



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

December 11, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dennis Space
Project Director
Okeelanta Power Limited Partnership
Post Office Box 117
South Bay, Florida 33493

Dear Mr. Space:


RE: Okeelanta Cogeneration Facility
PSD-FL-196; AC50-219413

Attached is one copy of the Proposed Permit Amendment, Intent to Issue, and Public Notice of Intent to Issue Permit Amendment (for publication by Okeelanta) for the co-generation facility located in South Bay, Florida.

The Notice of Intent to Issue Permit Amendment must be published to ensure the Federal enforceability of the change desired by Okeelanta.

Please submit any written comments you may wish to have considered concerning the Department's proposed action to Mr. A. A. Linero, P.E. at the above address. If you have any questions please call Teresa Heron or Mr. Linero at (904)488-1344.

Sincerely,

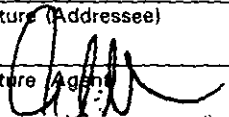
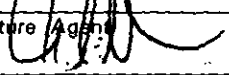

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/aal/1

Enclosure

cc: J. Harper, EPA
J. Bunyak, NPS
D. Knowles, SD
J. Stormer, PBCPHU
I. Goldman, SED

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • 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.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Dennis Space, Project Dir. Okelanta Power Ltd Psp. P O BOX 117 South Bay, FL 33493		4a. Article Number 2 127 633 217	
5. Signature (Addressee) 		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	
6. Signature Agent 		7. Date of Delivery 12-20-95	
		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 *U.S. GPO: 1993-352-714 **DOMESTIC RETURN RECEIPT**

2 127 633 217



Receipt for Certified Mail

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

Dennis Space	
Okelanta Power	
P O Box 117 South Bay, FL	
Postage	\$
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	12-11-95
AC 50-219413 PSD-F1-196	

PS Form 3800, March 1993

December XX, 1995

CERTIFIED MAIL RETURN - RECEIPT REQUESTED

Mr. Dennis Space
Project Director
Okeelanta Power Limited Partnership
Post Office Box 117
South Bay, Florida 33493

Dear Mr. Space:

RE: Okeelanta Cogeneration Facility
PSD-FL-196; AC50-219413

We are in receipt of your letters dated September 22 and November 9, 1995 requesting amendment of the referenced permit to subject the facility to a federally enforceable condition limiting the amount of material burned which can be construed as municipal-type solid waste (MSW).

The Department has evaluated your proposal and approved your request. The permit is revised to include the following new Specific Condition identified as 12A.

SPECIFIC CONDITION 12A:

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 requirements applicable to co-fired combustors given in 40 CFR 60 Subpart Ea-Standards of Performance for Municipal Waste Combustors.

Mr. Dennis Space
December XX, 1995
Page Two

A copy of this amendment letter shall be attached to and shall become a part of Air Construction Permits AC50-219413 and PSD-FL-196.

Sincerely,

Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/th/t

Enclosures

cc: Jewell Harper, EPA
John Bunyak, NPS
David Knowles, SD
Isidore Goldman, SED
James Stormer, PBCHD

INTENT TO ISSUE
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

Okeelanta Power Limited Partnership
Post Office Box 117
South Bay, Florida 33493

DER File No. PSD-FL-196
AC50-219413
Palm Beach County

INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit amendment (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Okeelanta Power Limited Partnership, applied on November 9, 1995 to the Department of Environmental Protection for a permit amendment to include a federally-enforceable condition limiting the amount of yard trash (yard waste - a type of municipal solid waste) which may be burned at its cogeneration facility in South Bay, Florida.

The Department has permitting jurisdiction under DEP rules 62-4, 62-210, 62-212, 62-275, 62-296, 62-297 Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that an amendment of both the State of Florida Air Construction Permit and the Federal Prevention of Significant Deterioration (PSD) permit is required for the proposed change. The Department intends to amend these permits as requested on the basis that there will be no emission increases and that there are no relaxations of any permit conditions.

Pursuant to Section 403.815, Florida Statutes and DEP 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. 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 meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to

take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department, at [Department address] 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.

The Department will issue the permit amendment with the attached condition 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, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. 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, Florida Statutes.

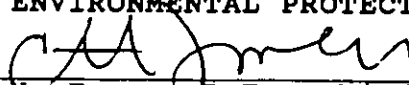
The Petition shall contain the following information;

- (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 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 intent. Persons whose substantial interests 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 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 28-5.207, F.A.C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


C. N. Fancy, P.E., Chief
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this **INTENT TO ISSUE** and all copies were mailed by certified mail before the close of business on December 11, 1995 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGMENT

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


Clerk

12/11/95
Date

Copies furnished to:
Jewell Harper, EPA
David Knowles, SD
James Stormer, PBCHD

John Bunyak, NPS
Isidore Goldman, SED

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 Okeelanta Power Limited Partnership, Post Office Box 117, South Bay, Florida, to add a Federally-enforceable condition to its construction permits limiting to 30 percent the proportion of yard trash (yard waste-a type of municipal solid waste) which may be co-fired at the company's new co-generation facility located in South Bay, Palm Beach County. The facility is a 72 megawatt power plant which burns primarily bagasse and wood wastes. Pollution control equipment consists of electrostatic precipitator, Selective Non-Catalytic Reduction, and activated carbon injection.

Yard trash may already be burned at the facility per the existing permits. 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 Ea-Standards of Performance for Municipal Waste Combustors.

There are no emissions increases or changes in planned methods of operation associated with this permit amendment.

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. 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, 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 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 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 28-5.207, F.A.C.


The application 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:

Division of Environmental Science and Engineering
Palm Beach County Public Health Unit
901 Evernia
Post Office Box 29
West Palm Beach, Florida 33401

Department of Environmental Regulation
South District
2295 Victoria Avenue, Suite 364
Ft. Myers, Florida 33901

Any person may send written comments on the proposed action to Mr. A. A. Linero 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.

Further, a public hearing can be requested by any person(s). Such requests must be submitted within 30 days of this notice.

TO: Clair Fancy
FROM: A. A. Linero  11/29
SUBJ: Permit Amendment PSD-FL-196 and AC50-219413
Okeelanta Power Limited Partnership (OPLP)
DATE: November 30, 1995

Attached is a draft permit amendment prepared by the Bureau of Air Regulation for the reference company to include applicable provisions of 40 CFR 60, Subpart Ea, Municipal Waste Combustors.

OPLP's current permit allows the burning of yard trash (yard waste). The new MSW definition in the 40 CFR 60 Subpart Ea includes yard waste as a municipal type solid waste. To be treated as a co-fired unit instead of a MWC, Okeelanta must provide EPA with proof that they have a federally-enforceable permit limiting MSW to 30 percent or less.

This permit amendment provides the federally-enforceable condition without widening the door to new kinds of MSW at that facility.

AA1/th/t