  
DEP Permit 0330045-009-AV

**ORDER GRANTING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING**


This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner PROGRESS ENERGY FLORIDA, INC., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its facility in Escambia County, Florida. Because the request shows good cause for the extension of time,

**IT IS ORDERED:**

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **November 1, 2004**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 18<sup>th</sup> day of October, 2004, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard, M.S. 35  
Tallahassee, Florida 32399-3000  
850-245-2242 facsimile 850-245-2302



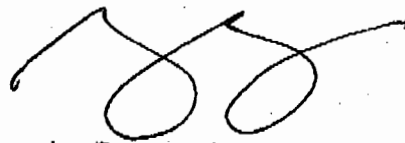
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   U. S. Mail  facsimile  or ly, this 18<sup>th</sup> day of October, 2004, to:

Angela R. Morrison, Esquire  
Hopping Green & Sams, P.A.  
Post Office Box 6526  
Tallahassee, FL 32314

Facsimile 850-224-8551



W. Douglas Beason, Assistant General Counsel  
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION  
3900 Commonwealth Boulevard - Mail Station 35  
Tallahassee, FL 32399-3000  
850-245-2242 facsimile 850-245-2302

with a courtesy copy to:

Trina L. Vielhauer  
Chief  
Bureau of Air Regulation

facsimile: 850-921-9533

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

GULF POWER COMPANY  
Crist Electric Generating Plant

Petitioner,

v.

OGC #04-1741  
DEP Permit 0330045-009-AV

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PROTECTION,

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IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until, **November 1, 2004**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this \_\_\_\_\_ day of October, 2004, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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850-245-2242 facsimile 850-245-2302

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Tallahassee, FL 32314

Facsimile 850-224-8551

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THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF AIR REGULATION

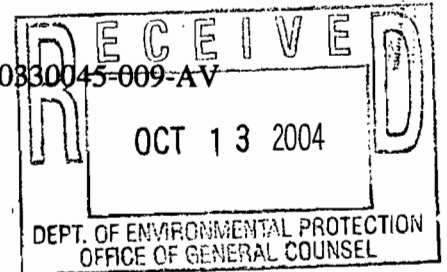
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OCT 14 2004

In the Matter of an  
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04-1741  
OGC CASE NO.:  
FDEP Draft Permit No.: 0330045-009-AV

Gulf Power Company  
Crist Electric Generating Plant  
Escambia County, Florida



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RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of October, 2004.

By: \_\_\_\_\_



Angela R. Morrison  
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\_\_\_\_\_  
Angela R. Morrison



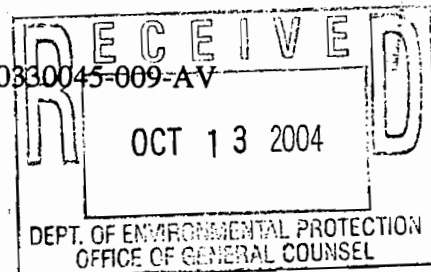
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OCT 14 2004

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF AIR REGULATION

In the Matter of an  
Application for Permit by:

OGC CASE NO.:  
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Gulf Power Company  
Crist Electric Generating Plant  
Escambia County, Florida

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\_\_\_\_\_  
Angela R. Morrison



## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Thursday, October 14, 2004 1:11 PM  
**To:** Holtom, Jonathan; Pennington, Jim  
**Subject:** FW: extension request

**Importance:** High

Hi,

Should this request be grant and for how long? They have requested through and including the 15th of November. Maybe through the 12th would be better?

Let me know what you would like to do.

Thanks.

Vickie

-----Original Message-----

**From:** Carter, Kathy  
**Sent:** Thursday, October 14, 2004 11:35 AM  
**To:** Holtom, Jonathan; Chisolm, Jack; Vielhauer, Trina  
**Cc:** Gibson, Victoria; Light, Lisa  
**Subject:** extension request

Jonathan:

FYI

OGC received arequest for extension of time from Gulf Power Company, re: Crist Electric Generating Plant, DEP 0330045-009 on 10/13/04.

Kathy

Office of General Counsel  
Agency Clerk  
245-2212  
Kathy.Carter@dep.state.fl.us



Chronology of Activities

OGC Number  1741  17  AV District **NORTHWEST** County **ESCAMBIA**

Style of Case **GULF POWER COMPANY CRIST ELECTRIC GENERATING PLANT-V DEP**

Program Area **AIR TITLE V** Mode **ADMINISTRATIVE**

Lead Attorney **TRINA L. VIELHAUER** Status **OPEN**

Forum Name  Forum Case Number

Permit Appl **0330045-009-AV** Final Order Number

Date	Code	Activity Description
10/13/2004	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
10/14/2004	AA	ASSIGNED TO LEAD ATTORNEY TRINA L VIELHAUER
10/14/2004	ACO	ADMIN. CASE OPENED IN OGC
10/18/2004		ORDER GRANTING EXTENSION UNTIL 11/1/2004