

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CERTIFIED MAIL

In the Matter of an  
Application for Permit Amendment

DEP File Nos.  
AC 50-219413/PSD-FL-196  
AC 50-269980/PSD-FL-197A  
County: Palm Beach

Mr. Gus R. Cepero, Vice President  
Okeelanta Power Limited Partnership  
Osceola Power Limited Partnership  
Post Office Box 86  
South Bay, Florida 33493

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue permit amendments (copies attached) for the applicant's facilities as detailed in the requests specified above for the reasons stated below.

The applicant, Okeelanta Power and Osceola Power Limited Partnerships, requested on April 17, 1996, that the existing air construction permits be amended to authorize additional time for simultaneous operation of the existing bagasse boilers at the adjoining sugar mills and the new biomass cogeneration boilers while technical problems with the new boilers and bagasse feed systems are being corrected.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-212 and 62-4, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a permit amendment is required for the proposed change.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit Amendment. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper



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meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit amendment.

The Department will issue the permit amendment with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 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 at 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information;

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department 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 facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and,



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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that all copies of this INTENT TO ISSUE PERMIT AMENDMENT all copies were mailed by certified mail before the close of business on 5-8-96 to the listed persons.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Keri Jobe      5-8-96  
Clerk                      Date

HLR/wh/t

Attachment: Okeelanta Power L.P. April 17, 1996 letter

Copies furnished to:

David Knowles, SD  
Isidore Goldman, SED  
James Stormer, PBCHD  
Jewell Harper, EPA  
John Bunyak, NPS  
David Buff, KBN  
David Dee, Landers & Parsons



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(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application/request have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this intent in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, F.A.C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



C. H. Fancy, P.E., Chief  
Bureau of Air Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32399  
904-488-1344



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF INTENT TO ISSUE PERMIT

AC 50-219413/PSD-FL-196  
AC 50-269980/PSD-FL-197A

The Department of Environmental Protection (Department) gives notice of its intent to amend the air construction permits issued to Okeelanta Power and Osceola Power Limited Partnerships, Post Office Box 86, South Bay, Florida 33493, for the cogeneration facilities located at the Okeelanta and Osceola Farms sugar mills near South Bay and Pahokee, Palm Beach County, Florida. The amendments will allow additional time, until April 1, 1997, for the simultaneous operation of existing sugar mill boilers with the new cogeneration facility boilers when they are firing biomass or No. 2 fuel oil while the technical problems with the new boilers and bagasse feed systems are corrected. The existing sugar mill Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 at Okeelanta and Boilers Nos. 2, 3, 4, 5, and 6 at Osceola Farms will be permanently shutdown within three years of commercial startup of the cogeneration plants, but no later than January 1, 1999. The facilities shall comply with all other provisions of the construction permits. No increase in allowable emissions or ambient concentrations of any air pollutant is authorized by these amendments. These amendments do not require new Best Available Control Technology (BACT) determinations.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes (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 at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information; (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department 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 facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and, (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application/request have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, Florida Administrative Code.

The application/request 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 offices located at:

111 S. Magnolia Drive, Suite 4, Tallahassee, FL 32301  
2295 Victoria Ave., Suite 364, Ft. Myers, FL 33901  
400 N. Congress Ave., West Palm Beach, FL 33401

and at the Palm Beach County Public Health Unit located at:

901 Evenia, West Palm Beach, FL 33402-0029

Any person may send written comments on the proposed action to the Administrator, New Source Review Section, at the Department's Tallahassee address. All comments received within 30 days of the publication of this notice will be considered in the Department's final determination.



**DRAFT**

DRAFT

June XX, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gus R. Cepero, Vice President  
Osceola Power Limited Partnership  
Post Office Box 86  
South Bay, Florida 33493

Dear Mr. Cepero:

Re: Amendment of Permit  
AC 50-269980/PSD-FL-197A

The Department has reviewed your April 17 letter requesting that the referenced permit be amended to allow additional time for the simultaneous operation of Osceola Farm's existing sugar mill bagasse boilers and the new cogeneration boilers at the facilities located near Pahokee, Palm Beach County, Florida. This request is acceptable and the referenced permit is amended as follows:

FROM:

17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 2, 3, 4, 5, and 6 (Permit Nos. AC 50-203679, 165813, 203680, 165626, and 165814, respectively) may be retained for standby operation provided their operating permits are valid.

During the period from initial firing to commercial operation, both cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during this period. If more than 570,000 lb/hr steam, (24-hour average) is generated in the cogeneration boilers, steam in excess of 570,000 lb/hr (24-hour average) must be sent to the Osceola sugar mill, and the existing boiler's steam production reduced by an equivalent amount. This period shall not exceed a total duration of 12 months. During this 12-month period, simultaneous operation of the existing boilers and the cogeneration boilers shall not occur on more than a total of 120 calendar days. After the first year of cogeneration facility operation, the existing boilers may be operated only when both new cogeneration boilers are shutdown. During operation, the existing boilers must



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**DRAFT**

meet all requirements in the most recent construction and operation permits for the boilers. The existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

TO:

17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 2, 3, 4, 5, and 6 (Permit Nos. AC 50-203679, 165813, 203680, 165626, and 165814, respectively) may be retained for standby operation provided their operating permits are valid.

During the period from initial firing through April 1, 1997, both cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during this period. If more than 570,000 lb/hr steam, (24-hour average) is generated in the cogeneration boilers, steam in excess of 570,000 lb/hr (24-hour average) must be sent to the Osceola sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1997, the existing boilers may be operated only when both new cogeneration boilers are shutdown or in the process of immediately shutting down. During operation, the existing sugar mill boilers must meet all requirements in the most recent construction and operation permits for the boilers. The existing sugar mill boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

A copy of this letter shall be attached to the referenced permit and shall become a condition of that permit.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Howard L. Rhodes, Director  
Division of Air Resources  
Management



**DRAFT**

Mr. Gus R. Cepero  
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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that all copies of this INTENT TO ISSUE PERMIT AMENDMENT all copies were mailed by certified mail before the close of business on \_\_\_\_\_ to the listed persons.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT**  
FILED, on this date, pursuant to  
§120.52(11), Florida Statutes,  
with the designated Department  
Clerk, receipt of which is hereby  
acknowledged.

Clerk \_\_\_\_\_ Date \_\_\_\_\_

HLR/wh/h

Attachment: Okeelanta Power L.P. April 17, 1996 letter

Copies furnished to:

David Knowles, SD  
Isidore Goldman, SED  
James Stormer, PBCHD  
Jewell Harper, EPA  
John Bunyak, NPS  
David Buff, KBN  
David Dee, Landers & Parsons



Florida Department of  
**Environmental Protection**

**Memorandum**

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To: Clair Fancy  
Thru: A. A. Linero *AA Linero 5/7*  
From: Willard Hanks *WH*  
Date: May 6, 1996  
Subject: Amendment of Permit  
Okeelanta Power L.P.  
Osceola Power L.P.

Attached for your approval and signature are proposed amendments to the construction permits for the referenced facilities. The amendments will allow additional time for simultaneous operation of the existing sugar mill boilers and the new cogeneration boilers while technical problems with the new boilers and bagasse feed systems are corrected.

I recommend your approval of this proposal.

WH/wh/h

Attachment



Z 127 633 207



# Receipt for Certified Mail

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

PS Form 3800, March 1993

To: <i>Mr. Cepero</i>	
<i>Okulanta</i>	
<i>Oscoda</i>	
<i>South Bay, FL</i>	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>5-8-96</i>	
<i>AL 50-219413-PSD-196</i>	
<i>AL 50-219413-PSD-197</i>	

Is your RETURN ADDRESS completed on the reverse side?

## SENDER:

- Complete item 3.
- Complete items 3, 4, and 4a.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:  
*Mr. R. Cepero, VP*  
*Okulanta Power LP*  
*Oscoda Power LP*  
*P.O. Box 86*  
*South Bay, FL 33493*

5. Signature (Addressee)

6. Signature (Agent)

*[Signature]*

following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

*Z 127 633 207*

4b. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

*5/10/96*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.