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March 23, 1994

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OF COUNSEL
W. ROBERT FOKES

BY HAND DELIVERY

Mr. Clair E. Fancy, P.E.
Bureau of Air Regulation
Department of Environmental Protection
111 South Magnolia Street, Suite 29
Tallahassee, Florida 32399-2400

RE: Vero Beach Municipal Power Plant, Unit 5
Request for Extension of Construction
Permit No. AC 31-184928, PSD-FL-152

Dear Mr. Fancy:

I am writing on behalf of the City of Vero Beach to request extension of the referenced air construction permit for Unit 5 at the City's Municipal Power Plant in Indian River County, pursuant to Rule 17-4.080(3) F.A.C. The current expiration date for the permit is March 31, 1994, in accordance with Division Director Rhodes' letter dated January 13, 1994. As we have discussed, the City is now requesting a further extension of the permit expiration date until June 30, 1994 to allow sufficient time for consideration of proposed amendments intended to clarify and simplify certain of the permit conditions. A check in the amount of fifty dollars (\$50.00) is enclosed, pursuant to Rule 17-4.050(4)(q)3, F.A.C.

Emissions compliance testing of Unit 5 with the Dry Low NOX combustors has been completed and test reports demonstrating compliance with applicable limits were forwarded to the Department on February 25, 1994. The City recognizes that all current construction permit conditions will remain in effect if the expiration date extension is approved. The City expects to submit a letter requesting clarifying and simplifying amendments to the permit no later than April 15, 1994. Representatives of the City would be glad to arrange a meeting with members of your staff to discuss the proposed amendments if you believe it would be appropriate. Resolution of the construction permit issues will help to facilitate issuance of a mutually acceptable air operation permit for Unit 5.

RECEIVED

MAR 23 1994

Bureau of
Air Regulation

Letter to Clair Fancy
March 23, 1994
Page 2

Your consideration in this matter is very much appreciated. If there are any questions regarding the City's request, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter C. Cunningham", with a long horizontal flourish extending to the right.

Peter C. Cunningham

cc: Mr. Preston Lewis
Ms. Teresa Herron
Mr. Charles Collins

SENDER:
 Complete items 1 and/or 2 for additional services.
 Complete items 3, and 4a & b.
 Print your name and address on the reverse of this form so that we can return this card to you.
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requested" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Mr. Gary V. Perko
 Hopping Boyd Green & Sams
 P. O. Box 6526
 Tallahassee, Florida 32314

4a. Article Number
 P 872 562 584

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

5. Signature (Addressee)
[Signature]

6. Signature (Agent)

7. Date of Delivery
 1-24-94

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 *U.S. GPO: 1992-323-402 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

P 872 562 584



Receipt for Certified Mail
 No Insurance Coverage Provided
 Do not use for International Mail
 (See Reverse)

PS Form 3800, JUNE 1991

Sent to Mr. Gary V. Perko	
Street and No. P. O. Box 6526	
P.O., State and ZIP Code Tallahassee, FL 32314	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date Mailed: 1/20/94 AC 31-184928 and PSD-FL-152	



Lawton Chiles
Governor

Florida Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia R. Wetherell
Secretary

January 13, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gary V. Perko
Hopping Boyd Green & Sams
P. O. Box 6526
Tallahassee, Florida 32314

Dear Mr. Perko:

RE: Vero Beach Municipal Power Plant, Unit No. 5
AC31-184928 and PSD-FL-152

The Department is in receipt of your letter dated December 21, 1993, on behalf of the City of Vero Beach Municipal Power Plant requesting an extension of the expiration date of the above mentioned permit. This request is acceptable to the Department. The expiration date of this permit will be changed as follows:

FROM: December 31, 1993

TO: **March 31, 1994**

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the applicant of the amendment request/application and the parties listed below must be filed within 14 days of receipt of this amendment. Petitions filed by other persons must be filed within 14 days of the amendment issuance or within 14 days of their receipt of this amendment, whichever occurs first. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

Mr. Gary V. Perko
January 13, 1994
Page Two

The Petition shall contain the following information:

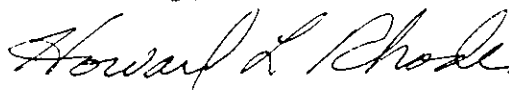
- (a) The name, address and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action;
- (g) A statement of the relief sought by petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this amendment. Persons whose substantial interests will be affected by any decision of the Department with regard to the request/application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this amendment in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Mr. Gary V. Perko
January 13, 1994
Page Three

A copy of this letter shall be attached to the above mentioned permit and shall become a part of this permit.

Sincerely,



Howard L. Rhodes
Director
Division of Air Resources
Management

HLR/TH/bjb

Attachment to Be Incorporated:

Mr. Gary Perko's letter of December 21, 1993.

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this AMENDMENT and all copies were mailed by certified mail before the close of business on 1/20/94 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED,
on this date, pursuant to
120.52(11), Florida Statutes,
with the designated Department
Clerk, receipt of which is
hereby acknowledged.

Barbara J. Bentwell 1/20/94
Clerk Date

Memorandum

Florida Department of
Environmental Protection

TO: Howard L. Rhodes
FROM: Clair Fancy *CF*
DATE: January 13, 1994
SUBJECT: Request for Permit Amendment
Vero Beach Municipal Power Plant, Unit No. 5
AC31-184928 and PSD-FL-152

Attached for your approval and signature is an amendment to the City of Vero Beach's construction permit prepared by the Bureau of Air Regulation. The purpose of the amendment is to extend the expiration date of the above mentioned permit.

I recommend your approval and signature.

CF/TH/bjb

Attachment