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**BUREAU OF
AIR REGULATION**

January 26, 1996

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.

Re: Okeelanta Cogeneration Plant
PSD-FL-196; AC50-219413
Proposed Permit Amendment

Dear Mr. Linero:

The Okeelanta Power Limited Partnership (OkPLP) has reviewed the draft PSD permit amendment prepared by the Florida Department of Environmental Protection (FDEP) for the Okeelanta Cogeneration Facility (Facility). We are pleased that FDEP is prepared to approve the Facility's request for a permit amendment, but I believe the proposed permit amendment should be rewritten, as shown in the following paragraph:

"Each boiler is limited to combusting a fuel stream, 30 percent or less of the weight of which is comprised, in aggregate, of ~~yard trash~~ (yard waste) defined as a municipal solid waste (MSW) in 40 CFR 60.51a, as measured on a calendar quarter ~~daily~~ basis. ~~No other wastes which can be construed to be MSW shall be fired.~~ This facility must comply with any applicable requirements applicable to co-fired combustors given in 40 CFR 60 Subpart Ea Standards of Performance for Municipal Waste Combustors. and Subpart Cb."

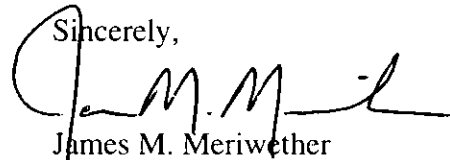
The reasons for each of these changes are discussed in the following paragraphs.

1. The EPA definition of "municipal solid waste" (MSW) in 40 CFR 60.51a refers to "yard waste", not "yard trash".
2. Under the EPA regulations, the Facility's fuel must be measured on a calendar quarter basis, not a daily basis.

3. The Facility should be required to comply with applicable requirements only. It should not be required to comply with all of the requirements that are applicable to cofired combustors. The Facility is exempt from some of the requirements for cofired combustors.
4. It is my understanding that construction of the Okeelanta Facility commenced on or before September 20, 1994. If so, the Facility is subject to 40 CFR 60, Subpart Ea and Subpart Cb.
5. Most importantly, the permit should not contain a complete prohibition on "other wastes which can be construed to be MSW." We debated this issue at great length with FDEP when the PSD permit was prepared in 1993. Okeelanta and FDEP recognized that the Facility's fuel might contain small amounts of paper, plastic, or other materials that are defined as MSW. A complete prohibition on such materials is likely to result in a FDEP enforcement action when FDEP inspects the fuel pile. FDEP's proposed new language is unnecessary and will create future problems for Okeelanta.

Please contact me at (407) 993-1003 if you have any questions.

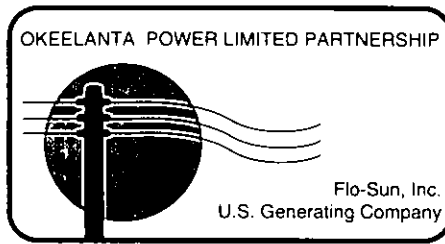
Sincerely,



James M. Meriwether
Environmental, Health
and Safety Representative

cc: D. Space
D. Schaberg
J. Ketterling
C. Staley
M. Griffin
D. Dee

cc: Teresa Heron, BAR
Isi Goldman, SED
EPA
NPS



January 24, 1996

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.

Re: Okeelanta Power Limited Partnership
PSD-FL-196; AC50-219413
Proposed Permit Amendment
Proof of Publication

Dear Mr. Linero:

The "Notice of Intent to Issue Permit Amendment" was published in the Palm Beach Post on Saturday, January 20, 1996. Please find the attached "Proof of Publication" for that Notice.

If you have any questions please contact me at (407) 993-1003.

Sincerely,

James M. Meriwether
Environmental, Health
and Safety Representative

cc: Ajaya K. Satyal - HRS/PBCo
David M. Knowles - FDEP/Ft. Myers
D. Space
D. Schaberg
C. Staley
J. Ketterling
M. Griffin

OKPLP File No. 6.3.1.5

cc: Teresa Heur, BAR
J. Goldman, SED
J. Harper, EPA
J. Bunyak, NPS

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JAN 29 1996

**BUREAU OF
AIR REGULATION**

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 Amend.
in the --- Court, was published in said newspaper in
the issues of January 20, 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 23 day of January A.D. 19 96

OFFICIAL NOTARY SEAL
KAREN M. MCLINTON
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC240480
MY COMMISSION EXP. NOV. 15, 1996

Karen M. McLinton
Karen M. McLinton, Notary Public

Personally known XX or Produced Identification _____
Type of Identification Produced _____

LEGAL NOTICE
STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION
NOTICE OF INTENT TO
ISSUE PERMIT AMENDMENT
The Department of Environmental Protection gives notice of its intent to issue a permit amendment to Obsolete Power Limited Partnership, Post Office Box 117, South Bay, Florida, to add a Federally-enforceable condition to its construction permit for the trash (year municipal solid waste) which may be collected at the company's new cogeneration facility located in South Bay, Palm Beach County. The facility is a 72 megawatt "Power" plant which burns primarily biomass and wood wastes. Pollution control equipment consists of electrostatic precipitator, Sulfuric Oxide Catalytic Reduction, and activated carbon injection.
Yard trash may already be burned at the facility per the existing permit. The purpose of limiting the amount of yard trash in the waste stream is to provide the United States Environmental Protection Agency the necessary documentation that the plant is a co-fired facility and not a Municipal Waste Combustor per 40 CFR 60 Subpart E-Standards of Performance for Municipal Waste Combustors.
There are no material changes in planned methods of operation associated with this permit amendment.
A person who has substantial interests affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.7, 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 2500 State Road, Tallahassee, Florida 32309-2400 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 120.6, Florida Statutes.
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 interest are affected; (d) The Department's action or proposed action; (e) A statement of the material facts alleged by Petitioner; (f) A statement of facts which warrant reversal or modification of the Department's action or proposed action; (g) 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 fairly resolve the action. Accordingly, the Department's final decision may be different from the position taken by it in this Notice. Persons whose substantial interest will be affected by any decision of the Department with regard to the application 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 which 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 offi-
cer upon motion filed pursuant
to Rule 28-5.20, F.A.C.
The application is available for
public inspection during nor-
mal business hours 9:00 a.m.
to 5:00 p.m., Monday through
Friday, except legal holidays,
at:
Division of Environmental
Science and Engineering
Palm Beach County Public
Health Unit
401 Evernia

Post Office Box 29
West Palm Beach, Florida
33401
Department of Environmental
Regulation
South District
2296 Victoria Avenue
Suite 364
Ft. Myers, Florida 33901
Any person may send written
comments on the proposed
action to Mr. A.A. Linn at the
Department's Tallahassee ad-
dress. All comments received
within 30 days of the publica-
tion of this notice will be con-
sidered in the Department's fi-
nal determination.
Further, a public hearing can
be requested by any per-
son(s). Such request must be
submitted within 30 days of
this notice.
PLB: The Palm Beach Post
January 29, 1996