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JAN 18 2005

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January 13, 2005

BUREAU OF AIR REGULATION

Ms. Trina Vielhauer  
Bureau Chief  
Division of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
MS 5505  
Tallahassee, Florida 32399-2400

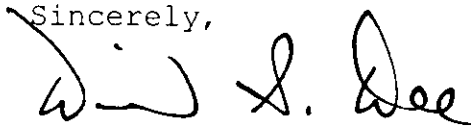
Re: New Hope Power Partnership  
Draft Permit No. PSD-FL-196(P);  
Project No. 0990332-017-AC

Dear Ms. Vielhauer:

On January 5, 2005, the Palm Beach Post published the Department's "Public Notice of Intent to Issue Air Permit" for the expansion project that has been proposed by the New Hope Power Partnership for the Okeelanta Facility in Palm Beach County, Florida. A copy of the Proof of Publication is enclosed for the Department's files.

Please call me if you have any questions.

Sincerely,



David S. Dee

Enclosure

cc: Jeff Koerner  
Hamilton Oven  
James Meriwether  
*D. W. W. EPA*  
*Dee, UPS*

THE PALM BEACH POST  
Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

NO. 2390519  
Florida Department of  
Environmental Protection  
Project No. 0990332-017-AC  
/ Draft Air Permit No.  
PSD-FL-196(P)  
New Hope Power  
Partnership -  
Okeelanta  
Cogeneration Plant  
Palm Beach County, Florida

Applicant: The applicant for this project is the New Hope Power Partnership. The applicant's authorized representative is Mr. Rodney Williams, the Plant Manager of the Okeelanta Cogeneration Plant. The applicant's mailing address is the 8001 U.S. Highway 27 South, South Bay, Florida 33493.

Facility Location: The New Hope Power Partnership operates the existing Okeelanta Cogeneration Plant located off of U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida.  
Project: The applicant operates an existing cogeneration plant, which was originally permitted in 1993 and began operation in 1995. The existing plant currently consists of three boilers, biomass storage/handling, a 74.9 MW steam turbine electrical generator, a condenser, a mechanical draft cooling tower, an electrical switchyard, and miscellaneous support equipment. Each boiler fires biomass (bagasse and wood chips) as the primary fuel. Distillate oil and natural gas are fired as startup and supplemental fuels. The applicant proposes to install a nominal 65 MW steam turbine electrical generator, a second cooling tower, and other miscellaneous support equipment. The existing cogeneration plant is located in Palm Beach County, an area that is currently in attainment with the state and federal Ambient Air Quality Standards (AAQS) or otherwise designated as unclassifiable. The cogeneration plant is a major facility in accordance with Rule 62-212.400, F.A.C., the regulatory program for the Prevention of Significant Deterioration (PSD) of Air Quality. Therefore, new projects at the existing facility must be reviewed for PSD applicability.

In October of 2003, the Department issued a PSD permit modification for the cogeneration facility that increased the maximum heat input rate to the boilers from 715 to 760 MMBtu and allowed full operation. Based on potential emissions increases, the project was subject to PSD preconstruction review for carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, volatile organic compounds, lead, fluorides, and sulfuric acid mist. The Department made a determination of the Best Available Control Technology (BACT) for each of these pollutants based on the following air pollution control equipment: low-NOx gas burners, over fire air, and a selective non-catalytic reduction system to reduce nitrogen oxides emissions; mechanical dust collectors followed by an electrostatic precipitator to reduce particulate matter emissions; and the efficient combustion of clean, low-sulfur fuels to minimize emissions of carbon monoxide, sulfuric acid mist, sulfur dioxide, and volatile organic compounds. Based on the supporting air quality analysis of the potential impacts from increased operation, the applicant provided the Department with reasonable assurance that the project would not significantly contribute to or cause a violation of any state or federal ambient air quality standards and would not significantly contribute to or cause a violation of any PSD Class

PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Kristi Morrow**, who on oath says that she is **Customer Service Supervisor** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **DEP Permit #PSD-FL-196(P)** was published in said newspaper in the issues of **January 5, 2005**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Kristi Morrow*

Sworn to and subscribed before 5<sup>th</sup> day of January, A.D. 2005

*[Signature]*

Personally known XX or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

  
**Karen M. McLinton**  
Commission # DD359566  
Expires: NOV. 15, 2008  
Bonded Thru  
Atlantic Bonding Co., Inc.

... a violation of any PSD Class I or Class II increments. For this project, it is presumed that the federally enforceable unit-specific allowable emissions from the cogeneration boilers are equivalent to the actual emissions from the boilers. This presumption is based on the following: the specific details of the project; the previous PSD modification permitting full operation of the cogeneration plant; the timing of the previous project that evaluated full operation; the previous BACT determinations and control equipment for the cogeneration boilers; the previous air quality analysis that evaluated the impacts of the full potential emissions increases; and the definition of actual emissions in Rule 62-210.200(11), F.A.C. Particulate matter emissions from the new cooling tower are estimated to be less than 2 tons per year. Therefore, there will not be a PSD significant emissions increase and the proposed project is not subject to PSD preconstruction review. However, the project does require a modification of the PSD permit to authorize the requested construction and remove the previous limitation on electrical power production. In addition, upon completion of the project, the cogeneration plant will have a nominal steam-generated electrical capacity of 140 MW. Therefore, the project subjects the facility to the power plant site certification requirements of the Department.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114 and fax number is 850/921-9533.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. A copy of the project file is available at the Air Resource Section of the Department's South District Office at 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902-3381 (Phone: 239/332-6975). A copy of the project file is also available at the Air Pollution Control Section of the Palm Beach County Health Department, 901 Evernia Street, West Palm Beach, Florida 33401 (Phone: 561/355-3136).

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its

Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be post-marked, and all e-mail or facsimile comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://lhora6.dep.state.fl.us/onw> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit. 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 attached Public Notice or within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority 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

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 Permitting Authority'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 each 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 state; (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 the 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 Permitting Authority'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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. This PSD permitting action is being coordinated with a certification under the Power Plant Siting Act (Sections 403.501-518, F.S.). If a petition for an administrative hearing on the Department's intent to issue Air Permit is filed by a substantially affected person, that hearing shall be consolidated with the certification hearing, as provided under Section 403.507(3), F.S.

Mediation: Mediation is not available in this proceeding.  
PUB: The Palm Beach Post  
January 5, 2005

**FO**®

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OCT 11 2004

TELEPHONE (850) 681-0311

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BUREAU OF AIR REGULATION

October 8, 2004

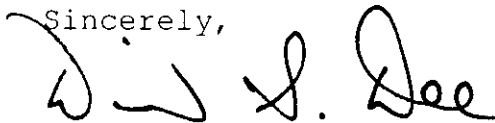
Mr. Hamilton S. Oven, Jr., P.E.  
Administrator  
Siting Coordination Office  
Department of Environmental Protection  
2600 Blair Stone Road, MS 48  
Twin Towers Office Building  
Tallahassee, Florida 32399

Re: New Hope Power Partnership;  
PPSA Application No. PA-04-46; DOAH Case No. 04-3209EPP

Dear Mr. Oven:

Enclosed for your file is a copy of the "Notice of Filing of Application for Electrical Power Plant Site Certification" that was published by New Hope Power Partnership ("New Hope") in the Palm Beach Post on Wednesday, September 29, 2004. Also enclosed is a Proof of Publication from the Palm Beach Post. Please call me at (850) 681-0311 if you have any questions concerning this project.

Sincerely,



David S. Dee

Enclosures

cc: Scott Goorland  
Jim Antista  
Roger Saberson  
Mary Anne Helton  
Craig Varn  
Sheauching Yu  
Peter Cocotos  
Denise M. Nieman  
Trina Vielhauer

THE PALM BEACH POST  
Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

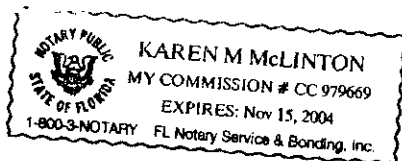
Before the undersigned authority personally appeared **Wendy Elliott**, who on oath says that she is **Telephone Sales Supervisor** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being **Notice** in the matter **Application/Certification** was published in said newspaper in the issues of **September 29, 2004**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Wendy Elliott*

Sworn to and subscribed before this 29<sup>th</sup> day of September, A.D. 2004

*[Signature]*

Personally known XX or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



NO  
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E

New Hope Power  
bagasse and wood chips  
and two miles west of

On September 3  
authorize the construction  
to 140 MW. The case  
Cabinet, pursuant to  
The application is

State agencies  
certification hearing,  
possible. Information  
Environmental Protection  
Any person who  
Under Section 403.5

The remainder of Section  
(b)

(c)

(d)

(e)

(f)

Failure to follow  
have to participate  
Section 403.5

Any notice of

# NOTICE OF FILING OF APPLICATION FOR ELECTRICAL POWER PLANT SITE CERTIFICATION

New Hope Power Partnership ("New Hope") owns the Okeelanta cogeneration facility, an existing electrical power plant that burns biomass (e.g., bagasse and wood) to generate 74.9 megawatts (MW) of electricity (net). The Okeelanta facility is located approximately six miles south of South Bay, and two miles west of U.S. Highway 27, in Palm Beach County, Florida.

On September 3, 2004, New Hope filed Application Number PA-04-46 with the Florida Department of Environmental Protection for certification to authorize the construction and operation of a 65 MW expansion of the Okeelanta facility, which will increase the facility's total net generating capacity to 140 MW. The case is pending before the Division of Administrative Hearings, DOAH Case No. 04-3209EPP, prior to action by the Governor and Cabinet, pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes (F.S.).

The application for certification is available for public inspection during normal business hours at the following locations:

Department of Environmental Protection  
Siting Coordination Office  
2600 Blair Stone Road, Suite 649  
Twin Towers Office Building  
Tallahassee, Florida 32399

Department of Environmental Protection  
South District Office  
2295 Victoria Avenue  
Suite 364 West  
Ft. Myers, Florida 33901-3881.

Palm Beach County Health Department  
901 Evernia Street  
West Palm Beach, Florida 33401

Florida Crystals  
One North Clematis Street  
Suite 200  
West Palm Beach, Florida 33401

Palm Beach County Main Library  
3650 Summit Blvd.  
West Palm Beach, Florida 33406

State agencies and local governments will be studying the application and preparing reports and recommendations on the proposed facility for the certification hearing. Interested individuals should review the application and bring matters of concern to the appropriate agency's attention as soon as possible. Information regarding the appropriate contact persons in the agencies may be obtained from Mr. Hamilton Owen, Jr., at the Department of Environmental Protection's Siting Coordination Office, Suite 649, 2600 Blair Stone Road, Tallahassee, Florida 32399, at (850) 487-0472.

Any person wishing to participate in the proceedings, either as a party or without party status, must follow either Section 403.508(4) or (5), F.S. Under Section 403.508(4)(a), F.S., the parties to the proceeding shall include:

1. The applicant, New Hope Power Partnership.
2. The Florida Public Service Commission.
3. The Florida Department of Community Affairs.
4. The Florida Fish and Wildlife Conservation Commission.
5. The South Florida Water Management District.
6. The Florida Department of Environmental Protection.
7. The Treasure Coast Regional Planning Council.
8. Palm Beach County.

The remainder of Section 403.508(4), F.S., states:

- (b) Any party listed in paragraph [Section 403.508(4)(a)] other than the Department or the applicant may waive its right to participate in these proceedings. If such listed party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing, such party shall be deemed to have waived its right to be a party.
- (c) Upon the filing with the administrative law judge of a notice of intent to be a party at least 15 days prior to the date of the land use hearing, the following shall also be parties to the proceeding:
1. Any agency not listed in paragraph (a) [Section 403.508(4)(a)] as to matters within its jurisdiction.
  2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located.
- (d) Notwithstanding paragraph (e) [Section 403.508(4)(e)], failure of an agency described in subparagraph (c)(1) [Section 403.508(4)(c) 1.] to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding.
- (e) Other parties may include any person, including those persons enumerated in paragraph (c)[Section 403.508(4)(c)] who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to chapter 120 and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing.
- (f) Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), shall be made a party upon the request of the department or the applicant.

Failure to follow the requirements and meet the timetables set forth in Section 403.508(4), F.S., shall constitute a waiver of any right a person may have to participate as a party to this proceeding.

Section 403.508(5), F.S., states:

When appropriate, any person may be given an opportunity to present oral or written communications to the designated administrative law judge. If the designated administrative law judge proposes to consider such communications, then all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

Any notice of intent to be a party or motion to intervene must be sent to:

Administrative Law Judge  
Division of Administrative Hearings  
The Desoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

and must contain the following: reference to the application number; the name, address, and telephone number of the agency or person; and allegations



and must contain the following: reference to the application number; the name, address, and telephone number of the agency or person; and allegations sufficient to demonstrate the agency or person is entitled to participate in the proceeding. The notice or motion must be sent by mail to the applicant and to all parties. (A list of parties may be obtained from the Department's Office of Siting Coordination at the address above.) Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C.

In regard to variances or other relief, Section 403.511(2), F.S., requires that each party shall notify the applicant and other parties at least 60 days prior to the certification hearing of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the Board to certify any electrical power plant proposed for certification. Rule 62-17.133(2), F.A.C., similarly requires that agencies identify in their reports any such needed variances or other relief. Failure to provide such notice shall be treated as a waiver from nonprocedural requirements of the Department or any other agency. However, no variance shall be granted from standards or regulations of the Department applicable under any federally delegated or approved permit program, except as expressly allowed in such program.

Sections 403.511(1) and (2), F.S., state:

(1) Subject to the conditions set forth therein, any certification signed by the Governor shall constitute the sole license of the state and any agency as to the approval of the site and the construction and operation of the proposed electrical power plant, except for the issuance of department licenses required under any federally delegated or approved permit program and except as otherwise provided in subsection (4) [403.511(4)].

(2)(a) The certification shall authorize the applicant named therein to construct and operate the proposed electrical power plant, subject only to the conditions of certification set forth in such certification, and except for the issuance of department licenses or permits required under any federally delegated or approved permit program.

(b) Except as provided in subsection (4) [403.511(4)], the certification may include conditions which constitute variances, exemptions, or exceptions from nonprocedural requirements of the department or any agency which were expressly considered during the proceeding unless waived by the agency as provided below and which otherwise would be applicable to the construction and operation of the proposed electrical power plant. No variance, exemption, exception, or other relief shall be granted from a state statute or rule for the protection of endangered or threatened species, aquatic preserves, Outstanding National Resource Waters, or Outstanding Florida Waters or for the disposal of hazardous waste, except to the extent authorized by the applicable statute or rule or except upon a finding by the siting board that the public interests set forth in Section 403.502 in certifying the electrical power plant at the site proposed by the applicant overrides the public interest protected by the statute or rule from which relief is sought. Each party shall notify the applicant and other parties at least 60 days prior to the certification hearing of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the board to certify any electrical power plant proposed for certification. Failure of such notification by an agency shall be treated as a waiver from nonprocedural requirements of the department or any other agency. However, no variance shall be granted from standards or regulations of the department applicable under any federally delegated or approved permit program, except as expressly allowed in such program.

Issues relating to the applicant's use of, connection to, or the crossing of properties and works of agencies may be addressed in the certification proceeding. These issues may involve Palm Beach County or the South Florida Water Management District.

New Hope's application includes a request for a modification of a Prevention of Significant Deterioration permit to increase the facility's total electrical output to 140 MW (net).

This Public Notice is provided in compliance with the federal Coastal Zone Management Act, as specified in 15 CFR Part 930, Subpart D. Public comments on the applicant's federal consistency certification should be directed to the Federal Consistency Coordinator, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

