

LANDERS & PARSONS, P.A.

ATTORNEYS AT LAW

DAVID S. DEE
DIANE K. KIESLING
JOSEPH W. LANDERS, JR.
JOHN T. LAVIA, III
FRED A. McCORMACK
PHILIP S. PARSONS
LESLIE J. PAUGH
ROBERT SCHEFFEL WRIGHT

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

MAILING ADDRESS:
POST OFFICE BOX 271
TALLAHASSEE, FL 32302-0271

310 WEST COLLEGE AVENUE
TALLAHASSEE, FL 32301

TELEPHONE (850) 681-0311
TELECOPY (850) 224-5595
www.landersondparsons.com

September 19, 2000

Jeff Koerner
Department of Environmental Protection
Division of Air Resources Management
2600 Blair Stone Road, MS 5505
Tallahassee, Florida 32399-2400

RECEIVED

SEP 19 2000

BUREAU OF AIR REGULATION

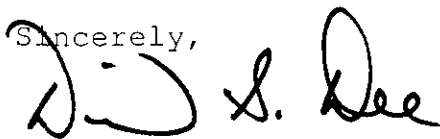
Re: Osceola Power Limited Partnership
DEP Draft Permit No. PSD-FL-197G

Dear Jeff:

On September 15, 2000, Osceola Power Limited Partnership published notice in the Palm Beach Post concerning DEP's intent to issue an air construction permit modification to OsPLP. A copy of the newspaper notice, and the Proof of Publication from the Palm Beach Post, are enclosed for the Department's files.

Please call me if you have any questions.

Sincerely,



David S. Dee

Enclosures

cc: Bill Tarr (w/enc.)
James Meriwether (w/enc.)
J. Koerner
J. Sturmer, PSD RD
D. Kinnick, SD
EPA
MPS

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 Linda M. Francis who on oath says that she is Classified Advertising Supervisor 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 PSD Air Construction Permit Modification -- in the Court, was published in said newspaper in the issues of September 15, 2000.

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.

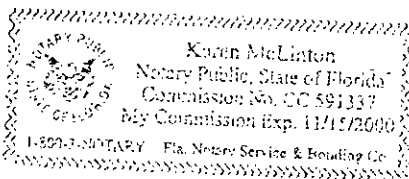
Linda M. Francis

Sworn to and subscribed before this 15 day of September A.D. 2000.

Mr. [Signature]

Personally known XX or Produced Identification _____

Type of Identification Produced _____



RECEIVED

SEP 19 2000

BUREAU OF AIR REGULATION

NO. 747307
PUBLIC NOTICE OF INTENT
TO ISSUE PSD
AIR CONSTRUCTION
PERMIT MODIFICATION
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
REGULATION
Project No. 0990331-008-AC
Draft Permit No. PSD-FL-197G
Osceola Power L.P.
Cogeneration Plant
Palm Beach County
The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Osceola Power L.P. (OsPLP) to extend the operation of the Osceola Farms sugar mill boiler. OsPLP constructed a cogeneration plant adjacent to the Osceola Farms sugar mill located east of Pahokee in Palm Beach County, Florida. The cogeneration plant is designed to fire bagasse and wood to produce steam to meet the needs of the sugar mill and to generate electrical power for sale. The cogeneration plant is a major source with respect to the Prevention of Significant Deterioration (PSD) program. Rule 62-212.400, F.A.C., because it is a steam electric generating plant with emissions greater than 100 tons per year for at least one regulated pollutant such as carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, and volatile organic compounds. The authorized representative of Osceola Power Limited Partnership is Mr. Gus Cepero and his mailing address is P.O. Box 606, Pahokee, FL 33476. The cogeneration boilers minimize CO and VOC emissions by high temperature, thermally efficient combustion. Urea injection is used to reduce NOx emissions through selective non-catalytic reduction. Electrostatic precipitators control particulate matter emissions. Activated carbon is injected to reduce mercury and other metal vapor emissions. Although the cogeneration plant was constructed and tested in 1995, operations were shutdown in 1997. In the original PSD permit, OsPLP specifically requested shutdown of the sugar mill boilers so that the emissions decreases could be used to net out of determinations of Best Available Control Technology (BACT) for several pollutants. The proposed draft permit includes specific conditions that allow up to an additional two years to operate the sugar mill boilers in order to restart the cogeneration plant and to re-establish reliable fuel and steam interconnections with the sugar mill. It also requires that either the sugar mill boilers must be permanently shut down and rendered incapable of operation or else the PSD permit for the cogeneration plant must be surrendered to the Department, no later than August 1, 2002. Although low sulfur coal was initially an approved fuel, no coal handling, storage, or other related facilities have been installed. Therefore, the permittee must obtain appropriate air construction permits prior to firing coal as a fuel. A mechanical dust collection system must be installed prior to the electrostatic precipitator for each cogeneration boiler to enhance control of particulate matter. A flue gas oxygen monitor with audible alarm must be installed on each sugar mill boiler to promote efficient combustion practices. Fuel oil purchased for the sugar mill boilers shall be reduced to no more than 1.0% sulfur by weight. Although this modification should not result in any changes to the original air quality impacts evaluated for the initial PSD permit, the draft permit requires a revised Air Quality Analysis to validate impacts during potential simultaneous operations. The Department believes this permitting action provides sufficient time to restart the cogeneration boilers while maintaining the intent of the original PSD permit.

notice of the agency action or proposed action; (d) A statement of all disputed issues of material facts. 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; and (g) A statement of the relief sought by the petitioner, stating precisely the action the 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. 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: 850/488-0114 Fax: 850/922-6979 Department of Environmental Protection South District Office 2295 Victoria Avenue, Suite 364 Ft. Myers, Florida 33902-2549 Telephone: 941/332-6975 Fax: 941/332-6969 Palm Beach County Health Department Air Pollution Control Section P.O. Box 29 (901 Evernia Street) West Palm Beach, Florida 33402-0029 Telephone: 561/355-3136 Fax: 561/355-2442 The complete project file includes the application, technical evaluation, draft permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Department's reviewing engineer for this project, Jeff Koerner, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114 for additional information. PUB: The Palm Beach Post September 15, 2000

Column 2

The Palm Beach Post
Proof of Publication
Published 9/15/2000
Rec'd 9/19/00

The Department will issue the Final Permit with the attached conditions 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 and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to issue Air Construction Permit. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to 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.

Mediation is not available in this proceeding.

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 8900 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