



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David B. Struhs  
Secretary

June 26, 2003

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. James Meriwether, Environmental and Safety Manager  
Palm Beach Power Corp.  
P.O. Box 606  
Pahokee, FL 33476

Re: Re-permitting of Osceola Cogeneration Plant (Palm Beach Power)  
File No. 0990331-009-AC (PSD-FL-329)

Dear Mr. Meriwether:

The Department is in receipt of a letter, written on your behalf and dated June 24, 2003 from Mr. David S. Dee of Landers & Parsons, P.A.

Within this letter, Mr. Dee has indicated that the application for an air construction permit referenced above and dated April 18, 2002 is being withdrawn. As the facility contact, the Department hereby informs you that it considers your application as withdrawn, effective June 25, 2003. Mr. Dee has additionally indicated that Palm Beach Power requests the Department to "refrain from taking any other final action in this case, either granting or denying Palm Beach Power's application". No action is intended to be taken by the Department on this matter.

As previously indicated by the Department in writing, "If the PSD permit for the cogeneration plant is surrendered, the Department will give no consideration to any existing equipment at the cogeneration plant in future permitting decisions". The Department wishes to affirmatively notify you that should an application for this facility be submitted in the future, the Department will adhere to this requirement and that new source MACT *will* apply.

Sincerely,

Michael P. Halpin, P.E. FDEP/DARM  
New Source Review Section

Carlos Rionda, Palm Beach Power  
David S. Dee, Landers & Parsons, P.A.  
David A. Buff, P.E. Golder Associates  
James Stormer, Palm Beach County Health Department  
Ron Blackburn, DEP-SDO  
Douglas Beason, OGC  
John Bunyak, NPS  
Gregg Worley, EPA  
File

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ATTORNEYS AT LAW

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RONALD A. LABASKY  
JOSEPH W. LANDERS, JR.  
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POST OFFICE BOX 271  
TALLAHASSEE, FL 32302-0271

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

June 24, 2003

**VIA FAX #921-6979**

Ms. Trina Vielhauer  
Bureau Chief  
Division of Air Regulation  
Florida Department of Environmental Protection  
111 S. Magnolia Drive  
Tallahassee, Florida 32301

RECEIVED

JUN 24 2003

BUREAU OF AIR REGULATION

Re: Palm Beach Power Corporation;  
DEP File No. PSD-FL-329 (0990331-009-AC)

Dear Ms. Vielhauer:

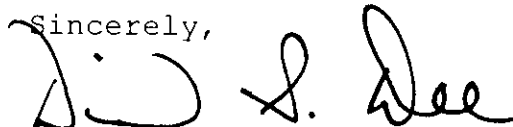
This law firm has been assisting Palm Beach Power Corporation ("Palm Beach Power") with its application for an air construction permit (DEP File PSD-FL-329; 0990331-009-AC) for the Osceola cogeneration facility ("Facility") in Palm Beach County, Florida. Palm Beach Power appreciates the Department's efforts in reviewing the permit application and is pleased that the Department has given notice of the Department's intent to issue the permit for the Facility. However, Palm Beach Power is no longer confident that it should proceed with its plans for the Facility at this time, given current economic conditions and other factors. As a result of Palm Beach Power's current uncertainty about the future of the Facility, Palm Beach Power has concluded that it should withdraw its application.

Palm Beach Power has asked me to submit this letter to you. This letter constitutes Palm Beach Power's formal notice to the Department that its application in DEP File PSD-FL-329 (0990331-009-AC) is hereby withdrawn.

In light of this withdrawal of Palm Beach Power's application, Palm Beach Power respectfully requests the Department to close DEP File No. PSD-FL-329 (0990331-009-AC), but to refrain from taking any other final action in this case, either granting or denying Palm Beach Power's application.

Ms. Trina Vielhauer  
June 24, 2003  
Page 2

Please call me at your earliest convenience if you have any questions about these issues.

Sincerely,  


David S. Dee

cc: Clerk, Department of Environmental Protection (Via Fax)  
Jack Chisolm, Office of General Counsel  
Ron Blackburn, DEP South District  
A.A. Linero, P.E., DEP  
Michael P. Halpin, P.E., DEP  
Carlos Rionda, Palm Beach Power  
James Meriwether, Palm Beach Power  
Bill Tarr, Palm Beach Power  
David Buff, P.E., Golder Associates  
James Stormer, Palm Beach County Health Department

*J. Hany, EPA*  
*G. Benayahu, APS*

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1. Article Addressed to:

Mr. James Meriwether  
Environmental & Safety Manager  
Palm Beach Power Corporation  
Post Office Box 606  
Pahokee, FL 33476

2. 7001 0320 0001 3692 5665**COMPLETE THIS SECTION ON DELIVERY**

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C. Signature

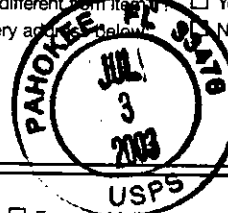
Howard Hill Jr.

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Pahokee, FL 33476

PS Form 3800, January 2001

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
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ATLANTA, GEORGIA 30303-8960

FEB 12 2003

RECEIVED

FEB 17 2003

BUREAU OF AIR REGULATION

4APT-APB

Mr. A. A. Linero, P.E.  
Florida Department of Environmental Protection  
Mail Station 5500  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Mr. Linero:

Thank you for sending the preliminary determination and draft prevention of significant deterioration (PSD) permit for Palm Beach Power Corp. (PBPC), dated January 15, 2003. The draft PSD permit is for the proposed construction and operation of two cogeneration boilers which will produce 506,000 lb/hr of steam each and one package boiler with a maximum heat rate of 211 MMBtu/hour. These boilers are being installed at the existing Osceola Farms sugar mill, and all five of the sugar mill's existing cogeneration boilers will be shut down permanently. The new PBPC cogeneration boilers will primarily combust biomass (wood and/or bagasse) and combust natural gas and No. 2 fuel oil as backup fuel. A maximum of 25 percent of the annual heat input will come from natural gas and fuel oil. The new package boiler will combust a combination of natural gas and No. 2 fuel oil. As proposed, all three boilers will be allowed to operate up to 8,760 hours per year. Total net emission increases from the proposed project are above the thresholds requiring PSD review for nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), sulfuric acid mist, and lead (Pb).

Based on our review of the preliminary determination and draft PSD permit, we have no comments beyond those discussed in our letter dated September 19, 2002, which have been addressed by the applicant in a letter sent to the Florida Department of Environmental Protection dated November 20, 2002. If you have any questions or need additional information, please contact Katy Forney at 404-562-9130.

Sincerely,

Jeaneanne M. Gettle  
Acting Chief  
Air Permits Section

cc: Mr. Halpin  
C. Halladay  
G. Stimmer, RC Co.  
J. Little, SED  
R. Blackburn, SED  
G. Barnard, PPS  
D. Buff, Holder