

Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

December 27, 2006

## 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 December 12, 2006, requesting an extension of the expiration date of the above referenced permit from January 1, 2007 to June 30, 2007. After reviewing the submitted information, the expiration date of the referenced permit is hereby extended through **June 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 letter 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.

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 will be only at the approval 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

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*Printed on recycled paper.*

require reversal or modification of the agency's proposed action; 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.

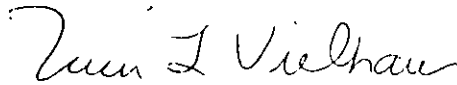
A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

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 Permit Extension Letter and all copies were sent electronically (with Received Receipt) before the close of business on 12/26/06 to the person(s) listed below.

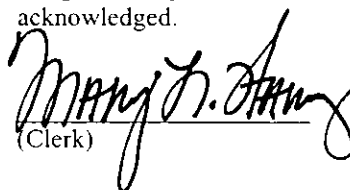
Gary Willer, ICLP: [Gary.Willer@negt.com](mailto:Gary.Willer@negt.com)

Nick Laryea, ICLP: [Nicholas.Laryea@negt.com](mailto:Nicholas.Laryea@negt.com)

Darrel Graziani, SED: [Darrel.Graziani@dep.state.fl.us](mailto: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)

12/26/06  
(Date)

**Indiantown Cogeneration, L.P.**

December 11, 2006

Al Linero  
Florida Department of Environmental Protection  
Division of Air Resource Management  
2600 Blair Stone Road, M.S. 5500  
Tallahassee, Florida 32399-2400  
850-488-0114

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

772.597.6500  
Fax: 772.597.6210

**RECEIVED**

DEC 12 2006

BUREAU OF AIR REGULATION

**Re: Request for Extension of Construction Permit  
Indiantown Cogeneration L.P. Permit No. 0850102-008-AC**

Indiantown Cogeneration, LP (ICLP) is requesting an extension of the construction permit for installation of two natural gas (or propane) fired auxiliary boilers.

ICLP promptly ordered the boilers on receipt of the permit and began the installation process. Technical problems with the boilers have prevented us from completing installation. The first boiler cannot as yet achieve full-load operation; the second boiler has not been installed yet.


We are notifying you in writing per 62-4-080 (3), which states "A permittee may request that a permit be extended as a modification of the permit. Such a request must be submitted to the Department in writing before the expiration of the permit. Upon timely submittal of a request for extension, unless the permit automatically expires by statute or rule, the permit will remain in effect until final agency action is taken on the request. For construction permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that, upon completion, the extended permit will comply with the standards and conditions required by applicable regulation."

We are making this request in writing before the expiration of the permit (January 1, 2007). This permit does not automatically expire by statute or rule. We request an additional 180 days (until June 30, 2007) to complete installation.

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 and startup 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,



Gary Willer  
General Manager

cc: Nick Laryea, ICLP  
Lauren Bellheimer-Cogentrix  
AJ Jablonoski-Earth Tech  
Darrel Graziani- DEP SouthEast District

**Adams, Patty**

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**From:** Harvey, Mary  
**Sent:** Wednesday, December 27, 2006 3:32 PM  
**To:** Linero, Alvaro; Cascio, Tom; Adams, Patty  
**Subject:** FW: Extension Request #0850102-008-AC -Indiantown Cogeneration, L.P.

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**From:** Willer, Gary [mailto:GaryWiller@cogentrix.com]  
**Sent:** Wednesday, December 27, 2006 1:23 PM  
**To:** Harvey, Mary  
**Subject:** RE: Extension Request #0850102-008-AC -Indiantown Cogeneration, L.P.

I have received your transmittal. Thank you and the Department for the extension.

Gary E. Willer  
General Manager  
Indiantown Cogeneration L.P.  
(772) 597-6500 Ext.25  
Fax (772) 597-6210  
garywiller@cogentrix.com

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

**From:** Harvey, Mary [mailto:Mary.Harvey@dep.state.fl.us]  
**Sent:** Wednesday, December 27, 2006 1:18 PM  
**To:** Willer, Gary; Laryea, Nicholas  
**Cc:** Adams, Patty; Linero, Alvaro; Cascio, Tom  
**Subject:** FW: Extension Request #0850102-008-AC -Indiantown Cogeneration, L.P.

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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

8/28/2007

**Adams, Patty**

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**From:** Harvey, Mary  
**Sent:** Wednesday, December 27, 2006 1:18 PM  
**To:** 'GaryWiller@cogentrix.com'; 'NicholasLaryea@cogentrix.com'  
**Cc:** Adams, Patty; Linero, Alvaro; Cascio, Tom  
**Subject:** FW: Extension Request #0850102-008-AC -Indiantown Cogeneration, L.P.  
**Attachments:** Extension Request-DEP File #0850102-008-AC.pdf

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Dear Sir/Madam:

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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

8/28/2007

## Adams, Patty

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**From:** Harvey, Mary  
**Sent:** Tuesday, December 26, 2006 4:10 PM  
**To:** Adams, Patty; Linero, Alvaro  
**Subject:** FW: Extension Request #0850102-008-AC -Indiantown Cogeneration, L.P.

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**From:** Graziani, Darrel  
**Sent:** Tuesday, December 26, 2006 4:05 PM  
**To:** Harvey, Mary  
**Subject:** Read: Extension Request #0850102-008-AC -Indiantown Cogeneration, L.P.

Your message

**To:** 'Gary.Willer@negt.com'; 'Nicholas.Laryea@negt.com'; Graziani, Darrel  
**Cc:** Linero, Alvaro; Adams, Patty; Gibson, Victoria  
**Subject:** Extension Request #0850102-008-AC -Indiantown Cogeneration, L.P.  
**Sent:** 12/26/2006 3:59 PM

was read on 12/26/2006 4:05 PM.