

ADAGE Hamilton, LLC 0470016-001-AC
 OGC # 09-3735 (AI)

2009							
21-Oct		Request for 1st extension received request add'l time through November 23rd					
22-Oct		AI instructed OGC to grant the request					
28-Oct		OGC issued the order granting additional time through and including 24-Nov-09					
23-Nov		Received 2nd request for additional time through and including 12/23 - under consideration					
		EXPIRES ON NOVEMBER 24, 2009					
24-Nov		Trina and AI asked OGC to grant this request through 12/23					
30-Nov		OGC issued the order granting the 2nd request for time through and including Dec 23rd					
8-Dec		OGC issued the stipulation agreement today					
10-Dec		Revised draft issued by AI today need a copy of the Stipulation Agreement or Withdrawal					
		EXPIRES ON December 23, 2009					
29-Dec		asked AI for a status update on this case.....Ronni recently issued a Stipulation Agreement also per David, the facility has published and the comment period will be over soon					
2010							

	4-Jan	Received a copy of the stipulation agreement today from Jessica								
		it was issued on 12/8								
	5-Jan	CASE CLOSED BY OGC								
	12-Jan	Final permit issued by Al								

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ADAGE HAMILTON LLC,

Petitioner,

vs.

OGC No. 09-3735

DEP Permit No. 0470016-001-AC

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

SETTLEMENT STIPULATION

Petitioner ADAGE Hamilton LLC (ADAGE) and Respondent Department of Environmental Protection (Department), by and through their undersigned counsel, stipulate to the settlement of this case, and in support thereof, state:

1. On October 8, 2009, the Department issued its notice of intent to issue a draft air construction permit, Permit No. 0470016-001-AC, to ADAGE for it to construct a woody biomass power plant in Hamilton County, Florida.

2. On October 21, 2009, the Department received a timely request for an extension of time to file a petition for formal administrative hearing concerning the draft permit from ADAGE, which the Department granted through November 24, 2009. During this time extension, ADAGE proposed changes to the draft permit for the Department's consideration. Before the parties could reach resolution of the proposed changes to the draft permit, ADAGE's extension ran. On November 23, 2009, ADAGE filed a timely second request for extension of time to file a petition for formal administrative hearing, which the Department granted through December 23, 2009.

3. Having now come to a resolution of the changes ADAGE proposed, the Department within seven (7) days of this Settlement Stipulation being signed by all parties, will withdraw the intended draft permit issued on October 8, 2009, and will issue the revised draft permit, attached hereto and incorporated herein as Attachment A (the Revised Permit). The Revised Permit will become the final permit without any changes unless a petition is timely filed by a person (who has standing and who is granted party status) not party to this Settlement Stipulation which results in litigation that causes changes to the Revised Permit.

4. ADAGE agrees to waive its right to petition for an administrative hearing under Chapter 120, Florida Statutes, and its right to submit written comments regarding the Department's issuance of the Revised Permit, unless there are any changes made to the Revised Permit that are not reflected in Attachment A. The parties agree that ADAGE would be a necessary party to any litigation resulting from a petition being filed by any other person regarding the issuance of the Revised Permit.

5. ADAGE agrees to publish notice of the Revised Permit in accordance with Rule 62-210.350, Florida Administrative Code, within fourteen (14) days of receipt of the Department's notice of intent to issue the Revised Permit, and will submit proof of publication to the Department promptly thereafter. The notice language, as agreed to between ADAGE and the Department, is included as Attachment B.

6. ADAGE hereby withdraws its November 23, 2009, request for extension of time to file a petition for formal administrative hearing.

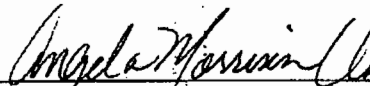
7. Each party shall be responsible for its own costs and attorney's fees and waives any right that it may have against any other party for costs and attorney's fees associated with this action.

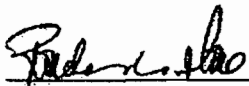
8. All parties acknowledge that they have the right to seek judicial review under Section 120.68, Florida Statutes, by filing a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. By executing this Settlement Stipulation, each party waives its right to such appeal and to any further notice of that right.

DATED this 8th day of December, 2009.

ADAGE HAMILTON LLC

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

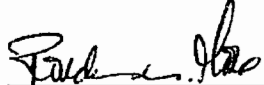

ANGELA MORRISON UHLAND
HOPPING GREEN & SAMS, P.A.
Florida Bar No. 0855766
Post Office Box 6526
Tallahassee, Florida 32314
Telephone: (850) 425-2258
Facsimile: (850) 521-2758


RONDA L. MOORE
Florida Bar No. 0676411
Assistant General Counsel
3900 Commonwealth Blvd., MS 35
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2193
Facsimile: (850) 245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Settlement Stipulation was furnished by electronic mail on this 8th day of December, 2009, to:

Angela Morrison Umland
HOPPING GREEN & SAMS, P.A.
Post Office Box 6526
Tallahassee, Florida 32314
Facsimile: (850) 521-2758
AUmland@hgslaw.com


RONDA L. MOORE
Assistant General Counsel

cc: Trina Vielhauer – DEP BAR Chief
Al Linero – DEP BAR
David Read – DEP BAR

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ADAGE HAMILTON, LCC,

Petitioner,

vs.

OGC No. 09-3735

DEP Permit No. 0470016-001-AC

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

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

This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a second request made by ADAGE Hamilton, LLC (Petitioner) to grant an extension of time to file a petition for an administrative hearing regarding the Department's intent to issue an air construction permit, DEP permit number 0470016-001-AC, to Petitioner for a woody biomass power plant, located in Hamilton County, Florida.

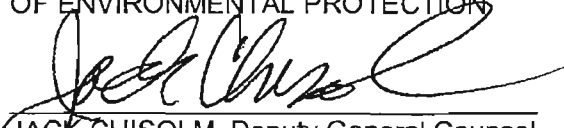
Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **December 23, 2009**, 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 30 day of November, 2009, 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 Fax: 850-245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order Granting Second Request for Extension of Time to File Petition for Hearing was furnished via Facsimile and electronic mail on this 30 of November, 2009, to:

Angela Morrison Umland
Hopping Green & Sams, P.A.
P.O. Box 6526
Tallahassee, FL 32314
Facsimile: (850) 521-2758
auhland@hgslaw.com

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000
Ph: (850) 245-2193 Fax: (850) 245-2302
Florida Bar No. 0676411

cc: Trina Vielhauer, FDEP
Al Linero, FDEP

Gibson, Victoria

From: Phipps, Jessica R.
Sent: Monday, November 30, 2009 3:16 PM
To: auhland@hgslaw.com
Cc: Vielhauer, Trina; Linero, Alvaro; Gibson, Victoria; Moore, Ronni
Subject: ADAGE Hamilton, LLC OGC#: 09-3735
Attachments: ORDER GRANTING SECOND REQUEST FOR EXTENSION OF TIME 11-30-09.pdf

Please find attached the Order Granting Second Request for Extension of Time to File Petition for Hearing regarding ADAGE Hamilton, LLC.

Please let me know if you have any difficulties opening the attachment.

Thank you,

Jessica Phipps

Department of Environmental Protection

Administrative Assistant

850-245-2243


Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

Gibson, Victoria

From: Moore, Ronni
Sent: Tuesday, November 24, 2009 2:33 PM
To: Linero, Alvaro; Vielhauer, Trina; Read, David
Cc: Gibson, Victoria; Phipps, Jessica R.
Subject: RE: Second Request for Extension of Time - (ADAGE Hamilton, LLC) OGC: 09-3735
Attachments: ADAGE Hamilton (Woody Biomass Power Plant) vs DEP - 2nd Request for Extension of Time - OGC 09-3735.pdf

Thanks for the phone call guys. We'll go ahead and issue an order granting ADAGE's 2nd request through Dec. 23rd.

Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.


From: Moore, Ronni
Sent: Monday, November 23, 2009 6:06 PM
To: Linero, Alvaro; Vielhauer, Trina; Read, David
Cc: Gibson, Victoria; Phipps, Jessica R.
Subject: FW: Second Request for Extension of Time - (ADAGE Hamilton, LLC) OGC: 09-3735

/Trina/David,

We received a 2nd request for extension of time from ADAGE, attached. When you all have a moment, I'd like to talk with you about some things Angela has posed to me. I'm pretty much free tomorrow should your schedules permit.

Thanks,
Ronni

Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

From: Crandall, Lea
Sent: Monday, November 23, 2009 3:54 PM
To: Moore, Ronni
Subject: FW: Second Request for Extension of Time - (ADAGE Hamilton, LLC) OGC: 09-3735

Another one for you! ☺

Lea Crandall
Agency Clerk
Office of General Counsel

3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000
Phone (850) 245-2212
Fax: (850) 245-2303

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at
<http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

From: Melanie Gilbert [mailto:MGilbert@hgslaw.com]
Sent: Monday, November 23, 2009 3:37 PM
To: Crandall, Lea
Subject: Second Request for Extension of Time - (ADAGE Hamilton, LLC) OGC: 09-3735

Hi Lea,

Please find the attached Second Request for Extension of Time for ADAGE Hamilton LLC (OGC: 09-3735).

Please send a stamped copy for our records.

Thanks and have a great Thanksgiving!
Melanie

Melanie Gilbert

Legal Assistant to Angela Morrison Uhland and Paula L. Cobb

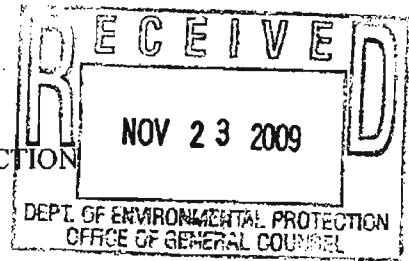
Hopping Green & Sams, P.A. | P.O.Box 6526 | Tallahassee, Florida 32314

Direct: (850) 425-3456 | Main: (850) 222-7500 | Fax: (850) 521-2856

mgilbert@hgslaw.com | <http://www.hgslaw.com>

Please note, effective July 6, 2009, our new office address is:
119 South Monroe Street
Suite 300
Tallahassee, FL 32301

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an Application for a
Woody Biomass Power Plant by:

ADAGE Hamilton LLC
225 Wilmington West Chester Pike, Suite 302
Chadds Ford, Pennsylvania 19317

OGC: 09-3735
Air Permit No. 0470016-001-AC
Hamilton County

SECOND REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, ADAGE Hamilton LLC (ADAGE) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an extension of time to and including December 23, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, ADAGE states the following:

1. On or about October 8, 2009, ADAGE received from the Department of Environmental Protection (Department) a Draft Air Permit, a Technical Evaluation and Preliminary Determination, and a Written Notice of Intent to Issue Air Permit (Permit No. 0470016-001-AC) for a woody biomass power plant to be located in Hamilton County, Florida.
2. The Draft Air Permit and the Technical Evaluation and Preliminary Determination contain several provisions that warrant clarification, correction, or revision.
3. ADAGE requested an extension of time within which to file a petition for administrative petition on October 21, 2009, and the Department granted the extension through November 24, 2009, by order issued on October 28, 2009.
4. Representatives of ADAGE have corresponded and will continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues. Additional time is needed to continue these discussions and to reach a resolution of the pending issues.

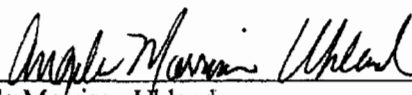
5. This request is filed simply as a protective measure to avoid waiver of ADAGE's right to challenge certain conditions contained in the Draft Air Permit and Technical Evaluation and Preliminary Determination. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need, if any, that ADAGE might have to file a petition and proceed to a formal administrative hearing.

6. Counsel for ADAGE has discussed this extension request with Ronni Moore of the Department's Office of General Counsel.

WHEREFORE, ADAGE respectfully requests that the time for filing a Petition for Administrative Proceedings with regard to the above-referenced Draft Air Permit, Technical Evaluation and Preliminary Determination, and Written Notice of Intent to Issue Air Permit (Permit No. 0470016-001-AC) be formally extended to and including December 23, 2009. If the Department denies this request, ADGAE requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 23rd day of November, 2009.

HOPPING GREEN & SAMS, P.A.



Angela Morrison Umland
Fla. Bar No. 0855766
Post Office Box 6526
Tallahassee, FL 32314
(850) 425-2258
auhland@hgslaw.com

Attorney for ADAGE Hamilton LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by
U.S. Mail and by electronic mail on this 23rd day of November, 2009:

Ronni Moore
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-2600
Ronni.moore@dep.state.fl.us

Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Trina.vielhauer@dep.state.fl.us



Attorney

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ADAGE HAMILTON, LCC,

Petitioner,

vs.

OGC No. 09-3735

DEP Permit No. 0470016-001-AC

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

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

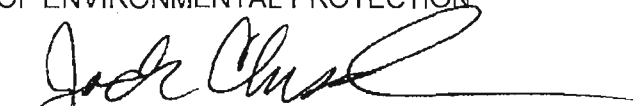
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, ADAGE Hamilton, LLC, (Petitioner) to grant an extension of time to file a petition for an administrative hearing regarding the Department's Written Notice of Intent to Issue Air Permit, permit number 0470016-001-AC, to Petitioner for a woody biomass power plant, located in Hamilton 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 24, 2009**, 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 28th day of October, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

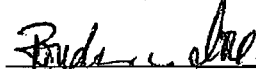

JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard, M.S. 35
Tallahassee, Florida 32399-3000
850-245-2242 Fax: 850-245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, has been furnished via Facsimile U.S. Mail Hand Delivery ONLY, this 29th of October, 2009, to:

Angela Morrison Uhland
P.O. Box 6526
Tallahassee, FL 32314
Facsimile: (850) 521-2758
auhland@hgslaw.com

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



RONDA L. MOORE
Assistant General Counsel
3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000
Ph: (850)245-2193 Fax: (850)245-2302
Florida Bar No. 0676411

Cc: Trina Vielhauer, FDEP
Al Linero, FDEP

Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, October 28, 2009 1:13 PM
To: Walker, Elizabeth (AIR)
Subject: FW: ADAGE Hamilton, LLC OGC #: 09-3735
Attachments: ORDER GRANTING REQUEST FOR EXTENSION OF TIME 10-28-09.pdf


FYI,

Vickie

From: Moore, Ronni
Sent: Wednesday, October 28, 2009 1:01 PM
To: Gibson, Victoria
Subject: FW: ADAGE Hamilton, LLC OGC #: 09-3735

FYI.

Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

From: Phipps, Jessica R.
Sent: Wednesday, October 28, 2009 12:55 PM
To: Vielhauer, Trina; Linero, Alvaro
Cc: Moore, Ronni
Subject: ADAGE Hamilton, LLC OGC #: 09-3735

Please find attached the Order Granting Request for Extension of Time to File Petition for Hearing regarding ADAGE Hamilton, LLC

Please let me know if you have difficulties opening the attachment.

Thank you,

Jessica Phipps

*Department of Environmental Protection
Administrative Assistant
850-245-2243*


Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

Gibson, Victoria

From: Moore, Ronni
Sent: Thursday, October 22, 2009 11:02 AM
To: Linero, Alvaro; Gibson, Victoria; Vielhauer, Trina
Cc: Phipps, Jessica R.
Subject: RE: Request for Extension of Time - ADAGE Hamilton, LLC vs. DEP - OGC 09-3735 (0470016-001-AC)

Thanks, Al. We'll get the order granting out as soon as we can.

Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

From: Linero, Alvaro
Sent: Wednesday, October 21, 2009 6:56 PM
To: Gibson, Victoria; Vielhauer, Trina; Moore, Ronni
Subject: RE: Request for Extension of Time - ADAGE Hamilton, LLC vs. DEP - OGC 09-3735 (0470016-001-AC)

Ronni, Vickie.

Extension will be fine.

They provided proof of public notice.

Thanks.

Al Linero.

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

From: Gibson, Victoria
Sent: Wed 10/21/2009 3:36 PM
To: Vielhauer, Trina; Linero, Alvaro
Cc:
Subject: FW: Request for Extension of Time - ADAGE Hamilton, LLC vs. DEP - OGC 09-3735 (0470016-001-AC)

FYI,

Vickie

From: Crandall, Lea
Sent: Wednesday, October 21, 2009 3:23 PM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Read, David
Subject: Request for Extension of Time - ADAGE Hamilton, LLC vs. DEP - OGC 09-3735 (0470016-001-AC)

Attached is a Request for Extension of Time re: ADAGE Hamilton, LLC vs. DEP - OGC 09-3735 (0470016-001-AC).

Thanks,

Lea

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000
Phone (850) 245-2212
Fax: (850) 245-2303

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

Gibson, Victoria

From: Linero, Alvaro
Sent: Wednesday, October 21, 2009 11:38 AM
To: Moore, Ronni; Kahn, Joseph; Ferris, Julie; Vielhauer, Trina; Hazleton, Bonnie; Strong, Greg; Graham, Amy
Cc: Gibson, Victoria
Subject: RE: ADAGE HAMILTON LLC - HAMILTON CO WOODY BIOMASS PLANT; 0470016-001-AC

Thanks Ronni.

We spoke with their consultant yesterday and their stated concerns look minor so far.

One example had to do with the specific type of sophisticated monitoring equipment we included in the draft versus their also sophisticated monitoring option.

For example: Is it Fourier Transform Infrared (FTIR) or non-dispersive infrared (NDIR) or tunable diode laser (TDL) for measuring hydrogen chloride (HCl)?

But we'll study their request and provide you our advice.

From: Moore, Ronni
Sent: Wednesday, October 21, 2009 11:29 AM
To: Linero, Alvaro; Kahn, Joseph; Ferris, Julie; Vielhauer, Trina; Hazleton, Bonnie; Strong, Greg; Graham, Amy; Halpin, Mike
Cc: Gibson, Victoria
Subject: RE: ADAGE HAMILTON LLC - HAMILTON CO WOODY BIOMASS PLANT; 0470016-001-AC


Morning,

Just wanted to let you know that I received a call from Angela Morrison Umland this morning on this intended draft. She, on behalf of Adage, will be submitting a request for extension of time (30 days) on the draft. As soon as I get the extension, I'll forward it to you and see whether you all have an objection to granting the extension.

Adage plans on submitting comments by the end of this week or early next. They would like to then follow up with the Department in an in-person meeting.

Ronni

Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

From: Linero, Alvaro
Sent: Thursday, October 08, 2009 5:57 PM
To: Kahn, Joseph; Ferris, Julie; Vielhauer, Trina; Hazleton, Bonnie; Strong, Greg; Graham, Amy; Halpin, Mike
Cc: Moore, Ronni
Subject: ADAGE HAMILTON LLC - HAMILTON CO WOODY BIOMASS PLANT; 0470016-001-AC

Today we distributed the Intent to Issue a permit for the ADAGE Hamilton County clean woody biomass to electricity project (53 megawatts, net). Our documents as well as the application and other information are in the following link:

www.dep.state.fl.us/Air/emission/construction/adage.htm

A more direct link to just our documents is provided in the email below that advised the applicant and other interested persons of our draft decision.

Thanks.

Al Linero.

From: Livingston, Sylvia
Sent: Thursday, October 08, 2009 4:42 PM
To: 'reed.wills@duke-energy.com'
Cc: 'dcibik@pirnie.com'; Kirts, Christopher; 'forney.kathleen@epamail.epa.gov'; 'abrams.heather@epa.gov'; 'bettyjohnson@shareinet.net'; 'rprtcard@bellsouth.net'; 'hopeforcleanwater@yahoo.com'; 'hamiltoncounty@alltel.net'; 'rstewart@fppaea.org'; Gibson, Victoria; Linero, Alvaro; Read, David; Walker, Elizabeth (AIR)
Subject: ADAGE HAMILTON LLC - HAMILTON CO WOODY BIOMASS PLANT; 0470016-001-AC

Dear Sir/ Madam:

Attached is the official **Notice of Intent to Issue** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send".

Note: We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0470016.001.AC.D_pdf.zip

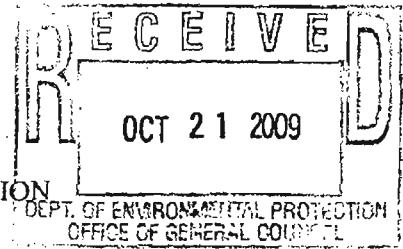
Owner/Company Name: ADAGE HAMILTON LLC
Facility Name: HAMILTON CO WOODY BIOMASS PLANT
Project Number: 0470016-001-AC
Permit Status: DRAFT
Permit Activity: CONSTRUCTION
Facility County: HAMILTON
Processor: Syed Arif

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "Air Permit Documents Search" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> .

Permit project documents addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an Application for a
Woody Biomass Power Plant by:

ADAGE Hamilton LLC

225 Wilmington West Chester Pike, Suite 302
Chadds Ford, Pennsylvania 19317

Air Permit No. 0470016-001-AC
Hamilton County

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, ADAGE Hamilton LLC (ADAGE) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an **extension of time to and including November 23, 2009**, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, ADAGE states the following:

1. On or about October 8, 2009, ADAGE received from the Department of Environmental Protection (Department) a Draft Air Permit, a Technical Evaluation and Preliminary Determination, and a Written Notice of Intent to Issue Air Permit (Permit No. 0470016-001-AC) for a woody biomass power plant to be located in Hamilton County, Florida.
2. The Draft Air Permit and the Technical Evaluation and Preliminary Determination contain several provisions that warrant clarification, correction, or revision.
3. Representatives of ADAGE have corresponded and will continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues. Additional time is needed to continue these discussions and to reach a resolution of the pending issues.
4. This request is filed simply as a protective measure to avoid waiver of ADAGE's right to challenge certain conditions contained in the Draft Air Permit and Technical Evaluation and Preliminary Determination. Grant of this request will not prejudice either party, but will

further their mutual interest and likely avoid the need, if any, that ADAGE might have to file a petition and proceed to a formal administrative hearing.

5. Counsel for ADAGE has discussed this extension request with Ronni Moore of the Department's Office of General Counsel.

WHEREFORE, ADAGE respectfully requests that the time for filing a Petition for Administrative Proceedings with regard to the above-referenced Draft Air Permit, Technical Evaluation and Preliminary Determination, and Written Notice of Intent to Issue Air Permit (Permit No. 0470016-001-AC) be formally extended to and including November 23, 2009. If the Department denies this request, ADGAE requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 21st day of October, 2009.

HOPPING GREEN & SAMS, P.A.



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Attorney for ADAGE Hamilton LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by
U.S. Mail and by electronic mail on this 21st day of October, 2009:

Ronni Moore
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-2600
Ronni.moore@dep.state.fl.us

Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
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Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Wednesday, October 21, 2009 3:23 PM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Read, David
Subject: Request for Extension of Time - ADAGE Hamilton, LLC vs. DEP - OGC 09-3735 (0470016-001-AC)
Attachments: ADAGE Hamilton (Woody Biomass Power Plant) vs. DEP - OGC 09-3735.pdf

Attached is a Request for Extension of Time re: ADAGE Hamilton, LLC vs. DEP - OGC 09-3735 (0470016-001-AC).

Thanks,
Lea

Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000
Phone (850) 245-2212
Fax: (850) 245-2303

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

Legal Case Tracking - Chronology of Activities 01/13/2010 12:44:06

Chronology of Activities

OGC Number: **09 3735 24 AC** District: **NORTHEAST** County: **HAMILTON**
 Style of Case: **ADAGE HAMILTON, LLC VS. DEP**
 Program Area: **AIR CONSTRUCT** Mode: **PERMITTING**
 Lead Attorney: **RONNI L MOORE** Status: **CLOSED**
 Forum Name: Forum Case Number:
 Permit Appl: **0470016-001-AC** Final Order Number:

Date *	Code	Activity Description
10/21/2009	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
10/22/2009	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
10/28/2009		ORDER GRANTING REQUEST FOR EXTENSION OF TIME (UNTIL 11/24/09)
11/23/2009	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME
11/24/2009	EXP1	FIRST EXTENSION EXPIRES TODAY
11/30/2009		ORDER GRANTING SECOND REQUEST FOR EXTENSION OF TIME 12/23/09
12/08/2009		SETTLEMENT STIPULATION
12/23/2009	EXP2	SECOND EXTENSION EXPIRES TODAY
01/05/2010	CC	CASE CLOSED IN OGC
01/05/2010		REFERENCE OCULUS FOR THESE DOCUMENTS (FILE WAS RECYCLED)