

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Permit by:

OGC CASE NO.: 02-0866

FDEP Draft Permit No.: 0490340-002-AV

**RECEIVED**

SEP 19 2002

BUREAU OF AIR REGULATION

Seminole Electric Cooperative, Inc.  
Payne Creek Generating Station  
Hardee County, Florida

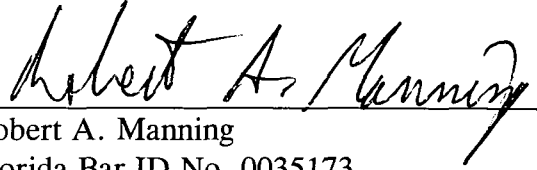
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**NOTICE OF WITHDRAWAL OF ENLARGEMENT OF TIME**

Seminole Electric Cooperative, Inc. ("Seminole"), by and through undersigned counsel, hereby withdraws its Request for Enlargement of Time to file a petition for formal administrative proceedings in accordance with Chapter 120, Florida Statutes. Seminole currently has pending a Request for Enlargement of Time until October 16, 2002, in response to the "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 0490340-002-AV) for the Payne Creek Generating Station, located in Hardee County, Florida, to negotiate certain changes in the Draft Title V permit with the Department. Following discussions with Department representatives, Seminole and the Department have come to agreement on the issues involved in the above-referenced Draft Title V permit, as reflected in the attached Response to Comments dated September 19, 2002, which will be included in the Proposed Title V Permit, and a conversation between the Department and Seminole. Accordingly, conditioned upon the Department's issuance of the Proposed Title V permit in accordance with our agreement, Seminole hereby withdraws its Request for Enlargement of Time.

Respectfully submitted this 19th day of September, 2002.

HOPPING GREEN & SAMS, P.A.



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Attorney for SEMINOLE ELECTRIC  
COOPERATIVE, INC.

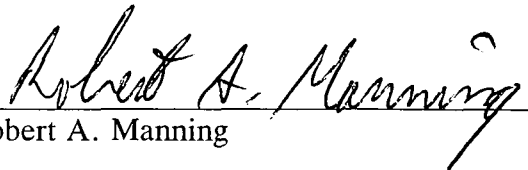
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by

Hand Delivery this 19<sup>th</sup> day of September, 2002.

Scott Sheplak, P.E. Administrator  
Bureau of Air Regulation  
Department of Environmental Protection  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida 32399-2400

Doug Beason  
Office of General Counsel  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600



Robert A. Manning

**PROPOSED Determination**

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**I. Public Notice.**

An "INTENT TO ISSUE A TITLE V OPERATION PERMIT" to Seminole Electric Cooperative, Inc. for the Payne Creek Generating Station located at 6697 County Road 663, Bowling Green, Hardee County was clerked on June 4, 2002. The "PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V OPERATION PERMIT" was published in the Herald-Advocate on June 13, 2002. The DRAFT Title V Operation Permit Revision was available for public inspection at the Department's Southwest District office in Tampa and the permitting authority's office in Tallahassee. Proof of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V OPERATION PERMIT" was received on June 20, 2002.

**II. Public Comment(s).**

One comment letter was received during the 30 (thirty) day public comment period from Mr. Mike Roddy of Seminole Electric Cooperative, Inc. Listed below is a response to each comment. The comments will not be restated.

**Section I., Subsection A. Facility Description and Statement of Basis**

**LR:** The Department agrees with the comment. The following changes are made to Section I Subsection A and the Statement of Basis:

**From:** Based on the initial Title V permit application received December 5, 2001, this facility is a major source of hazardous air pollutants (HAPs).

**To:** Based on additional information amending the Title V permit application received July 10, 2002, this facility is a synthetic minor source of hazardous air pollutants (HAPs).

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**Section I, Facility Information, Subsection B.**

**2.R:** After reviewing the additional information supplied by and certified by the permittee, the Department agrees with the comment and the following changes are made to Section I Subsection B and Appendix U-1, List of Unregulated Emissions Units and/or Activities:

**From:**

E.U.

ID No.

Brief Description of Emissions Units and/or Activity

-xxx

One or more emergency generators which are not subject to the Acid Rain Program and have a total fuel consumption, in the aggregate, of 32,000 gallons per year or less of diesel fuel, 4,000 gallons per year or less of gasoline, 4.4 million cubic feet per year or less of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.

-xxx

One or more heating units and general purpose internal combustion engines which are not subject to the Acid Rain Program and have a total fuel consumption, in the aggregate, of 32,000 gallons per year or less of diesel fuel, 4,000 gallons per year or less of gasoline, 4.4 million cubic feet per year or less of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.

-xxx

Two, 5.0 MMBtu/hr natural gas-fired fuel gas heaters

-xxx

One, 275 BHP fire water pump diesel engine

**To:**

E.U.

ID No.

Brief Description of Emissions Units and/or Activity

-xxx

One or more emergency generators which are not subject to the Acid Rain Program and have a total fuel consumption, in the aggregate, of 32,000 gallons per year or less of diesel fuel, 4,000 gallons per year or less of gasoline, 4.4 million cubic feet per year or less of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.

-xxx

One or more heating units and general purpose internal combustion engines which are not subject to the Acid Rain Program and have a total fuel consumption, in the aggregate, of 32,000 gallons per year or less of diesel fuel, 4,000 gallons per year or less of gasoline, 4.4 million cubic feet per year or less of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.

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In addition, the following is added to Appendix I-1, List of Insignificant Emissions Units and/or Activities:

- Add: 25. Two, 5.0 MMBtu/hr natural gas-fired fuel gas heaters
- 26. One, 275 BHP fire water pump diesel engine

### Section II., Facility-wide Conditions.

3.R: Since the application included the two remaining emissions units/activities addressed in Appendix U-1, List of Unregulated Emissions Units and/or Activities, the deletion of Condition 5 is inappropriate. No change will be made.

### Section III. Emissions Unit(s) and Conditions, Subsection A.

4.R: The Department agrees with the comment and the following change is made to condition A.1.:

**From:** A.1. Permitted Capacity. The maximum heat input rate to each Siemens Westinghouse 501F(D) combustion turbine, at an ambient temperature of 32° F, shall neither exceed 1,962 million Btu per hour while firing natural gas nor 1,888 million Btu per hour while firing No. 2 fuel oil.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.; and, PSD-FL-214A]

**To:** A.1. Permitted Capacity. The maximum heat input rate to each Siemens Westinghouse 501F(D) combustion turbine, at an ambient temperature of 32° F, shall neither exceed 1,962 million Btu per hour while firing natural gas nor 1,888 million Btu per hour while firing No. 2 fuel oil. Heat input rates will vary depending on gas turbine characteristics, ambient conditions, and alternate methods of operation.

These heat input limitations are included in the permit to identify the capacity of each unit for the capacity (or to limit future operation to 110 percent of the test load) and to aid in determining future rule purposes of confirming that emissions testing is conducted within 95 to 100 percent of the unit's rated applicability. Regular recordkeeping is not required for heat input. Instead the owner or operator is expected to determine heat input whenever emission testing is required, to demonstrate at what percentage of the rated capacity that the unit was tested. Rule 62-297.310(5), F.A.C., included in this permit, requires measurement of the process variables for emission tests. Such heat input determination may be based on measurements of fuel consumption by various methods including, but not limited to, fuel flow metering or tank drop measurements, or using the heat value of

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the fuel determined by the fuel vendor or the owner or operator, to calculate average hourly heat input during the test.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.; and, PSD-FL-214A]

**5.R:** The Department agrees with the comment and the following change is made to condition A.35.:

**From: A.35. Operating Rate During Testing.** Initial compliance tests shall be performed on each combustion turbine using both fuels. Testing of emissions shall be conducted at 95 to 100 percent of the manufacturer's rated heat input based on the average ambient air temperature for the combustion turbine during the test. Annual compliance tests shall be performed on the combustion turbine with the fuel(s) used for more than 400 hours in the preceding 12-month period. Tests at permit renewal shall also be performed on the non-PSD pollutants.

[Rule 62-297.310(2), F.A.C.; and, PSD-FL-214A]

**To: A.35. Operating Rate During Testing.** Initial compliance tests shall be performed on each combustion turbine using both fuels. Testing of emissions shall be conducted at 95 to 100 percent of the manufacturer's rated heat input based on the average ambient air temperature for the combustion turbine during the test. Annual compliance tests shall be performed on the combustion turbine with the fuel(s) used for more than 400 hours in the preceding 12-month period. Tests at permit renewal shall also be performed on the non-PSD pollutants. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the emissions unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity.

[Rule 62-297.310(2), F.A.C.; and, PSD-FL-214A]

**6.R:** The Department agrees with the comment and the following change is made to condition A.20.:

**From: A.20.** The owner or operator of any stationary gas turbine subject to the provisions of 40 CFR 60, Subpart GG shall monitor sulfur content and nitrogen content of the fuel being fired in the turbine. The frequency of determination of these values shall be as follows:

(1) If the turbine is supplied its fuel from a bulk storage tank, the values shall be determined on each occasion that fuel is transferred to the storage tank from any other source. Nitrogen oxide continuous emissions monitors may be used to determine

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**compliance with this requirement. The owner or operator is allowed to use vendor analyses of the fuel as received to satisfy the sulfur content monitoring requirements of this rule for fuel oil. Alternatively, if the fuel oil storage tank is isolated from the combustion turbines while being filled, the owner or operator is allowed to determine the sulfur content of the tank after completion of filling of the tank, before it is placed back into service.**

(2) If the turbine is supplied its fuel without intermediate bulk storage the values shall be determined and recorded daily. Owners, operators or fuel vendors may develop custom schedules for determination of the values based on the design and operation of the affected facility and the characteristics of the fuel supply. These custom schedules shall be substantiated with data and must be approved by the Administrator before they can be used to comply with 40 CFR 60.334(b). **The requirement to monitor the nitrogen content of pipeline quality natural gas fired is waived. The requirement to monitor the nitrogen content of fuel oil fired is waived because a NOx CEMS shall be used to demonstrate compliance with the NOx limits of this permit. For purposes of complying with the sulfur content monitoring requirements of this rule, the owner or operator shall obtain a monthly report from the vendor indicating the sulfur content of the natural gas being supplied from the pipeline for each month of operation.**

[40 CFR 60.334(b)(1) & (2); and, PSD-FL-214B]

**To: A.20. The owner or operator of any stationary gas turbine subject to the provisions of 40 CFR 60, Subpart GG shall monitor sulfur content and nitrogen content of the fuel being fired in the turbine. The frequency of determination of these values shall be as follows:**

(1) **If the turbine is supplied its fuel from a bulk storage tank, the values shall be determined on each occasion that fuel is transferred to the storage tank from any other source. Nitrogen oxide continuous emissions monitors may be used to determine compliance with this requirement. The owner or operator is allowed to use vendor analyses of the fuel as received to satisfy the sulfur content monitoring requirements of this rule for fuel oil. Alternatively, if the fuel oil storage tank is isolated from the combustion turbines while being filled, the owner or operator is allowed to determine the sulfur content of the tank after completion of filling of the tank, before it is placed back into service.**

(2) **If the turbine is supplied its fuel without intermediate bulk storage the values shall be determined and recorded daily. Owners, operators or fuel vendors may develop custom schedules for determination of the values based on the design and operation of the affected facility and the characteristics of the fuel supply. These custom schedules shall be substantiated with data and must be approved by the Administrator before they can be used to comply with 40 CFR 60.334(b). The requirement to monitor the nitrogen**

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**content of pipeline quality natural gas fired is waived. For purposes of complying with the sulfur content monitoring requirements of this rule, the owner or operator shall obtain a monthly report from the vendor indicating the sulfur content of the natural gas being supplied from the pipeline for each month of operation.**

[40 CFR 60.334(b)(1) & (2); and, PSD-FL-214B]

**7.R:** The Department agrees with the comment and the following change is made to condition A.25.:

**From: A.25.** The owner or operator shall determine compliance with the nitrogen oxides and sulfur dioxide standards in 40 CFR 60.332 as follows:

**c. U.S. EPA Method 20 (40 CFR 60, Appendix A) shall be used to determine the nitrogen oxides, sulfur dioxide, and oxygen concentrations. The span values shall be 300 ppm of nitrogen oxide and 21 percent oxygen. The NO<sub>x</sub> emissions shall be determined at each of the load conditions specified in 40 CFR 60.335(c)(2). The owner or operator is allowed to make compliance demonstrations for NO<sub>x</sub> emissions using certified CEM system data, provided that compliance be based on a minimum of three test runs representing a total of at least three hours of data, and that the CEMS be calibrated in accordance with the procedure in section 6.2.3 of Method 20 following each run. Alternatively, compliance may be demonstrated using data collected during the initial relative accuracy test audit (RATA) performed on the NO<sub>x</sub> monitor. The span value specified in the permit shall be used instead of that specified in paragraph (c)(3) above.**

[40 CFR 60.335(c)(3); and, PSD-FL-214B]

**To: A.25.** The owner or operator shall determine compliance with the nitrogen oxides and sulfur dioxide standards in 40 CFR 60.332 as follows:

**c. U.S. EPA Method 20 (40 CFR 60, Appendix A) shall be used to determine the nitrogen oxides, sulfur dioxide, and oxygen concentrations. The span values shall be 300 ppm of nitrogen oxide and 21 percent oxygen. The NO<sub>x</sub> emissions shall be determined at each of the load conditions specified in 40 CFR 60.335(c)(2). The owner or operator is allowed to make compliance demonstrations for NO<sub>x</sub> emissions using certified CEM system data, provided that compliance be based on a minimum of three test runs representing a total of at least three hours of data, and that the CEMS be calibrated in accordance with the procedure in section 6.2.3 of Method 20 following each run. Alternatively, compliance may be demonstrated using data collected during the initial relative accuracy test audit (RATA) performed on the NO<sub>x</sub> monitor. The applicable span value specified in 40 CFR Part 75 shall be used instead of that specified in this condition.**

[40 CFR 60.335(c)(3); and, PSD-FL-214B]



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**8.R:** The Department agrees with the comment and the following changes are made to conditions A.45. and A.46.:

**From: A.45.** (1) Owners and operators of all continuous emission monitoring systems (CEMS) installed in accordance with the provisions of this part shall check the zero (or low-level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in Appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments except that for systems using automatic zero adjustments. The optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.

(2) Unless otherwise approved by the Administrator, the following procedures shall be followed for continuous monitoring systems measuring opacity of emissions. Minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photo detector assembly.

[40 CFR 60.13(d)(1) and (2)] see A.44.

**A.46.** Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under 40 CFR 60.13(d), all continuous monitoring systems (CMS) shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(1) All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(2) All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

[40 CFR 60.13(e)(1) and (2)]

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**To: A.45.** (1) Owners and operators of all continuous emission monitoring systems (CEMS) installed in accordance with the provisions of this part shall check the zero (or low-level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in Appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified.

[40 CFR 60.13(d)(1)] see A.44.

**A.46.** Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under 40 CFR 60.13(d), all continuous monitoring systems (CMS) shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(2) All continuous monitoring systems referenced by 40 CFR 60.13(e) for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

[40 CFR 60.13(e)(2)]

**9.R:** The Department agrees with the comment and the following permitting note will be added following condition A.48.:

**Add:** {Permitting note: The applicable continuous emissions monitoring procedures of 40 CFR Part 75 may also be used to satisfy the requirements of Conditions A.42 through A.48 above.}

**10.R:** The comment requests that condition A.5.(a) be changed to include conditions A.34. through A.41. The Department does not feel that these additional conditions, which do not specify the required compliance tests, should be included in this condition.

It is requested to change the wording in bold face type at the end of condition A.30. The Department agrees with the request and will make the following change to condition A.30.:

**From: A.30.** The owner or operator shall determine compliance with the liquid fuel sulfur content standard of 0.05 percent, by weight, and the gaseous fuel sulfur dioxide standard as follows: ASTM D 2880-96, or the latest edition shall be used to determine the sulfur content of liquid fuels and ASTM D 1072-90(94)E-1, D 3031-81(86), D 4084-94, or D 3246-92, or the latest edition, shall be used for the sulfur content of gaseous fuels (incorporated by reference-see 40 CFR 60.17). The applicable ranges of some ASTM

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methods mentioned above are not adequate to measure the levels of sulfur in some fuel gases. Dilution of samples before analysis (with verification of the dilution ratio) may be used, subject to the approval of the Administrator. **The permit specifies sulfur testing methods and allows the owner or operator to follow the requirements of 40 CFR 75 Appendix D to determine the sulfur content of liquid fuels.**  
[40 CFR 60.335(d); and, PSD-FL-214B]

**To: A.30.** The owner or operator shall determine compliance with the liquid fuel sulfur content standard of 0.05 percent, by weight, and the gaseous fuel sulfur dioxide standard as follows: ASTM D 2880-96, or the latest edition shall be used to determine the sulfur content of liquid fuels and ASTM D 1072-90(94)E-1, D 3031-81(86), D 4084-94, or D 3246-92, or the latest edition, shall be used for the sulfur content of gaseous fuels (incorporated by reference-see 40 CFR 60.17). The applicable ranges of some ASTM methods mentioned above are not adequate to measure the levels of sulfur in some fuel gases. Dilution of samples before analysis (with verification of the dilution ratio) may be used, subject to the approval of the Administrator. **The requirements of 40 CFR 75 Appendix D may be used to determine the sulfur content of liquid fuels.**  
[40 CFR 60.335(d); and, PSD-FL-214B]

The commentor identified missing rule language in condition A.41. The Department agrees with the request and will make the following change to condition A.41.(a)8.:

**From:** 8. Any combustion turbine that does not operate for more than 400 hours per year shall term of its air operation permit.

**To:** 8. Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions test once per each five-year period, coinciding with the term of its air operation permit.

The commentor requests a language change to condition A.51., for clarification. The Department agrees with the request and will make the following change to condition A.51.:

**From: A.51.** For the purpose of reports required under 40 CFR 60.7(c), periods of excess emissions that shall be reported are defined as follows:

a. Nitrogen oxides. Any one-hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with the permitted nitrogen oxide standard by the initial performance test required in 40 CFR 60.8 or any period during which the fuel-bound nitrogen of the fuel is greater than the maximum nitrogen content allowed by the fuel-bound nitrogen allowance used during the initial performance test. Each report shall

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include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine load, and nitrogen content of the fuel during the period of excess emissions, and the graphs or figures developed under 40 CFR 60.335(a).

**NOx emissions monitoring by CEM system shall substitute for the requirements of paragraph (c)(1) because a NOx monitor is required to demonstrate compliance with the standards of this permit. Data from the NOx monitor shall be used to determine "excess emissions" for purposes of 40 CFR 60.7 subject to the conditions of the permit.**

**[Note: As required by EPA's March 12, 1993 determination, the NOx monitor shall meet the applicable requirements of 40 CFR 60.13, Appendix B and Appendix F for certifying, maintaining, operating and assuring the quality of the system; shall be capable of calculating NOx emissions concentrations corrected to 15% oxygen; shall have no less than 95% monitor availability in any given calendar quarter; and shall provide a minimum of four data points for each hour and calculate an hourly average. The requirements for the CEMS specified by the specific conditions of this permit satisfy these requirements.]**

**[Rule 62-296.800, F.A.C.; 40 CFR 60.334(c)(1); and, PSD-FL-214B]**

**To: A.51.** For the purpose of reports required under 40 CFR 60.7(c), periods of excess emissions that shall be reported are defined as follows:

a. Nitrogen oxides. Any one-hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with the permitted nitrogen oxide standard by the initial performance test required in 40 CFR 60.8 or any period during which the fuel-bound nitrogen of the fuel is greater than the maximum nitrogen content allowed by the fuel-bound nitrogen allowance used during the initial performance test. Each report shall include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine load, and nitrogen content of the fuel during the period of excess emissions, and the graphs or figures developed under 40 CFR 60.335(a).

**NOx emissions monitoring by CEM system shall substitute for the requirements of this condition because a NOx monitor is required to demonstrate compliance with the standards of this permit. Data from the NOx monitor shall be used to determine "excess emissions" for purposes of 40 CFR 60.7 subject to the conditions of the permit.**

**[Note: As required by EPA's March 12, 1993 determination, the NOx monitor shall meet the applicable requirements of 40 CFR 60.13, Appendix B and Appendix F for certifying, maintaining, operating and assuring the quality of the system; shall be capable of calculating NOx emissions concentrations corrected to 15% oxygen; shall**

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**have no less than 95% monitor availability in any given calendar quarter; and shall provide a minimum of four data points for each hour and calculate an hourly average. The requirements for the CEMS specified by the specific conditions of this permit satisfy these requirements.]**

**[Rule 62-296.800, F.A.C.; 40 CFR 60.334(c)(1); and, PSD-FL-214B]**

**Table 2-1, Summary of Compliance Requirements.**

**11.R:** The Department agrees with the comment and the following changes are made to Table 2-1, Summary of Compliance Requirements:

**From:** Minimum Compliance Test Duration for CO and Sulfuric Acid Mist: Annual

**To:** Minimum Compliance Test Duration for CO and Sulfuric Acid Mist: 1-hour

**Add:** Test Method for Sulfuric Acid Mist: EPA Method 8

**III. Conclusion.**

The permitting authority hereby issues the PROPOSED Permit No.: 0490340-002-AV, with any changes noted above. Because of the number of changes to the DRAFT, a copy of the PROPOSED permit has been printed for the applicant.

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Permit by:

OGC CASE NO.: 02-0866

FDEP Draft Permit No.: 0490340-002-AV

Seminole Electric Cooperative, Inc.  
Payne Creek Generating Station  
Hardee County, Florida

---

**REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Seminole Electric Cooperative, Inc. ("Seminole") hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including October 16, 2002, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Seminole states the following:

1. On or about June 3, 2002, Seminole received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 0490340-002-AV) for the Payne Creek Generating Station, located in Hardee County, Florida. Along with the Intent to Issue, Seminole received a Draft Title V permit and "Public Notice of Intent to Issue Title V Air Operation Permit."

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

Ea?

3. This request is filed simply as a protective measure to avoid waiver of Seminole'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. In the event all issues are resolved prior to October 16, 2002, Seminole will withdraw this Request.

4. If the Department denies this request, Seminole requests the opportunity to file a Petition for Administrative Proceeding within 10 days of such denial.

WHEREFORE, Seminole 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 for Draft Permit No. 0490340-002-AV be formally extended to and including October 16, 2002.

RESPECTFULLY SUBMITTED this 16th day of August, 2002.

By: Robert Manning  
Robert A. Manning  
Florida Bar ID No. 0035173  
Hopping Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
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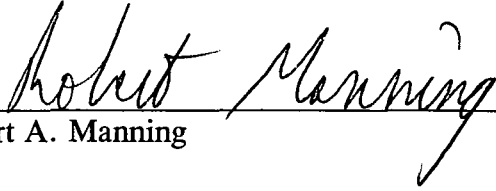
Attorneys for SEMINOLE ELECTRIC  
COOPERATIVE, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by U.S. Mail this 16th day of August, 2002:

Scott Sheplak, P.E. Administrator  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road, MS 5505  
Tallahassee, FL 32399-2400

W. Douglas Beason  
Office of the General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd., Room 353-A  
Tallahassee, FL 32399-2600

  
\_\_\_\_\_  
Robert A. Manning



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEMINOLE ELECTRIC COOPERATIVE, INC.,  
Payne Creek Generating Station,

Petitioner,

vs.

OGC CASE No. 02-0866  
Permit No. 0490340-002-AV

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

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

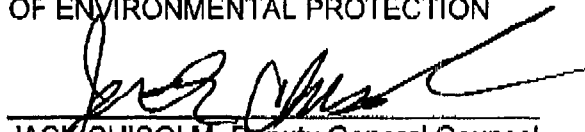
This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner Seminole Electric Cooperative, Inc., Payne Creek Generating Station, to grant an extension of time to file a petition for an administrative hearing on the "Intent to Issue Title V Air Operation Permit" and "Public Notice of Intent to Issue Title V Air Operation Permit" for the Payne Creek Generation Station located in Hardee 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 **August 17, 2002**, 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 17th day of July, 2002, 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  
850-488-9314 facsimile 850-921-3000


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via  
\_\_\_ U. S. Mail \_\_\_ facsimile  ONLY, this 10<sup>th</sup> day of July, 2002, to:

Robert Manning  
HOPPING GREEN SAMS & SMITH  
123 So. Calhoun St.  
Tallahassee, FL 32301

facsimile: 224-8551

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
W. DOUGLAS BEASON,  
Assistant General Counsel  
Florida Bar No. 379239  
3900 Commonwealth Boulevard, MS #35  
Tallahassee, Florida 32399-3000  
Telephone (850) 488-9314  
Facsimile (850) 921-3000

With an internal courtesy copy to:

Scott Sheplack, via facsimile only, 922-6979

RECEIVED

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
JUN 18 2002

BUREAU OF AIR REGULATION

In the Matter of an  
Application for Permit by:

OGC CASE NO.: \_\_\_\_\_

FDEP Draft Permit No.: 0490340-002-AV

Seminole Electric Cooperative, Inc.  
Payne Creek Generating Station  
Hardee County, Florida

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**REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Seminole Electric Cooperative, Inc. ("Seminole") hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including September 17, 2002, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Seminole states the following:

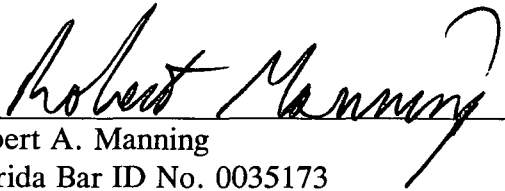
1. On or about June 3, 2002, Seminole received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 0490340-002-AV) for the Payne Creek Generating Station, located in Hardee County, Florida. Along with the Intent to Issue, Seminole received a Draft Title V permit and "Public Notice of Intent to Issue Title V Air Operation Permit."

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

3. This request is filed simply as a protective measure to avoid waiver of Seminole'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. In the event all issues are resolved prior to September 17, 2002, Seminole will withdraw this Request.

WHEREFORE, Seminole 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 for Draft Permit No. 0490340-002-AV be formally extended to and including September 17, 2002.

RESPECTFULLY SUBMITTED this 17th day of June, 2002.

By:   
Robert A. Manning  
Florida Bar ID No. 0035173  
Hopping Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, Florida 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

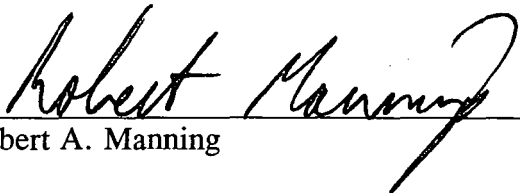
Attorneys for SEMINOLE ELECTRIC  
COOPERATIVE, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by U.S. Mail this 17th day of June, 2002:

Scott Sheplak, P.E. Administrator  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road, MS 5505  
Tallahassee, FL 32399-2400

W. Douglas Beason  
Office of the General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd., Room 353-A  
Tallahassee, FL 32399-2600

  
\_\_\_\_\_  
Robert A. Manning