

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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BUREAU OF  
AIR REGULATION

CITY OF LAKE WORTH UTILITIES,  
(TOM G. SMITH POWER PLANT and  
LAKE WORTH WATER TREATMENT PLANT),

Petitioner,

vs.

OGC CASE NO. 97-1487

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

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

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner CITY OF LAKE WORTH UTILITIES to grant an extension of time to file a petition for an administrative hearing on Application No. 0990045-002-AV. See Exhibit 1.

Counsel for Petitioner has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to granting a partial extension of time. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until September 29, 1997, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Mail Station 35, Department of

Environmental Protection, 3900 Commonwealth Boulevard,  
Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 29 day of September 1997 in  
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
F. PERRY ODOM  
General Counsel

Douglas Building, MS #35  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (850) 488-9314

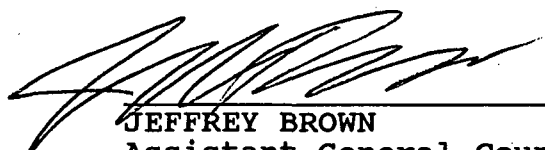
CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was faxed and  
mailed to:

Angela R. Morrison  
HOPPING GREEN SAMS & SMITH, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, Florida 32314

on this 29<sup>th</sup> day of September, 1997.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
JEFFREY BROWN  
Assistant General Counsel  
Florida Bar No. 0843430

Mail Station 35  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (850) 488-9730

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED  
AUG 29 3 00 PM '97  
ADMINISTRATIVE

In the Matter of an  
Application for Permit by:

OGC No. 97-1487

City of Lake Worth Utilities  
1900 2nd Avenue North  
Lake Worth, Florida 33461

DRAFT Permit No.: 0990045-002-AV  
Tom G. Smith Power Plant and  
Lake Worth Water Treatment Plant  
Palm Beach County

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, City of Lake Worth Utilities (Lake Worth) hereby requests, pursuant to Florida Administrative Code Rules 28-106.111(3) and 62-103.050(1), an extension of time, to and including October 3, 1997, in which to file a Petition for Administrative Proceedings or a Request for Mediation in the above-styled matter. As good cause for granting this request, Lake Worth states the following:

1. On or about August 20, 1997, Lake Worth received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Permit No. 0990045-002-AV) for the Tom G. Smith Power Plant and Lake Worth Water Treatment Plant in Palm Beach County, Florida. Along with the Intent to Issue, Lake Worth received a draft Title V permit and "Public Notice of Intent to Issue Title V Air Operation Permit."
2. Based on Lake Worth's preliminary review, the draft permit and associated documents contain several provisions that warrant clarification or correction.
3. Lake Worth is in the process of developing a letter to the Department describing these issues and suggesting changes to the draft permit.



4. Representatives of Lake Worth intend to discuss this matter with staff of the Department's Bureau of Air Regulation in the near future in an effort to resolve all issues.

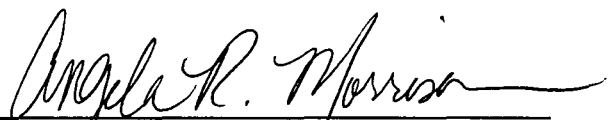
5. This request is filed simply as a protective measure to avoid waiver of Lake Worth's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing or formal mediation.

6. Joeseeph Kahn with the Department's Bureau of Air Regulation agreed to a 30-day extension on behalf of the Department. Counsel for Lake Worth has attempted without success to contact W. Douglas Beason with the Department's Office of General Counsel regarding this request.

WHEREFORE, Lake Worth respectfully requests that the time for filing of a Petition for Administrative Proceedings or a Request for Mediation in regard to the Department's Intent to Issue Title V Air Operation Permit for Permit No. 0990045-002-AV be formally extended to and including October 3, 1997.

Respectfully submitted this 29th day of August, 1997.

HOPPING GREEN SAMS & SMITH, P.A.



Angela R. Morrison, Fla. Bar No. 0855766  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(904) 222-7500

Attorney for CITY OF LAKE WORTH  
UTILITIES

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following  
by U.S. Mail on this 29th day of August, 1997:

Clair H. Fancy, P.E.  
Chief  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600

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

A handwritten signature in cursive script, reading "Angel R. Morrison", is written over a horizontal line.

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