

January 20, 1997

**RECEIVED**

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BUREAU OF  
AIR REGULATION

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

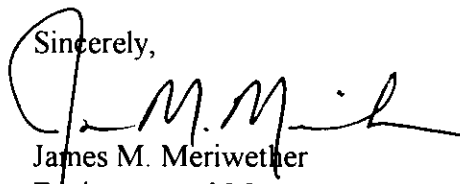
Attn: Mr. A. A. Linero, P.E.  
Administrator  
New Source Review Section

Re: Okeelanta Power Limited Partnership  
Tire Derived Fuel Project

Dear Mr. Linero:

The "Public Notice of Intent to Issue Air Construction Permit Amendment" (Draft Permit Amendment No. 0990332-003-AC) was published in The Palm Beach Post on December 24, 1996. On January 3, 1997 a copy of the "Proof of Publication" from that newspaper was submitted to the Department. As per your request please find enclosed the original copy of the "Proof of Publication".

If you have any questions please contact me at (561) 993-1003.

Sincerely,  
  
James M. Meriwether  
Environmental Manager

cc: (w/o enclosure)  
D. Space  
J. Ketterling

# 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 permit/Okeelanta  
in the --- Court, was published in said newspaper in  
the issues of December 24, 1996

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 24 day of December A.D. 1996

  
Karen McLinton  
Notary Public, State of Florida  
Commission No. CC 591337  
My Commission Exp. 11/15/2000

*Karen M. McLinton*  
Karen M. McLinton, Notary Public

Personally known XX of Produced Identification

### Type of Identification Produced

The Department will accept written comments concerning the proposed DRAFT Permit Amendment issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. 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 Amendment, the Department shall issue a Revised DRAFT Permit Amendment and require, if applicable, another Public Notice. The Department will issue FINAL Permit Amendment with the conditions of the DRAFT Permit Amendment unless a timely petition for an administrative hearing is filed pursuant 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 requesting mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision 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: 904/488-9370, fax: 904/487-4938. Petitions must be filed within (14) days of receipt of this notice of intent, whichever occurs first. 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 (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 shall 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 facts which 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 petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the 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 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of 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 a 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 the normal business hours of 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: 904/922-6979

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Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida 32301  
Telephone: 904/488-1344  
Fax: 904/922-6979

No. 272383  
LEGAL NOTICE  
PUBLIC NOTICE OF  
INTENT TO ISSUE  
AIR CONSTRUCTION PERMIT  
AMENDMENT  
STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION  
DRAFT Permit Amendment  
No: 0990332-003-AC, (PSD-FL-196A)

Okeelanta  
Cogeneration Plant  
Palm Beach County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit amendment to Okeelanta Power Limited Partnership to conduct a sixty (60) day performance test while burning a blend of Tire Derived Fuel (TDF) with bagasse and/or wood wastes at the Cogeneration Plant located near South Bay, Palm Beach County, A Best Available Control Technology (BACT) determination was not required for any pollutants pursuant to Rule 62-212.400, F.A.C., and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The amendment will not cause a violation of any state or federal ambient air quality standards or increments. The applicant's name and address are: Okeelanta Power LP, Post Office Box 8, South Bay, Florida 33493. The plant is already permitted to burn bagasse and wood wastes as well as coal. Burning TDF as planned is not expected to significantly increase emissions compared with burning coal as permitted. Emission controls consist of electrostatic precipitators for control of particulate matter, selective non-catalytic reduction for nitrogen oxides and carbon injection for mercury. The test may provide the Department with reasonable assurance that the plant can burn TDF without contravening Department standards, rules or permit conditions. The Department will consider the results of the test burn in evaluating whether to issue a future permit modification to Okeelanta Power LP. Any such action will require another public notice.

The Department will issue the FINAL Permit Amendment, in accordance with the conditions of the DRAFT Permit Amendment unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

Department of Environmental Protection  
South District  
2295 Victoria Avenue,  
Suite 364  
Ft. Myers, Florida 33901  
Telephone: 941/332-6975  
Fax: 941/332-6969  
Palm Beach County  
Public Health Unit:  
901 Evernia Street  
West Palm Beach, Florida  
33402-0029; Phone No.:  
407/355-3070  
Fax: 407/355-2442  
(561)355-3435.

The complete project file includes the Draft Permit Amendment, 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  
December 24, 1996