



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 5, 2007

Electronic Mail – Received Receipt Requested

Mr. Gary Willer, General Manager
Indiantown Cogeneration, L.P.
Post Office Box 1799
13303 SW Silver Fox Lane
Indiantown, Florida 34956

Re: Extension Request/DEP File No. 0850102-008-AC
Two Natural Gas/Propane-fired Auxiliary Boilers

Dear Mr. Willer:

The Department has reviewed your letter (attached) received on March 20, 2007, requesting an extension of the expiration date of the above referenced permit from June 30, 2007 to September 30, 2007. After reviewing the submitted information, the expiration date of the referenced permit is hereby extended through **September 30, 2007** for the purposes of completing the installation and startup of the two natural gas/propane fired auxiliary boilers.

As recognized in your request, the new units shall comply with the requirements 40 CFR 60 Subpart Db, 40 CFR 63 Subpart DDDDD and all conditions as set forth in Air Construction Permit No. 0850102-008-AC.

A copy of this notice of intent shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

The Department's proposed agency action shall become final unless a timely petition for an administrative determination (hearing) is filed under sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the 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 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency

determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available in this proceeding.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Intent and all copies were sent electronically (with Received Receipt) before the close of business on 4/5/07 to the person(s) listed below.

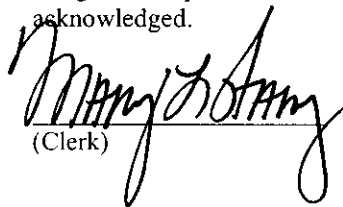
Gary Willer, ICLP: Gary.Willer@negt.com

Nick Laryea, ICLP: Nicholas.Laryea@negt.com

Darrel Graziani, SED: Darrel.Graziani@dep.state.fl.us

Clerk Stamp

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



(Clerk)

4/5/07
(Date)

A copy of the request for extension is attached.

Enclosure

Indiantown Cogeneration, L.P.

Indiantown Cogeneration, L.P.
P.O. Box 1799
13303 SW Silver Fox Lane
Indiantown, FL 34956

772.597.6500
Fax: 772.597.6210

RECEIVED

MAR 19 2007

March 19, 2007

BUREAU OF AIR REGULATION

Trina L. Vielhauer, Chief
Florida Department of Environmental Protection
Bureau of Air Regulation
2600 Blair Stone Road, M.S. 5500
Tallahassee, Florida 32399-2400
850-488-0114

Re: *Request for Extension of Performance Test Deadline*
Request for Extension of Title V Application Revision Submission Deadline
Request for Extension of Air Pollution Construction Permit
Indiantown Cogeneration L.P. Permit No. 0850102-008-AC

Indiantown Cogeneration, LP (ICLP) is requesting an extension of the following related requirements: conducting stack testing on one of two auxiliary boilers; submitting the Title V revision application for the two auxiliary boilers; and the expiry date for the air construction permit 0850102-008-AC for the two auxiliary boilers.

Technical problems with the boilers delayed the commissioning process. First-fire occurred in Auxiliary Boiler 1 on October 24, 2006, but there was a significant delay in achieving full-load operation. The second boiler is being installed and first fire is expected soon. Because of these technical problems, air construction permit 0850102-008-AC was extended by you until June 30, 2007.

Performance Test

The performance test is required to be conducted within 180 days after startup of the source, per the following requirements: air construction permit 0850102-008-AC Specific Condition #21; 40CFR§60.8(a); and 40 CFR§63.7510(d). This letter requests an extension of all of these related requirements.

We are working diligently to get testing scheduled and performed. A separate notification letter being sent today informs the Department that performance testing for both Auxiliary Boilers is scheduled for April 25 and 26, 2007. To allow for any further technical or logistical problems, we are requesting an extension to the Auxiliary Boiler 1 performance test deadline to June 30, 2007.

Title V Permit Revision Application

Because the Title V permit revision application must include compliance test results, we are also requesting an extension to the deadline to submit the Title V permit revision application. General Condition #9 of Air Construction Permit 0850102-008-AC states that the revision application must be submitted at least ninety days prior to the expiration of the construction permit, but no later than 180 days after commencing operation. To allow time to receive and review test results, we are requesting an extension to the requirement to submit the Title V permit revision application until August 15, 2007.

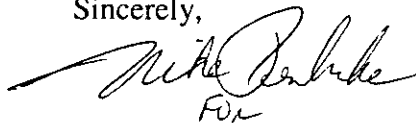
Air Pollution Construction Permit

Because, per the above, testing of the sources and submittal of the Title V permit revision application may be delayed, we are requesting an extension to the air construction permit 0850102-008-AC until September 30, 2007. This will allow sufficient time to ensure that the performance test results and the Title V permit revision application are administratively complete. It is our understanding that the auxiliary boilers can then operate per the conditions of the air construction permit in compliance with 62-213.412, *Immediate Implementation Pending Revision Process*. Please let us know if this is not the case.

We can provide reasonable assurances that, upon completion, the extended permit will comply with the standards and conditions required by the applicable regulation. Specifically, we have purchased package boilers designed to meet the following: 40 CFR 60 Subpart Db; 40 CFR 63 Subpart DDDDD; and each of the permit conditions set forth in air pollution construction permit 0850102-008-AC. We will continue to work with the package boiler vendor to complete installation, startup, and testing of boilers that achieve full-load operation and meet these requirements.

Thank you for your attention to this request. Please contact Nick Laryea at 772-597-6500 extension 19 with any questions or comments.

Sincerely,



FOR

Gary Willer
General Manager

cc: Darrel Graziani
AJ Jablonowski
Lauren Billheimer
Nick Laryea, ICLP
File

Adams, Patty

From: Harvey, Mary
Sent: Thursday, April 05, 2007 1:30 PM
To: 'GaryWiller@cogentrix.com'; 'NicholasLaryea@cogentrix.com'; Graziani, Darrel
Cc: Cascio, Tom; Adams, Patty; Gibson, Victoria
Subject: Extention Leter - Project #0850102-008-AC - Indiantown Cogeneration, L.P.
Attachments: EXTENSION LETTER- Gary Willer - Indiantown Cogeneration, L.P. #0850102-008-AC.pdf

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <http://www.adobe.com/products/acrobat/readstep.html>.

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. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record.

Thank you,

DEP, Bureau of Air Regulation

Adams, Patty

From: Harvey, Mary
Sent: Thursday, April 05, 2007 1:35 PM
To: 'GaryWiller@cogentrix.com'; 'NicholasLaryea@cogentrix.com'; Graziani, Darrel
Cc: Cascio, Tom; Adams, Patty; Gibson, Victoria
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Corrected Copy.

Thanks,
Mary

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Thank you,

DEP, Bureau of Air Regulation

Adams, Patty

From: Harvey, Mary
Sent: Thursday, April 05, 2007 3:24 PM
To: Adams, Patty
Subject: FW: Extension Letter - Project #0850102-008-AC - Indiantown Cogeneration, L.P.

From: Laryea, Nicholas [mailto:NicholasLaryea@Cogentrix.com]
Sent: Thursday, April 05, 2007 3:03 PM
To: Harvey, Mary
Cc: Willer, Gary
Subject: RE: Extension Letter - Project #0850102-008-AC - Indiantown Cogeneration, L.P.

Thanks Mary
Nick

From: Harvey, Mary [mailto:Mary.Harvey@dep.state.fl.us]
Sent: Thursday, April 05, 2007 1:35 PM
To: Willer, Gary; Laryea, Nicholas; Graziani, Darrel
Cc: Cascio, Tom; Adams, Patty; Gibson, Victoria
Subject: FW: Extension Letter - Project #0850102-008-AC - Indiantown Cogeneration, L.P.

Corrected Copy.

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4/6/2007

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Sent: Thursday, April 05, 2007 3:03 PM
To: Harvey, Mary
Subject: Read: FW: Extension Letter - Project #0850102-008-AC - Indiantown Cogeneration, L.P.

Your message

To: GaryWiller@cogentrix.com
Subject:

was read on 4/5/2007 3:03 PM.