

Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

April 12, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ricardo Lima, Vice President and General Manager
Okeelanta Power L.P.
8001 U.S. Highway 27 South
South Bay, Florida 33493

Re: Project No. 0990332-015-AC (PSD-FL-196N)
Okeelanta Cogeneration Plant
Permit Modification – Revise 74.9 MW (Gross) to 74.9 MW (Net) Output

Dear Mr. Lima:

Enclosed is one copy of the draft air construction permit modification for the Okeelanta Power's cogeneration plant located in Palm Beach County, Florida. The proposed modification will change the plant's restriction of 74.9 MW generating capacity from a "gross" to "net" basis. The Department's Preliminary Determination, Intent to Issue Air Construction Permit and the Public Notice of Intent to Issue Air Construction Permit are also included.

The Public Notice of Intent to Issue Air Construction Permit must be published one time only, as soon as possible, in the legal advertisement section of a newspaper of general circulation in the area affected, pursuant to the requirements Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Jeff Koerner at 850/921-9536.

Sincerely,

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

CHF/AAL/jfk

Enclosures

In the Matter of an
Application for Permit by:

Mr. Ricardo Lima, Vice President and General Manager
Okeelanta Power L.P.
8001 U.S. Highway 27 South
South Bay, Florida 33493

Project No. 0990332-015-AC
Air Permit No. PSD-FL-196N
Okeelanta Cogeneration Plant
Palm Beach County
Modification to 74.9 MW (Net)

INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification (copy attached) for the proposed project, detailed in the application specified above and the enclosed Project Evaluation and Preliminary Determination, for the reasons stated below.

On March 26, 2001, the Department received an application from Okeelanta Power L.P. to modify Air Permit No. PSD-FL-196 for their cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. The applicant requests a revision of the restriction on the electrical generating capacity of the cogeneration plant from 74.9 MW (gross) output to 74.9 MW (net) output. Some electricity would be generated and used within the facility and only net production sold to the electrical power grid would count against the limit. The Department has permitting jurisdiction under the provisions of Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The above actions are not exempt from permitting procedures. The Department has determined that a permit modification is required because the request is to modify terms of the initial PSD air construction permit.

The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Construction Permit. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "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. 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's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) and (11), F.A.C.

The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of fourteen (14) days from the date of publication of Public Notice of Intent to Issue Air Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public

inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 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 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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. 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.

Mediation is not available in this proceeding.


In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.


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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Construction Permit Modification (including the Public Notice of Intent to Issue, Project Evaluation and Preliminary Determination, and the Draft Modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 4/13/01 to the persons listed:

Mr. Ricardo Lima, OkPLP*
Mr. James Meriwether, OkPLP
Mr. David Buff, Golder Associates
Mr. James Stormer, PBCHD

Mr. Buck Oven, Siting Coordination Office
Mr. Ron Blackburn, SD Office
Mr. Gregg Worley, EPA Region 4
Mr. John Bunyak, NPS

Clerk Stamp

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

Martha Jane Wise 4/13/01
(Clerk) (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE
AIR CONSTRUCTION PERMIT MODIFICATION**

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Project No. 0990332-015-AC
Draft Air Permit No. PSD-FL-196N

Okeelanta Power L.P. Cogeneration Plant
Palm Beach County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Okeelanta Power L.P. for the cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. The applicant's authorized representative is Ricardo Lima, Vice President and General Manager of Okeelanta Power L.P. The mailing address is 8001 U.S. Highway 27 South, South Bay, Florida 33493..

The applicant requests a revision of the restriction on the electrical generating capacity of the cogeneration plant from 74.9 MW (gross) output to 74.9 MW (net) output. Some electricity would be generated and used within the facility and only net production sold to the electrical power grid would count against the existing limit. The change will not alter control equipment, emissions standards, heat input capacity, monitoring conditions or other requirements associated with emissions or previous determinations of the Best Available Control Technology. The Department will approve the request and issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of fourteen (14) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit Modification. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 of the Florida Statutes (F.S.), before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 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 28-106.205 of the Florida Administrative Code (F.A.C.).

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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. 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 complete project file 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:

Dept. of Environmental Protection Bureau of Air Regulation New Source Review Section Suite 4, 111 S. Magnolia Drive Tallahassee, Florida 32301 Telephone: 850/488-0114	Dept. of Environmental Protection South District Office Air Resources Section 2295 Victoria Avenue, Suite 364 Fort Myers, Florida 33901-3381 Telephone: 941/332-6975	Palm Beach County Health Dept. Air Pollution Control Section 901 Evernia Street West Palm Beach, Florida 33401 Telephone: 561/355-3136
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The complete project file includes the application, technical evaluations, draft permit modification, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator of the New Source Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

PROJECT EVALUATION AND PRELIMINARY DETERMINATION

APPLICATION

On March 26, 2001, we received an application from Okeelanta Power L.P. to modify Air Permit No. PSD-FL-196 for their cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. The applicant requests a revision of the restriction on the electrical generating capacity of the cogeneration plant from 74.9 MW (gross) output to 74.9 MW (net) output. Some electricity would be generated and used within the facility and only net production sold to the electrical power grid would count against the limit.

REVIEW

Prior to submittal of this application, representatives of Okeelanta met with the representatives of the Department's Division of Air Resources Management and Siting Coordination Office to discuss the feasibility of such a request. As a result of this meeting, the Siting Coordination Office responded in a letter (March 9, 2001) that such a change could be made without invoking the Florida Electrical Power Plant Siting Act, provided:

- Okeelanta could adequately demonstrate methods that would be used to monitor the production of electricity such that no more than 74.9 MW would be generated *based on a 15-minute average*, and
- Okeelanta, if required, would obtain a permit modification from the Department's Bureau of Air Regulation prior to making the change.

In the application for permit modification, Okeelanta stated that it believed the 15-minute average was "erroneously" included as a proposed limitation because the plant has monitored electricity production on a 1-hour average since beginning operations. A review of the original PSD permit indicates that the restriction was based on a *1-hour averaging period*. Also, the restriction was specifically requested and established in the permit to clarify that the new plant was not subject to power plant site certification requirements. Based on recent conversations with the Siting Coordination Office, it is our understanding that the current 1-hour averaging time is sufficient to allow the change from gross to net power output without invoking the Florida Electrical Power Plant Siting Act. The 15-minute average was only included as a reminder that the averaging period should be on a short-term basis.

Okeelanta indicates that the only physical change that may occur is a heat exchanger upgrade for the electrical generator to allow for increased capacity during the summer months. The facility is not requesting any changes to emission levels or heat input rates, as it does not expect increases in either. The existing monitoring should be adequate because the plant has monitored electrical production on a 1-hour basis since commencing operations.

CONCLUSION

The Siting Coordination Office indicates that the requested change would not alter the cogeneration plant's status with regard to the Florida Electrical Power Plant Siting Act. Because this was the intent of the original restriction, the requested change is approved. Note that I have also deleted the following inappropriate text related to the generating capacity restriction, "... except during emission compliance and equipment performance tests." The change is a permit modification and requires a Public Notice because it is a modification of terms in the PSD permit. However, the change is not related to control equipment, emissions standards, heat input capacity, monitoring or other requirements associated with emissions or the BACT determination, so a 14-day notice and comment period seems appropriate.

(DRAFT MODIFICATION)

(Date)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ricardo Lima, Vice President and General Manager
Okeelanta Power L.P.
8001 U.S. Highway 27 South
South Bay, Florida 33493

RE: Okeelanta Cogeneration Facility
Project No. 0990332-015-AC (PSD-FL-196N)
Permit Modification - 74.9 MW (Gross) to 74.9 MW (Net) Output

Dear Mr. Lima:

On March 26, 2001, the Department received your request to change the basis of the restriction on electrical generating capacity of the cogeneration plant from "gross" to "net" output. Based on the information provided and conversations with the Department's Bureau of Air Regulation and Siting Coordination Office, this request is approved. The permit is hereby modified as shown below.

Page 1, Placard Page: The first sentence of the second paragraph is revised to:

"A 74.9 megawatt (gross net) electric (1-hour average), cogeneration facility (biomass – bagasse and wood waste material as the primary fuel, No. 2 fuel oil as a supplementary fuel, and low sulfur coal as an alternate fuel) located at Okeelanta Corporation's sugar mill that is 6 miles south of South Bay, off U.S. Highway 27, Palm Beach County, Florida."

Page 5, Construction Details, Specific Condition No. 1: The second sentence of this condition is revised to:

"The facility shall be designed, constructed, and operated so that its gross net generating capacity shall not exceed 74.9 megawatt (MW), 1-hour average, ~~except that during scheduled emission compliance and equipment performance tests.~~"

Page 7, Operational and Emission Restrictions, Specific Condition No. 11: The second sentence of this condition is revised to:

"The facility shall not exceed 74.9 (gross net) megawatt generating capacity, 1-hour average, ~~except during emission compliance and equipment performance tests.~~"

This permit modification is issued pursuant to Chapter 403 of the Florida Statutes. Attached is original Permit No. PSD-FL-196 and a brief permitting history (Attachment A). A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Any party to this order (permit modification) has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-

3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty (30) days after this order is filed with the clerk of the Department.

Sincerely,

(DRAFT)

Howard L. Rhodes, Director
Division of Air Resources Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on _____ to the person(s) listed:

Mr. Ricardo Lima, OkPLP*
Mr. James Meriwether, OkPLP
Mr. David Buff, Golder Associates
Mr. James Stormer, PBCHD
Mr. Buck Oven, Siting Coordination Office
Mr. Ron Blackburn, SD Office
Mr. Gregg Worley, EPA Region 4
Mr. John Bunyak, NPS

Clerk Stamp

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

(Clerk)

Date)



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

April 12, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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Okeelanta Power L.P.
8001 U.S. Highway 27 South
South Bay, Florida 33493

Re: Project No. 0990332-015-AC (PSD-FL-196N)
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Permit Modification – Revise 74.9 MW (Gross) to 74.9 MW (Net) Output

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Enclosed is one copy of the draft air construction permit modification for the Okeelanta Power's cogeneration plant located in Palm Beach County, Florida. The proposed modification will change the plant's restriction of 74.9 MW generating capacity from a "gross" to "net" basis. The Department's Preliminary Determination, Intent to Issue Air Construction Permit and the Public Notice of Intent to Issue Air Construction Permit are also included.

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Sincerely,

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

CHF/AAL/jfk

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an
Application for Permit by:

Mr. Ricardo Lima, Vice President and General Manager
Okeelanta Power L.P.
8001 U.S. Highway 27 South
South Bay, Florida 33493

Project No. 0990332-015-AC
Air Permit No. PSD-FL-196N
Okeelanta Cogeneration Plant
Palm Beach County
Modification to 74.9 MW (Net)

INTENT TO ISSUE AIR CONSTRUCTION PERMIT

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The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of fourteen (14) days from the date of publication of Public Notice of Intent to Issue Air Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public

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The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 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 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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. 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.

Mediation is not available in this proceeding.


In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.


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

CERTIFICATE OF SERVICE


The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Construction Permit Modification (including the Public Notice of Intent to Issue, Project Evaluation and Preliminary Determination, and the Draft Modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 4/13/01 to the persons listed:

Mr. Ricardo Lima, OkPLP*
Mr. James Meriwether, OkPLP
Mr. David Buff, Golder Associates
Mr. James Stormer, PBCHD

Mr. Buck Oven, Siting Coordination Office
Mr. Ron Blackburn, SD Office
Mr. Gregg Worley, EPA Region 4
Mr. John Bunyak, NPS

Clerk Stamp

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


(Clerk) 4/13/01
(Date)

**PUBLIC NOTICE OF INTENT TO ISSUE
AIR CONSTRUCTION PERMIT MODIFICATION**

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Project No. 0990332-015-AC
Draft Air Permit No. PSD-FL-196N

Okeelanta Power L.P. Cogeneration Plant
Palm Beach County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Okeelanta Power L.P. for the cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. The applicant's authorized representative is Ricardo Lima, Vice President and General Manager of Okeelanta Power L.P. The mailing address is 8001 U.S. Highway 27 South, South Bay, Florida 33493..

The applicant requests a revision of the restriction on the electrical generating capacity of the cogeneration plant from 74.9 MW (gross) output to 74.9 MW (net) output. Some electricity would be generated and used within the facility and only net production sold to the electrical power grid would count against the existing limit. The change will not alter control equipment, emissions standards, heat input capacity, monitoring conditions or other requirements associated with emissions or previous determinations of the Best Available Control Technology. The Department will approve the request and issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of fourteen (14) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit Modification. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 of the Florida Statutes (F.S.), before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 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 28-106.205 of the Florida Administrative Code (F.A.C.).

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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. 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 complete project file 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:

Dept. of Environmental Protection Bureau of Air Regulation New Source Review Section Suite 4, 111 S. Magnolia Drive Tallahassee, Florida 32301 Telephone: 850/488-0114	Dept. of Environmental Protection South District Office Air Resources Section 2295 Victoria Avenue, Suite 364 Fort Myers, Florida 33901-3381 Telephone: 941/332-6975	Palm Beach County Health Dept. Air Pollution Control Section 901 Evernia Street West Palm Beach, Florida 33401 Telephone: 561/355-3136
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The complete project file includes the application, technical evaluations, draft permit modification, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator of the New Source Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

PROJECT EVALUATION AND PRELIMINARY DETERMINATION

APPLICATION

On March 26, 2001, we received an application from Okeelanta Power L.P. to modify Air Permit No. PSD-FL-196 for their cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. The applicant requests a revision of the restriction on the electrical generating capacity of the cogeneration plant from 74.9 MW (gross) output to 74.9 MW (net) output. Some electricity would be generated and used within the facility and only net production sold to the electrical power grid would count against the limit.

REVIEW

Prior to submittal of this application, representatives of Okeelanta met with the representatives of the Department's Division of Air Resources Management and Siting Coordination Office to discuss the feasibility of such a request. As a result of this meeting, the Siting Coordination Office responded in a letter (March 9, 2001) that such a change could be made without invoking the Florida Electrical Power Plant Siting Act, provided:

- Okeelanta could adequately demonstrate methods that would be used to monitor the production of electricity such that no more than 74.9 MW would be generated *based on a 15-minute average*, and
- Okeelanta, if required, would obtain a permit modification from the Department's Bureau of Air Regulation prior to making the change.

In the application for permit modification, Okeelanta stated that it believed the 15-minute average was "erroneously" included as a proposed limitation because the plant has monitored electricity production on a 1-hour average since beginning operations. A review of the original PSD permit indicates that the restriction was based on a *1-hour averaging period*. Also, the restriction was specifically requested and established in the permit to clarify that the new plant was not subject to power plant site certification requirements. Based on recent conversations with the Siting Coordination Office, it is our understanding that the current 1-hour averaging time is sufficient to allow the change from gross to net power output without invoking the Florida Electrical Power Plant Siting Act. The 15-minute average was only included as a reminder that the averaging period should be on a short-term basis.

Okeelanta indicates that the only physical change that may occur is a heat exchanger upgrade for the electrical generator to allow for increased capacity during the summer months. The facility is not requesting any changes to emission levels or heat input rates, as it does not expect increases in either. The existing monitoring should be adequate because the plant has monitored electrical production on a 1-hour basis since commencing operations.

CONCLUSION

The Siting Coordination Office indicates that the requested change would not alter the cogeneration plant's status with regard to the Florida Electrical Power Plant Siting Act. Because this was the intent of the original restriction, the requested change is approved. Note that I have also deleted the following inappropriate text related to the generating capacity restriction, "... except during emission compliance and equipment performance tests." The change is a permit modification and requires a Public Notice because it is a modification of terms in the PSD permit. However, the change is not related to control equipment, emissions standards, heat input capacity, monitoring or other requirements associated with emissions or the BACT determination, so a 14-day notice and comment period seems appropriate.

(DRAFT MODIFICATION)

(Date)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ricardo Lima, Vice President and General Manager
Okeelanta Power L.P.
8001 U.S. Highway 27 South
South Bay, Florida 33493

RE: Okeelanta Cogeneration Facility
Project No. 0990332-015-AC (PSD-FL-196N)
Permit Modification - 74.9 MW (Gross) to 74.9 MW (Net) Output

Dear Mr. Lima:

On March 26, 2001, the Department received your request to change the basis of the restriction on electrical generating capacity of the cogeneration plant from "gross" to "net" output. Based on the information provided and conversations with the Department's Bureau of Air Regulation and Siting Coordination Office, this request is approved. The permit is hereby modified as shown below.

Page 1, Placard Page: The first sentence of the second paragraph is revised to:

"A 74.9 megawatt (~~gross~~ net) electric (1-hour average), cogeneration facility (biomass – bagasse and wood waste material as the primary fuel, No. 2 fuel oil as a supplementary fuel, and low sulfur coal as an alternate fuel) located at Okeelanta Corporation's sugar mill that is 6 miles south of South Bay, off U.S. Highway 27, Palm Beach County, Florida."

Page 5, Construction Details, Specific Condition No. 1: The second sentence of this condition is revised to:

"The facility shall be designed, constructed, and operated so that its ~~gross~~ net generating capacity shall not exceed 74.9 megawatt (MW), 1-hour average, ~~except that during scheduled emission compliance and equipment performance tests.~~"

Page 7, Operational and Emission Restrictions, Specific Condition No. 11: The second sentence of this condition is revised to:

"The facility shall not exceed 74.9 (~~gross~~ net) megawatt generating capacity, 1-hour average, ~~except during emission compliance and equipment performance tests.~~"

This permit modification is issued pursuant to Chapter 403 of the Florida Statutes. Attached is original Permit No. PSD-FL-196 and a brief permitting history (Attachment A). A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Any party to this order (permit modification) has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-

3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty (30) days after this order is filed with the clerk of the Department.

Sincerely,

(DRAFT)

Howard L. Rhodes, Director
Division of Air Resources Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on _____ to the person(s) listed:

Mr. Ricardo Lima, OkPLP*
Mr. James Meriwether, OkPLP
Mr. David Buff, Golder Associates
Mr. James Stormer, PBCHD
Mr. Buck Oven, Siting Coordination Office
Mr. Ron Blackburn, SD Office
Mr. Gregg Worley, EPA Region 4
Mr. John Bunyak, NPS

Clerk Stamp

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

(Clerk)

Date)

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
Gainesville, FL 32653-1500
Telephone (352) 336-5600
Fax (352) 336-6603

RECEIVED

MAR 26 2001



BUREAU OF AIR REGULATION

March 19, 2001

0037545-0800

Florida Department of Environmental Protection
Bureau of Air Regulation
2600 Blair Stone Road MS 5500
Tallahassee, Florida 32399-2400

Attention: Mr. A. A. Linero, P.E., New Source Review

RE: OKEELANTA COGENERATION FACILITY
DEP PSD PERMIT NO. PSD-FL-196
74.9 MW (NET) OUTPUT

filed copy

Dear Mr. Linero:

Okeelanta Power Limited Partnership (OkPLP) requests a modification of its Significant Deterioration (PSD) permit (PSD-FL-196) for the Okeelanta Cogeneration Facility. The PSD permit currently limits the Facility's electrical output to 74.9 MW (gross), as determined on a 1 hour basis. OkPLP would like to change this limitation on "gross" output to a limitation on "net" output. This is the only change in the PSD permit that OkPLP is requesting at this time.

OkPLP previously discussed this issue with the Florida Department of Environmental Protection (FDEP) and has received a letter from FDEP's Siting Coordination Office (dated March 9, 2001) confirming that this change to the PSD permit can be approved, without causing the facility to become subject to the Florida Electrical Power Plant Siting Act (PPSA). A copy of FDEP's letter is attached for your file.

Please note that the Siting Coordination Office identified two conditions that must be satisfied by OkPLP. First, OkPLP must demonstrate to the Department how it will ensure and monitor electricity production to demonstrate that no more than 74.9 MW net output, on a 15-minute average, will be sent to the grid. It is our understanding that the 15-minute limitation was erroneously included as a proposed limitation. The OkPLP facility currently complies with a 1-hour averaging time, as required by its PSD permit and Title V permit (see Permit No. PSD-FL-196, Specific Condition No. 1). OkPLP monitors the net electrical generation sent to the grid with continuous monitors. These monitors will ensure compliance with the requested limit of 74.9 MW net output (on a 1-hour average).

The letter from the Office of Siting Coordination also states that, if it is determined by the FDEP's Bureau of Air Regulation that a modification of the facility's PSD permit is required, OkPLP must formally request a permit modification by filing the appropriate application. Since OkPLP wishes to change the language in the PSD permit, we assume that the Bureau will require the submittal of an appropriate application.

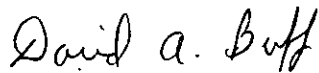
Enclosed please find pages 1 through 6 of the Application for Air Permit [DEP Form No. 62-210.900(1)] to modify permit No. PSD-FL-196. OkPLP may need to perform minor physical

changes to the facility to allow it to generate a net output of 74.9 MW. The changes, if needed, would involve a cooling system (heat exchanger) upgrade to the generator to allow operation at a greater capacity during the warmer summer months. At this time, OkPLP is not requesting any changes to the existing emission or heat input rate limits in the PSD permit, because the changes to the facility are not expected to result in an increase in either. Again, OkPLP is only requesting that the word "gross" be changed to "net" in the permit, including in the general description and in Specific Conditions Nos. 1 and 11 of Permit No. PSD-FL-196.

If you have any questions regarding this matter, please feel free to call me at (352) 336-5600.

Sincerely,

GOLDER ASSOCIATES INC.



David A. Buff, P.E., Q.E.P.
Principal Engineer
Florida P.-E. #19011
SEAL

Enclosures

cc: Gus Cepero
David Dee
James Meriwether
Bill Tarr

0037545a\L031901



Jeb Bush
Governor

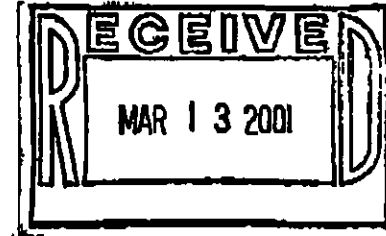
Department of Environmental Protection

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

David B. Scrubs
Secretary

March 9, 2000

David S. Dee
Landers & Parsons
Post Office Box 271
Tallahassee, Florida 32302



Re: Okeelanta Generation Facility

Dear Mr. Dee

The Department has reviewed your letter dated February 14, 2001. Based on the information contained in your letter, the modifications to the facility to generate 74.9 MW, net output can be done without invoking the Florida Electrical Power Plant Siting Act (PPSA) provided that your client can demonstrate to the Department how it will ensure and monitor the production of electricity to demonstrate that no more than 74.9 MW on a 15 minute average will be sent to the grid. However the Departments decision about this issue is subject to the conditions and limitations set below.

If it is determined by the Department's bureau of Air Regulation (BAR) that a modification to the facility's Prevention of Significant Deterioration Permit (PSD) is required, Okeelanta Power Limited Partnership (OPLP) must file an appropriate application with the BAR formally requesting a permit modification. Any request to modify the PSD permit will be by the Department's Division of Air Resources Management in accordance with the Department's normal procedures for the modification of a PSD permit. An approval of that application is required before any changes could be made at the facility, however, the Department will not deny OPLP's request based on the provisions of the PPSA.

A copy of your letter is attached hereto and incorporated herein by reference. For the purposes of this response from the Department, we assume that the statements in your letter are accurate. The Department reserves the right to change its conclusions about OPLP's request if the Department determines that the material facts set forth in your letter are incorrect.

The Department's decision about the Okeelanta Cogeneration Facility is limited to the specific facts and unique circumstances that have been presented in this case. Among other things, it is significant that the instant case involves a facility where the increased generation capacity can be achieved by improving the efficiency of the cooling system without an increase in fuel input or emissions. Determinations about other facilities will be made on a case-by-case basis, in light of the relevant facts and applicable law in effect at the appropriate time.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Okeelanta - 3/9/01
Page 2

Sincerely,

Hamilton S. Owen

Hamilton S. Owen, P.E.
Administrator, Siting
Coordination Office

cc: Scott Goorland
Clair Fancy
Al Linero



Department of Environmental Protection

Division of Air Resources Management

APPLICATION FOR AIR PERMIT - TITLE V SOURCE

See Instructions for Form No. 62-210.900(1)

I. APPLICATION INFORMATION

Identification of Facility

1. Facility Owner/Company Name: Okeelanta Power L.P.	
2. Site Name: Okeelanta Power L.P.	
3. Facility Identification Number: 0990332 [] Unknown	
4. Facility Location: 6 miles south of South Bay on US 27 Street Address or Other Locator: 8001 U.S. Highway 27 South City: South Bay County: Palm Beach Zip Code: 33493	
5. Relocatable Facility? [] Yes [X] No	6. Existing Permitted Facility? [X] Yes [] No

Application Contact

1. Name and Title of Application Contact: James Meriwether, Environmental and Safety Manager	
2. Application Contact Mailing Address: Organization/Firm: Okeelanta Power L.P. Street Address: 8001 U.S. Highway 27 South City: South Bay State: FL Zip Code: 33493	
3. Application Contact Telephone Numbers: Telephone: (561) 993 - 1003 Fax: (561) 996 - 6596	

Application Processing Information (DEP Use)

1. Date of Receipt of Application:	
2. Permit Number:	
3. PSD Number (if applicable):	
4. Siting Number (if applicable):	

Purpose of Application

Air Operation Permit Application

This Application for Air Permit is submitted to obtain: (Check one)


- Initial Title V air operation permit for an existing facility which is classified as a Title V source.
- Initial Title V air operation permit for a facility which, upon start up of one or more newly constructed or modified emissions units addressed in this application, would become classified as a Title V source.
Current construction permit number: _____
- Title V air operation permit revision to address one or more newly constructed or modified emissions units addressed in this application.
Current construction permit number: _____
Operation permit number to be revised: _____
- Title V air operation permit revision or administrative correction to address one or more proposed new or modified emissions units and to be processed concurrently with the air construction permit application. (Also check Air Construction Permit Application below.)
Operation permit number to be revised/corrected: _____
- Title V air operation permit revision for reasons other than construction or modification of an emissions unit. Give reason for the revision; e.g., to comply with a new applicable requirement or to request approval of an "Early Reductions" proposal.
Operation permit number to be revised: _____
Reason for revision: _____

Air Construction Permit Application

This Application for Air Permit is submitted to obtain: (Check one)

- Air construction permit to construct or modify one or more emissions units.
- Air construction permit to make federally enforceable an assumed restriction on the potential emissions of one or more existing, permitted emissions units.
- Air construction permit for one or more existing, but unpermitted, emissions units.

Owner/Authorized Representative or Responsible Official

1. Name and Title of Owner/Authorized Representative or Responsible Official: Ricardo Lima, Vice President - General Manager
2. Owner/Authorized Representative or Responsible Official Mailing Address: Organization/Firm: Okeelanta Power L.P. Street Address: 8001 U.S. Highway 27 South City: South Bay State: FL Zip Code: 33493
3. Owner/Authorized Representative or Responsible Official Telephone Numbers: Telephone: (561) 996 - 9072 Fax: (561) 992 - 7326
4. Owner/Authorized Representative or Responsible Official Statement: <i>I, the undersigned, am the owner or authorized representative*(check here [], if so) or the responsible official (check here [], if so) of the Title V source addressed in this application, whichever is applicable. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof. I understand that a permit, if granted by the Department, cannot be transferred without authorization from the Department, and I will promptly notify the Department upon sale or legal transfer of any permitted emissions unit.</i> Signature <u></u> Date <u>3-21-01</u>

* Attach letter of authorization if not currently on file.

Professional Engineer Certification

1. Professional Engineer Name: David Buff Registration Number: 19011
2. Professional Engineer Mailing Address: Organization/Firm: Golder Associates Inc. Street Address: 6241 NW 23rd Street, Suite 500 City: Gainesville State: FL Zip Code: 32653-1500
3. Professional Engineer Telephone Numbers: Telephone: (352) 336 - 5600 Fax: (352) 336 - 6603

4. Professional Engineer Statement:

I, the undersigned, hereby certify, except as particularly noted herein*, that:

(1) To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this Application for Air Permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and

(2) To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.

If the purpose of this application is to obtain a Title V source air operation permit (check here [], if so), I further certify that each emissions unit described in this Application for Air Permit, when properly operated and maintained, will comply with the applicable requirements identified in this application to which the unit is subject, except those emissions units for which a compliance schedule is submitted with this application.

If the purpose of this application is to obtain an air construction permit for one or more proposed new or modified emissions units (check here [], if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.

If the purpose of this application is to obtain an initial air operation permit or operation permit revision for one or more newly constructed or modified emissions units (check here [], if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.

David A. Buff
Signature

3/19/01
Date

(seal)

* Attach any exception to certification statement.

Scope of Application

Emissions Unit ID	Description of Emissions Unit	Permit Type	Processing Fee
030	Cogen Boiler A	AC1A	
031	Cogen Boiler B	AC1A	
032	Cogen Boiler C	AC1A	

Application Processing Fee

Check one: Attached - Amount: \$: _____ Not Applicable

Construction/Modification Information

1. Description of Proposed Project or Alterations:

Change in permit limit from 74.9 MW gross output to 74.9 MW net output on a 1-hour average.

2. Projected or Actual Date of Commencement of Construction: **16 Mar 2001**

3. Projected Date of Completion of Construction: **16 Mar 2001**

Application Comment

Memorandum

Florida Department of Environmental Protection

TO: Clair Fancy, Bureau of Air Regulation
THROUGH: Al Linero, New Source Review Section
FROM: Jeff Koerner, New Source Review Section JK
DATE: April 12, 2000
SUBJECT: Project No. 0990332-015-AC (PSD-FL-196N)
Okeelanta Cogeneration Plant
Permit Modification – Revise 74.9 MW (Gross) to 74.9 MW (Net) Output

Attached is the public notice package for Okeelanta Power L.P.'s cogeneration plant located in Palm Beach County, Florida. The draft modification letter approves the request to revise the basis of the restriction on electrical generating capacity of the cogeneration plant from 74.9 MW (gross) output 74.9 MW (net) output. A brief evaluation is attached that summarizes the project.

Day #74 is June 7, 2001. I recommend your approval of the attached Intent to Issue package for this project.

AAL/jfk

Attachments

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
Gainesville, FL 32653-1500
Telephone (352) 336-5600
Fax (352) 336-6603



APR 23 2001

April 23, 2001

BUREAU OF AIR REGULATION

0037545-0800

Florida Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Attention: Mr. A. A. Linero, P.E.

SUBJECT: DEP File No. 0990332-015-AC; PSD-FL-196N
Okeelanta Power L.P. - Permit Modification – Revise 74.9 MW (gross) to 74.9 MW (net) Output

Dear Mr. Linero:

Okeelanta Power L.P. has received the Department's intent to issue and draft permit to change the facility's maximum electrical production from 74.9 MW (gross) to 74.9 MW (net). We have reviewed the draft permit and supporting documents and have the following comment.

Permit Conditions Revision Letter

The modification to page 1, Placard Page, the first sentence of the second paragraph is shown in the draft as follows:

"A 74.9 megawatt (~~gross~~ net) electric (1-hour average), cogeneration facility (biomass – bagasse and wood waste material as the primary fuel, No. 2 fuel oil as a supplementary fuel, and low sulfur coal as an alternate fuel) located at Okeelanta Corporation's sugar mill that is 6 miles south of South Bay, off U.S. Highway 27, Palm Beach County, Florida."

However, the Department recently approved the request to add natural gas as a supplemental fuel. As a result, it is suggested that the wording be revised as follows:

"A 74.9 megawatt (~~gross~~ net) electric (1-hour average), cogeneration facility (biomass – bagasse and wood ~~waste~~ material as the primary fuel, and No. 2 fuel oil and natural gas as a supplementary fuels, and low sulfur coal as an alternate fuel) located at Okeelanta Corporation's sugar mill that is 6 miles south of South Bay, off U.S. Highway 27, Palm Beach County, Florida."

Thank you for consideration of this comment in issuing the final permit modification. If you should have any questions, please call me at (352)336-5600.

Sincerely,
GOLDER ASSOCIATES INC.

A handwritten signature in cursive script that reads "David A. Buff".

David A. Buff, P.E., Q.E.P.
Principal Engineer
Florida P.E.#19011
SEAL

cc: James Meriwether
Gus Cepero
Bill Tarr
David Dee

P:\Projects\2000\0037\0037545a Okeelanta\13\L042301.doc

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Ricardo Lima
 Vice President & Gen. Manager
 Okeelanta Power L.P.
 8001 U.S. Highway 27 South
 South Bay, FL 33493

2. Article Number (Copy from service label)
 7099 3400 0000 1450 2972

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **F. Rice** B. Date of Delivery **4-16-01**

C. Signature *[Signature]* Agent Addressee

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7099 3400 0000 1450 2972

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)**

Article Sent To:

Mr. Ricardo Lima

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
 Here

Name (Please Print Clearly) (to be completed by mailer)
Okeelanta Power L.P.

Street Apt. No. or PO Box No.
8001 U.S. Highway 27 South

City, State ZIP
South Bay, FL 33493

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly) <i>I. Rice</i>	B. Date of Delivery <i>4-16-01</i>
1. Article Addressed to: Mr. Ricardo Lima Vice President & Gen. Manager Okeelanta Power L.P. 8001 U.S. Highway 27 South South Bay, FL 33493	C. Signature <i>I. Rice</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
2. Article Number (Copy from service label) 7099 3400 0000 1450 2972	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, July 1999	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Domestic Return Receipt		
102595-00-M-0952		

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
Article Sent To: Mr. Ricardo Lima		
Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	
Name (Please Print Clearly) (to be completed by mailer) Okeelanta Power L.P.		
Street, Apt. No. or PO Box No. 8001 U.S. Highway 27 South		
City, State, ZIP South Bay, FL 33493		
PS Form 3800, July 1999		See Reverse for Instructions

7099 3400 0000 1450 2972

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Ricardo Lima
 Vice President & Gen. Mgr.
 Okeelanta Power L.P.
 8001 U.S. Highway 27 South
 South Bay, FL 33493

2. Article Number (Copy from service label)
 7000 0600 0026 4129 9464

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *KATHLEEN YUKES* B. Date of Delivery *5/16/01*

C. Signature *X Kathleen Yukes* Agent Addressee

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

*P.O. Box 8
 S Bay, FL 33493*

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)**

7000 0600 0026 4129 9464

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

*Okeelanta
 Cooper*
 Postmark Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)
Mr. Ricardo Lima
 Street, Apt. No., or P.O. Box No.
8001 U.S. Highway 27 South
 City, State, ZIP+4
South Bay, FL 33493

PS Form 3800, February 2000.

See Reverse for Instructions