



April 8, 1997

State of Florida
Department of Environmental Protection
Twin Towers Office Building
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RECEIVED
APR 14 1997
BUREAU OF
AIR REGULATION

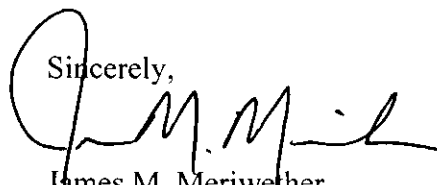
Attn: Mr. A.A. Linero, P.E.
Administrator,
New Source Review Section

Re: Osceola Power Limited Partnership
Draft Permit Modification No. 0990331-005-AC,
PSD-FL-197D

Dear Mr. Linero:

The "Public Notice of Intent to Issue Air Construction Permit Modification" was published in The Palm Beach Post on March 28, 1997. This modification would allow for simultaneous operation of the cogeneration plant boilers and the sugar mill boilers until April 1, 1998. Please find enclosed the "Proof of Publication" from that newspaper.

Sincerely,



James M. Meriwether
Environmental Manager

cc: (w/o enclosure)
Don Schaberg
Gus Cepero
Michael Keegan
Michelle Golden
Carlos Rionda
Bill Tarr
David Dee
David Buff

cc: EPA
NPS
SD
Palm Bch Co
W. Hanks, BAR

THE PALM BEACH POST

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

PROOF OF PUBLICATION

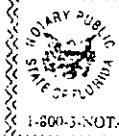
STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Chris Bull
who on oath says that she/he is Class Adv Mgr 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
in the _____ Court, was published in said newspaper in
the issues of March 28, 1997

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 31 day of March A.D. 1997

 Karen McLinton
Notary Public, State of Florida
Commission No. CC 591337
My Commission Exp. 11/15/2000
1-800-3-NOTARY Fla. Notary Service & Bonding Co.

Karen M. McLinton
Karen M. McLinton, Notary Public

Personally known XX or Produced Identification _____

Type of Identification Produced _____

NO. 265794
PUBLIC NOTICE OF INTENT
TO ISSUE AIR CONSTRUCTION
PERMIT MODIFICATION
STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION
DRAFT Permit Modification
No. C990331-005-AC, PSD-FL-
197D

Osceola Power
Limited Partnership
Palm Beach County
The Department of Environ-
mental Protection (Depart-
ment) gives notice of its intent
to issue an air construction
permit modification to Osceola

Power Limited Partnership
for the cogeneration plant lo-
cated near Pahokee, Palm
Beach County. A Best Avail-
able Control Technology
(BACT) determination was not
required for this modification
pursuant to Rule 62-212.400,
F.A.C. and 40 CFR 52.21, Pre-
vention of Significant Deterio-
ration (PSD). The modification
will not result in an increase in
allowable emissions from the
facility, and will not cause a
violation of any state or feder-
al ambient air quality stan-
dards or increments. The ap-
plicant's name and address
are: Osceola Power Limited
Partnership, P.O. Box 609, Pa-
hokee FL 33476.

The modification will allow an
additional year for concurrent
operation of the Osceola
Farm's sugar mill's existing
boilers and the new cogener-
ation boilers while problems
with the interconnections be-
tween the two plants are be-
ing resolved.

The Department will issue the
FINAL Permit Modification, in
accordance with the condi-
tions of the DRAFT Permit
Modification unless a re-
sponse received in accord-
ance with the following pro-
cedures 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 com-
ments should be provided to
the Department's Bureau of
Air Regulation, 2600 Blair
Stone Road, Mail Station
25505, Tallahassee, Florida
32399-2400. Any written com-
ments filed shall be made
available for public inspection.
If written comments received
result in a significant change
in this Draft Permit Modifi-
cation, the Department shall is-
sue a Revised DRAFT Permit
Modification and require, if ap-
plicable, another Public No-
tice.

The Department will issue Fi-
NAL Permit Modification with
the conditions of the DRAFT
Permit Modification unless a
timely petition for an adminis-
trative hearing is filed pursu-
ant to Sections 120.569 and
120.57 F.S. or a party requests
mediation as an alternative
remedy under Section
120.573 before the deadline
for filing a petition. Choosing
mediation will not adversely
affect the right to a hearing if
mediation does not result in a
settlement. The procedures
for petitioning for a hearing
are set forth below, followed
by the procedures for request-
ing mediation.

A person whose substantial in-
terests are affected by the De-
partment's proposed permit-
ting decision may petition for
an administrative hearing in
accordance with Sections
120.569 and 120.57 F.S. The
petition must contain the in-
formation set forth below and
must be filed (received) in the
Office of General Counsel of
the Department, 3900 Com-
monwealth Boulevard, Mail
Station 435, Tallahassee,
Florida 32399-3000, tele-
phone: 904.488-9370,
fax: 904.487-9338. Petitions
must be filed within fourteen
days of publication of the pub-
lic notice or within fourteen
days of receipt of this notice
of intent, whichever occurs
first. A petitioner must mail a
copy of the petition to the ap-
plicant at the address indicat-
ed above, at the time of filing.

The failure of any person to file a petition (or a request for mediation, as discussed below) 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 of the Florida Administrative Code.

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 Department's action or proposed action addressed in this notice of intent.

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 of intent. 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 person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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: 904/488-1344
Fax: 904/822-6979
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 South Florida District
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33901
Telephone: 813/332-6975
Department of Environmental Protection
Southeast District
400 N. Congress Avenue
Reception 2nd Floor
West Palm Beach, Florida 33418
Telephone: 561/681-6600

The complete project file includes the Draft Permit Modification, the application, 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 904/488-1344, for additional information.
PUB: The Palm Beach Post
March 28, 1997