

Florida Department of  
**Environmental Protection**

**Memorandum**

To: Jeff Brown

Thru: Al Lincro

From: Willard Hanks

Subject: Okeelanta/Osceola Power L.P.

Proposed Modifications 0990331-009-AC/0990331-007-AC

David Dee requested that the construction permits for the referenced facilities be modified to allow additional time for concurrent operation of the sugar mill and cogeneration plant boilers while problems with the connections (bagasse fuel and steam) between the plants were corrected.

The Bureau issued an intent to modify these permits (see draft letters dated April xx, 1998). The Notice of Intents were published on May 1, 1998.

David Dee requested additional time to file for a hearing on the proposed modifications and submitted comments on the draft modifications in letters dated April 22, 1998 (attached).

The Bureau has reviewed these comments and made some minor revisions to the proposed draft modification letters in the attached letters dated June 5, 1998. Note that we used some of Mr. Dee's suggestions but found other suggested wording undesirable.

Please review the attached documents, discuss the June 5 modification letters with David Dee if you feel that is appropriate, and have David Dee withdraw ~~his request for~~ the hearing request. Should Mr. Dee want to discuss the latest proposal with the Bureau, we request OGC set up a meeting time that is convenient with yourself, Bureau staff, and David Dee.

Attachments

Jeff - David's proposed language implies they are so close, that they only need to "perfect" something that works. We believe if that were the case, they would not need 2 years, but rather a few months. The plants just want their permits + no grief. David + some of the management are more concerned about how F&E views all this in the context of the



May 8, 1998

**RECEIVED**

MAY 21 1998

BUREAU OF  
AIR REGULATION

State of Florida  
Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road, MS #5505  
Tallahassee, Florida 32399-2400

Attn: Mr. A. A. Linero, P.E.  
Administrator  
New Source Review Section

Re: Osceola Cogeneration Facility  
Draft Permit Modification No. 0990331-007-AC  
(PSD-FL-197)

Dear Mr. Linero:

Please find enclosed the original copy of the Proof of Publication for the "Public Notice of Intent to Issue Air Construction Permit Modification". The Notice was published in the Palm Beach Post on May 1, 1998. If you have any questions please contact me at (561) 993-1003.

Sincerely,

  
James M. Meriwether  
Environmental Manager

cc: Carlos Rionda  
Bill Tarr  
David Dee

cc: W. Hanks, BAR

SD

palm Bch Co.

D. Thompson, BDES

EPA  
NPS

# THE PALM BEACH POST

Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

## PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Chris Bull who on oath says that she is Classified Advertising Manager of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being a Notice in the matter of Intent to Issue Air Construction Permit Modification -- Court, was published in said newspaper in the issues of May 1, 1998.

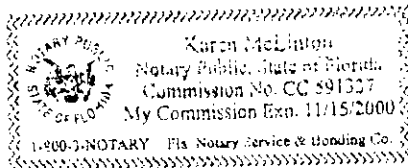
Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Chris Bull*

Sworn to and subscribed before me this 1 day of May A.D. 1998

*[Signature]*

Personally known XX or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



Department of Environmental Protection  
South Florida District  
2295 Victoria Avenue,  
Suite 364  
Fort Myers, Florida 33901  
Telephone: 941/332-6975  
Division of Environmental Science and Engineering  
Palm Beach County Health Unit  
901 Evernia Street  
West Palm Beach, Florida 33401  
Telephone: 561/355-3070  
Department of Environmental Protection  
Southeast District  
400 N. Congress Avenue  
Reception 2nd Floor  
West Palm Beach, Florida 33416  
Telephone: 561-681-6600  
The complete project file includes the Draft Permit Modification, the request, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-1344, for additional information.  
PUB: The Palm Beach Post  
May 1, 1998

of the Florida Administrative Code. Mediation is not available for this action. A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the 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 the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action. 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 permit amendment. 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. A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: 850/488-1344

NO. 463556  
PUBLIC NOTICE OF INTENT  
TO ISSUE AIR CONSTRUCTION  
PERMIT MODIFICATION  
STATE OF FLORIDA  
DEPARTMENT  
OF ENVIRONMENTAL  
PROTECTION  
DRAFT Permit Modification  
No. 0990331-007-AC,  
PSD-FL-197  
Osceola Power  
Limited Partnership  
Palm Beach County  
The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Osceola Power Limited Partnership for the cogeneration plant located near Pahokee, Palm Beach County. A Best Available Control Technology (BACT) determination was not required for this modification pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The modification will not result in an increase in allowable emissions from the cogeneration facility, and will not cause a violation of any state or federal ambient air quality standards or increments. The applicant's name and address are: Osceola Power Limited Partnership, P.O. Box 606, Pahokee, FL 33476. The modification will allow an additional two years for concurrent operation of the Osceola Farms' existing boilers and the new cogeneration boilers while problems with the interconnections between the two plants are being resolved. The Department will issue the FINAL Permit Modification, in accordance with the conditions of the DRAFT Permit Modification unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department will accept written comments concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Any written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice. The Department will issue FINAL Permit Modification with the conditions of the DRAFT Permit Modification unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. The procedures for petitioning for a hearing are set forth below. Mediation is not available for this action. A person whose substantial interests are affected by this permit amendment may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 850/488-9730, fax: 850/487-4938. Petitions must be filed within fourteen days of receipt of this permit amendment. A petitioner must 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 28-5.207

LANDERS & PARSONS, P.A.

ATTORNEYS AT LAW

CINDY L. BARTIN  
DAVID S. DEE  
JOSEPH W. LANDERS, JR.  
JOHN T. LAVIA, III  
FRED A. MCCORMACK  
PHILIP S. PARSONS  
ROBERT SCHEFFEL WRIGHT

HOWELL L. FERGUSON  
OF COUNSEL

VICTORIA J. TSCHINKEL  
SENIOR CONSULTANT  
(NOT A MEMBER OF THE FLORIDA BAR)

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www.landersonparsons.com

April 22, 1998

RECEIVED  
APR 22 1998  
BUREAU OF  
AIR REGULATION

Al Linero, P.E.  
Department of Environmental  
Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32399

Re: Osceola Power Cogeneration Facility

Dear Mr. Linero:

I am sending you this letter to confirm the information I provided to you during our discussions on April 16 and 22, 1998.

On March 25, 1998, the Florida Department of Environmental Protection ("DEP") gave notice of its intent to issue a permit modification (No. 0990331-009-AC; PSD-FL-197) for the Osceola Power Limited Partnership's ("Okeelanta Power") cogeneration facility in Palm Beach County, Florida. On behalf of Osceola Power, I am submitting the following comments concerning the Department's notice and draft permit modification.

Publication of Notice

The first page, second paragraph, of the Department's "Public Notice of Intent to Issue Air Construction Permit Modification" should be revised and clarified by replacing the current language with the following statement:

"The modification will allow an additional two years for concurrent operation of Osceola Power's cogeneration facility and the adjacent sugar mill's boilers to provide Osceola Power Limited Partnership with an opportunity to fine tune and perfect the interconnected operations between the cogeneration facility and the sugar mills."

No!

Mr. Al Linero  
Page Two  
April 22, 1998

Modified Permit Conditions

The language in the draft permit modification should be revised and clarified in the manner shown below.

1. The first sentence in Specific Condition No. 17 should state that:

"The existing Boilers . . . may be retained for standby operation until the interconnection between the cogeneration facility and sugar mill is perfected, but no later than April 1, 2000, provided their operating permits are valid."

2. The last sentence in Specific Condition No. 17 should state that:

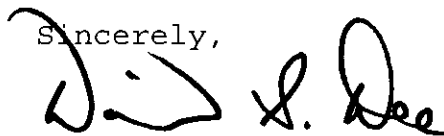
"These existing boilers at the sugar mill shall be shutdown and rendered incapable of operation after fine-tuning of interconnected operations has been completed, but no later than April 1, 2001."

3. The first sentence in Specific Condition No. 25 should state that:

"Stack monitoring, fuel usage, fuel analysis data, and the status of the interconnections between the sugar mill and the cogeneration facility shall be reported" . . . .

Thank you for your consideration of these comments. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. S. Dee", with a stylized flourish at the end.

David S. Dee

cc: Willard Hanks