

Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

May 1, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dennis V. Space, General Manager
Okeelanta Power Limited Partnership
Post Office Box 8
South Bay, Florida 33493

Re: FINAL Permit Modification No. 0990332-005-AC
PSD-FL-196C

Dear Mr. Space:

The Department has reviewed Okeelanta Power's February 28 letter requesting a modification to its permit to allow additional time for the simultaneous operation of Okeelanta's existing sugar mill boilers and your new cogeneration boilers at the facilities located near South Bay, Palm Beach County, Florida. This request is acceptable and your permit is hereby amended as follows:

SPECIFIC CONDITION FOR OKEELANTA POWER LIMITED PARTNERSHIP PERMIT

FROM:

17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively) may be retained for standby operation. During the period from initial firing until April 1, 1997, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1997, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing sugar mill boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

Mr. Dennis V. Space
Page Two
May 1, 1997

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the cogeneration facility provided its permit is amended to authorize standby use. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 1997, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler.

TO:

17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively) may be retained for standby operation. During the period from initial firing until April 1, 1998 all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1998 the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing sugar mill boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.
18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the sugar refinery and sugar mill in accordance with its existing permit. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 1998 this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Sincerely,



Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/wh/t

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF FINAL PERMIT MODIFICATION

In the Matter of an
Application for Permit Modification

Mr. Dennis V. Space, General Manager
Okeelanta Power Limited Partnership
Post Office Box 8
South Bay, Florida 33493

DEP File No.0990332-005-AC
PSD-FL-196C

Enclosed is a letter that amends Permit Number PSD-FL-197B. This letter modifies the construction permit for Okeelanta Power's cogeneration facility to allow additional time for concurrent operation of the Okeelanta sugar mill's existing boilers and the new cogeneration boilers while problems with the interconnections between the plants are being resolved. This permit amendment is issued pursuant to Section 403, Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; 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 of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.



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

CERTIFICATE OF SERVICE

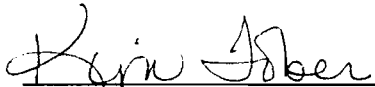
The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMIT MODIFICATION (including the FINAL permit modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 5-5-97 to the person(s) listed:

Dennis Space, Okeelanta Power L.P.*
David Knowles, SD
Isidore Goldman, SED
James Stormer, PBCHD

Brian Beals, EPA
John Bunyak, NPS
David Buff, Golder Associates
David Dee, Landers & Parsons

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


(Clerk)

5-5-97
(Date)

FINAL DETERMINATION

Okeelanta Power Limited Partnership

Modification of Permit No.AC50-219413/PSD-FL-196B
0990332-005-AC

An Intent to Issue an air construction permit modification for Okeelanta Power Limited Partnership's cogeneration facility located near South Bay in Palm Beach County was distributed on March 20, 1997.

The public notice for the modification (extend the time allowed for concurrent operation of the cogeneration facility's boilers and the adjacent sugar mill's boiler) was published in the Palm Beach Post on March 28, 1997. No comments were submitted in response to this notice.

The final action of the Department will be to issue the permit modification as proposed.

Fold at line over top of envelope to
the right of the return address

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front or the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Mr. Dennis Space, Gen. Trng.
Oceelanta Power, LP
PO Box 8
South Bay, FL
33493

4a. Article Number
P 265 659 203

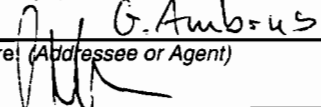
4b. Service Type

<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Certified
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured
<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> COD

7. Date of Delivery
5-8-97

5. Received By: (Print Name)
G. Ambous

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
X 

Thank you for using Return Receipt Service.

PS Form **3811**, December 1994 Domestic Return Receipt

P 265 659 203

US Postal Service
Receipt for Certified Mail

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

Sent to	
<i>Dennis Space</i>	
Street & Number	
<i>Oceelanta Power</i>	
Post Office, State, & ZIP Code	
<i>S. Bay FL</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL: Postage & Fees	\$
Postmark or Date	
<i>5-5-97</i>	
<i>0990332-005-AC</i>	
<i>PSD-FL-196C</i>	

PS Form 3800, April 1995

(DATE)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dennis V. Space, General Manager
Okeelanta Power Limited Partnership
Post Office Box 8
South Bay, Florida 33493

Dear Mr. Space:

Re: Amendment of Permit
AC 50-219413/PSD-FL-196

The Department has reviewed the letter dated February ____, 1997 from Okeelanta Power Limited Partnership and Okeelanta Power's request that the above-referenced permit be amended to allow additional time for the simultaneous operation of the boilers at Okeelanta Corporation's sugar mill and the new cogeneration boilers at the facilities located near South Bay, Palm Beach County, Florida. This request is acceptable and the referenced permit is amended as follows:

SPECIFIC CONDITIONS FOR OKEELANTA POWER LIMITED PARTNERSHIP .

FROM:

17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively), may be retained for standby operation. During the period from initial firing until April 1, 1997, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1997, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

Mr. Dennis V. Space
Page Two
February __, 1997

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the cogeneration facility provided its permit is amended to authorize standby use. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 1997, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler.

TO:

17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively), may be retained for standby operation. During the period from initial firing until April 1, 1998, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1998, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing **sugar mill** boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the **sugar refinery and sugar mill in accordance with its existing permit**. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 1998, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler.

Mr. Dennis V. Space
Page Three
February __, 1997

A copy of this letter shall be attached to the referenced permit and shall become a condition of that permit.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that all copies of this INTENT TO ISSUE PERMIT AMENDMENT were mailed by certified mail before the close of business on _____ to the listed persons.

Clerk Stamp

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

Clerk _____ Date _____

Attachment: Okeelanta Power's February __, 1997 letter

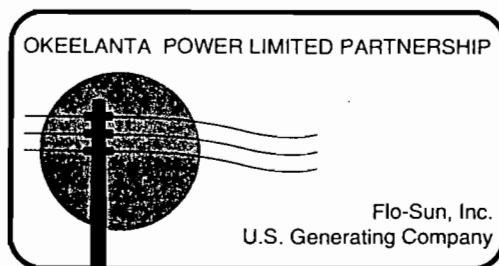
Copies furnished to:

David Knowles, SD
Isidore Goldman, SED
James Stormer, PBCHD
Jewell Harper, EPA
John Bunyak, NPS
David Buff, Golder
David Dee, Landers & Parsons

/vc:FLSN5

April 10, 1997

State of Florida
Palm Beach County Health Department
Air Pollution Control Section
901 Evernia Street
West Palm Beach, Florida 33402-0029



Attn: Ajaya K. Satyal
Environmental Manager

Re: Okeelanta Power Limited Partnership
AC50-219413/PSD-FL-196
Warning Notice AP-04-97

Dear Mr. Satyal:

On March 7, 1997 Okeelanta Power Limited Partnership (OPLP) met with members of the Palm Beach County Health Department and Florida Department of Environmental Protection to discuss Warning Notice AP-04-97 dated February 11, 1997. This Warning Notice identified possible violations of state and federal air pollution regulations specifically, excess emissions reports for opacity and carbon monoxide and source test reports for mercury emissions. OPLP has reviewed the Warning Notice and based on our discussion provides the following response:

Visible Emissions (Opacity)

Based on our internal investigation of the opacity exceedance that occurred on 01/16/97 Okeelanta Power has determined the event to be caused by equipment malfunction. Attached is a U.S. Generating Company memorandum dated 03/06/97 which explains the sequence of events leading up to the event and the probable cause of the exceedance.

In addition, Carmen Alexander (Bechtel Instrument Control Specialist) has implemented the following changes to the interface between the DCS and the Precipitator Controllers to improve the performance of this system:

1. The mode selection switches from the DCS have been changed to pulses. This will allow the mode to be changed locally, and not overwritten by the DCS.

2. A common read from the gateway will be used which will lower the overall traffic. There are a few bugs remaining which ABB is investigating. This is for data transfer only (not control).
3. The phasing for the processor has been changed to allow more transfers.
4. A faster gateway is going to be available in the near future. This will allow transmission of data at 19.2 KBaud instead of the present 4800 Baud.

Mercury Emissions

The emission compliance tests conducted in May 1996 and December 1996 have shown that boilers B and C are exceeding the permitted limit for mercury. Okeelanta Power conducted the December 1996 tests at three different carbon injection rates and was unable to meet the mercury limit of $.29 \times 10^{-6}$ lb/MMBtu.

As discussed in the meeting, Okeelanta Power will apply for a permit modification to revise the permitted limit for mercury emissions. Golder Associates is currently preparing the permit modification application which is scheduled for submittal to FDEP by April 25, 1997.

Carbon Monoxide Emissions

Boiler B exceeded the carbon monoxide (CO) emission limit of .35 lb/MMBtu on January 9, 10, and 14, 1997. The permit limit is based on an 8-hour rolling average. These exceedances were due to problems associated with the fuel feed system which includes broken flights in the fuel conveyor, plugging of fuel feeders, and fuel distribution.

Okeelanta Power has taken the following steps to improve the reliability of the fuel feed system. These improvements include:

1. Installation of a fuel re-injection chute (recycle system) which reduces fuel handling requirements by maintaining fuel in the system until accepted by the feeders. This modification will provide an evenly distributed fuel feed rate to the boilers. The re-injection chute logic is currently being tuned for optimum performance.
2. Installation of an overpile fuel reclaim system which will also assist in evenly distributing fuel to the boilers. Fuel staged at this system could be used during wet conditions to supply a drier quality fuel to the boilers. This system is presently being tested and tuned for optimum operation.

3. Increasing grate sizes in "A" boiler from 3/16" to 1/4" to minimize debris piling on the grate. Evaluation of this modification is ongoing.
4. Preliminary tuning of the new bagasse feed system has been completed which has also provided positive additions to the wood combustion logic.

Okeelanta Power is also preparing a modification to the air permit which will request a revision of the averaging period for CO. A longer averaging period would allow for fluctuations in fuel quality (and therefore CO emissions) to occur on a short-term basis. This modification request is scheduled for submittal to FDEP by April 25, 1997.

I trust the above information will satisfy your concerns and should you have any questions or require additional information please contact me at (561) 993-1003.

Sincerely,



James M. Meriwether
Environmental Manager

cc: David Knowles - FDEP/South District
Jim Pennington - FDEP DARM/Tallahassee
Al Linero - FDEP DARM/Tallahassee
D. Space - OPLP
G. Cepero - OC
J. Ketterling - USOSC
M. Golden - USGen
D. Dee - Landers & Parsons
D. Buff - Golder Associates

RECEIVED

APR 18 1997

BUREAU OF
AIR REGULATION

U.S. Generating Company

Memorandum

To: James Meriwether
Date: March 6, 1997
Subject: Opacity Exceedance -- January 16, 1997
From: Jerome Ketterling
Copies: M Golden, Steve Pileski, B. Zarbo, D. Space, B. Stevens
File: 528

On January 16, 1997, the attached fax notification was provided to Palm Beach County (PBC) reporting opacity excess emissions. A follow up investigation has been conducted and we have determined that the cause of the emission was not as reported to PBC. A summary of the chain of events leading to the excess emission and based on operator reports is provided below.

Date	Time	Action/Event
1/15/97	2015	The CRO was in the process of starting up Boiler A and experienced difficulty starting A - ESP from the DCS. The CRO notified the DCS Specialist (Carmen) of the problem. The CRO sent an operator to the MCC (local cabinet) to manually reset the equipment. The ESP was placed into Startup mode at that time. Once ESP was in startup mode, A Boiler was brought up on oil.
1/16/97	0450	Wood Fuel feed commenced.
1/16/97	0454	A high opacity alarm occurred. CRO attempted to place the ESP in Normal mode from DCS and again experienced difficulty. The CRO showed a PPO how to place ESP in Service using the RTU in the control room. The CRO placed the ESP in normal Mode 3 at that time and the high opacity problem cleared. The CRO correctly coded the Opacity alarm "01" for Startup. Boiler startup continued without incident.
1/16/97	0700	Shift Change occurred.
1/16/97	1040	Opacity alarms for boiler A. The CRO checked the screen for the ESP and determined that ESP was in Startup mode.

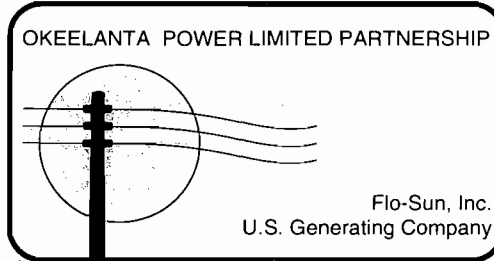
1/16/97 1100 Other problems with Boiler A occur: A feeder goes out of service, clinker on the grate.
1/16/97 1348 "A" feeder was placed back in service.

From the chronology above, a question is raised how did the ESP get back in startup mode after being placed in Normal Mode at approximately 5 am? Further discussions with the DCS Specialist have lead us to the conclusion that an equipment malfunction occurred. The information highway between the ESP and the DCS bases through the MCC. Equipment supplied by the ESP vendor communicates at a different speed than the DCS. Occasionally this results in the gateway locking up which sometimes requires it to be reset. The DCS specialist has reported during this investigation that he reset the system on the date in question. Sometimes the rate difference results in ESP state of operation being missed by the DCS. If this occurs the DCS will query system status and return systems to the last known operating state. DCS is the main control system.

We believe this is what occurred on 1/16/97. The DCS performed an update and thought the ESP should be in startup mode based on the last known status. At the time the opacity exceedence occurred, DCS automatically reset the ESP status to Startup mode which is not adequate to consistently control particulate emissions during normal operations. The operator was dealing with other alarms on this boiler concurrently and did not initially address the opacity alarm. We have made adjustments in the DCS software to minimize these communication problems.

March 7, 1997

State of Florida
Department of Environmental Protection
Twin Tower Office Building
Bureau of Air Regulation
2600 Blair Stone Road, MS #5505
Tallahassee, Florida 32399-2400



RECEIVED
APR 09 1997
BUREAU OF
AIR REGULATION

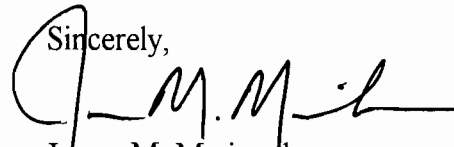
Attn: Mr. A.A. Linero, P.E.
Administrator
New Source Review Section

Re: Okeelanta Power Limited Partnership
Draft Permit Modification No. 0990332-005-AC,
PSD-FL-196C

Dear Mr. Linero:

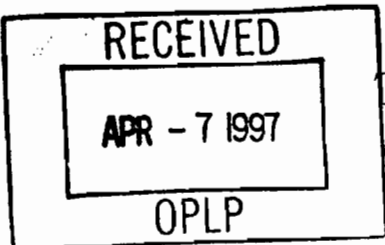
The "Public Notice of Intent to Issue Air Construction Permit Modification" (Draft Permit Modification No. 0990332-005-AC, PSD-FL-196C) was published in The Palm Beach Post on March 28, 1997. This modification would allow for simultaneous operation of the cogeneration plant boilers and sugar mill boilers until April 1, 1998. Please find enclosed the "Proof of Publication" from that newspaper.

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

Sincerely,

James M. Meriwether
Environmental Manager

cc: (w/o enclosure)
D. Space
G. Cepero
R. Lima
J. Ketterling
D. Dee
B. Tarr
M. Golden
D. Buff

CC: EPA
NPS
SD
Palm Bch Co.
W. Hanks, BAR



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

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Chris Bull
who on oath says that she/he is Class Adv Mgr of The Palm Beach Post.
a daily and Sunday newspaper published at West Palm Beach in Palm Beach County,
Florida; that the attached copy of advertising, being a Notice
in the matter of of intent
in the Court, was published in said newspaper in
the issues of march 28, 1997

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.

Handwritten signature of Chris Bull

Sworn to and subscribed before me this 31 day of March A.D. 19 97

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

Handwritten signature of Karen M. McLinton, Notary Public

Personally known XX or Produced Identification
Type of Identification Produced

NO. 266228
PUBLIC NOTICE OF INTENT
TO ISSUE AIR CONSTRUCTION
PERMIT MODIFICATION
STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION
DRAFT Permit Modification
No. 0990332-005-AC, PSD-FL-
198C
Okeelanta Power
Limited Partnership
Palm Beach County
The Department of Environ-
mental Protection (Depart-
ment) gives notice of its intent
to issue an air construction
permit modification to Okeel-
anta Power Limited Partne-
rship for the congeneration
plant located near South Bay,
Palm Beach County, A Best
Available Control Technology
(BACT) determination was not
required for this modification
pursuant to Rule 62-212.400,
F.A.C. and 40 CFR 52.21, Pre-
vention of Significant Deterio-
ration(PSD). The modification
will not result in an increase in
allowable emissions from the
facility, and will not cause a
violation of any state or feder-
al ambient air quality stand-
ards or increments. The ap-
plicant's name and address
are: Okeelanta Power Limited
Partnership, P.O. Box 8, South
Bay, FL 33493.
The modification will allow an
additional year for concurrent
operation of the Okeelanta
sugar mill's existing boilers
and the new congeneration
boilers while problems with
the interconnections between
the two plants are being re-
solved.
The Department will issue the
FINAL Permit Modification, in
accordance with the condi-
tions of the DRAFT Permit
Modification unless a re-
sponse received in accor-
dance with the following pro-
cedures results in a different
decision or significant change
of terms or conditions.
The Department will accept
written comments concerning
the proposed DRAFT Permit
Modification issuance action
for a period of 30 (thirty) days
from the date of publication of
this Notice. Any written com-
ments should be provided to
the Department's Bureau of
Air Regulation, 2600 Blair
Stone Road, Mail Station
#5505, Tallahassee, Florida
32399-2400. Any written com-
ments filed shall be made
available for public inspection.
If written comments received
result in a significant change
in this Draft Permit Modifica-
tion, the Department shall is-
sue a Revised DRAFT Permit
Modification and require, if ap-
plicable, another Public No-
tice.
The Department will issue Fi-
NAL Permit Modification with
the conditions of the DRAFT
Permit Modification unless a
timely petition for an adminis-
trative hearing is filed pursu-
ant to Sections 120.569 and
120.57 F.S. or a party requests
mediation as an alternative
remedy under Section
120.573 before the deadline
for filing a petition. Choosing
mediation will not adversely
affect the right to a hearing if
mediation does not result in a
settlement. The procedures
for petitioning for a hearing
are set forth below, followed
by the procedures for request-
ing mediation.
A person whose substantial in-
terests are affected by the De-
partment's proposed permit-
ting decision may petition for
an administrative hearing in
accordance with Sections
120.569 and 120.57 F.S. The
petition must contain the in-
formation set forth below and
must be filed (received) in the
Office of General Counsel of
the Department, 3900 Com-
monwealth Boulevard, Mail
Station #35, Tallahassee,
Florida 32399-3000, tele-
phone: 904.488-9370,
fax:904/487-4938. Petitions
must be filed within fourteen
days of publication of the pub-
lic notice or within fourteen
days of receipt of this notice
of intent, whichever occurs
first. A petitioner must mail a

196C

copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number

of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection

Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301

Telephone: 904/488-1344

Division of Environmental Science and Engineering

Palm Beach County Health Unit

901 Evernia Street
West Palm Beach, Florida

33401

Telephone: 561/355-3070

Department of Environmental Protection South Florida District

2295 Victoria Avenue, Suite

364

Fort Myers, Florida 33901

Telephone: 813/332-6975

Department of Environmental Protection

Southeast District

400 N. Congress Avenue
Reception 2nd Floor

West Palm Beach, Florida

33416

Telephone: 561/681-6600

The complete project file includes the Draft Permit Modification, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S.

Interested persons may contact the Administrator, New Resource Review Section at

111 South Magnolia Drive,
Suite 4, Tallahassee, Florida

32301, or call 904/488-1344,
for additional information.

PUB: The Palm Beach Post

March 28, 1997



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

March 20, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dennis V. Space
General Manager
Okeelanta Power Limited Partnership
Post Office Box 8
South Bay, Florida 33493

Re: DRAFT Permit Modification No. 0990332-005-AC, PSD-FL-196C
Okeelanta Power Cogeneration Facility

Dear Mr. Space:

Enclosed is one copy of the Draft Air Construction Permit Modification for the Okeelanta Power cogeneration facility located near South Bay in Palm Beach County. The Department's Intent to Issue Air Construction Permit Modification and the "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" must be published within 30 (thirty) days of receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification.

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 Willard Hanks or Mr. Linero at 904/488-1344.

Sincerely,

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

CHF/wh/t

Enclosures

Is your RETURN ADDRESS completed on the reverse side.

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Dennis Space, Gen. Mgr. Okelanta Power, LP P.O. Box 8 South Bay, FL 33493		4a. Article Number P 265 659 137	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery 3/24/97	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X Cizella Ambros			

PS Form 3811, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 265 659 137

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Service	Dennis Space
Street & Number	Okelanta Power, LP
Post Office, State, & ZIP Code	South Bay, FL
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	3-20-97

0990332-005-AC
 P50-FI-196C

PS Form 3800, April 1995

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit Modification No. 0990332-005-AC, PSD-FL-196C
Okeelanta Power Limited Partnership
Palm Beach County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Okeelanta Power Limited Partnership for the cogeneration plant located near South Bay, Palm Beach County. A Best Available Control Technology (BACT) determination was not required for this modification pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The modification will not result in an increase in allowable emissions from the facility, and will not cause a violation of any state or federal ambient air quality standards or increments. The applicant's name and address are: Okeelanta Power Limited Partnership, P. O. Box 8, South Bay, FL 33493.

The modification will allow an additional year for concurrent operation of the Okeelanta sugar mill's existing boilers and the new cogeneration boilers while problems with the interconnections between the two plants are being resolved.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the DRAFT Permit Modification 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 DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Any written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Modification with the conditions of the DRAFT Permit Modification unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

Okeelanta Power, L.P.
Public Notice
Page 2

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 904/488-1344

Division of Environmental Science
and Engineering
Palm Beach County Health Unit
901 Evernia Street
West Palm Beach, Florida 33401
Telephone: 561/355-3070

Department of Environmental Protection
South Florida District
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33901
Telephone: 813/332-6975

Department of Environmental Protection
Southeast District
400 N. Congress Avenue
Reception 2nd Floor
West Palm Beach, Florida 33416
Telephone: 561/681-6600

The complete project file includes the Draft Permit Modification, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.

In the Matter of an
Application for Permit Modification by:

Okeelanta Power Limited Partnership
Post Office Box 8
South Bay, Florida 33493

DEP File Nos. 0990332-005-AC, PSD-FL-196C
Okeelanta Power Cogeneration Facility
Palm Beach County

INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification (copy of DRAFT Permit modification attached) for the proposed project, as detailed in the application specified above, for the reasons stated below.

The applicant, Okeelanta Power Limited Partnership applied on February 28, 1997, to the Department for an air construction permit modification for its Okeelanta Power Cogeneration Facility located near South Bay in Palm Beach County. The modification will allow additional time for the concurrent operation of the cogeneration's boilers and Okeelanta's sugar mill boilers while problems with the connections between the two plants are being resolved.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit modification is required to commence or continue operations at the facility in the manner described.

The Department intends to issue this air construction permit modification 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 62-103.150, 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 MODIFICATION". The notice shall be published one time only within 30 (thirty) days in the legal advertisement section of a newspaper of general circulation in the area affected. 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. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 904/488-1344; Fax 904/ 922-6979) within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification pursuant to Rule 62-103.150 (6), F.A.C.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the enclosed DRAFT Permit Modification 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 DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION." Any written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue the permit modification with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S., or a party requests mediation as an alternative remedy under Section 120.573 F.S. before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9730, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

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The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs

and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

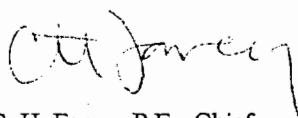
In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal 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

DRAFT

April XX, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dennis V. Space, General Manager
Okeelanta Power Limited Partnership
Post Office Box 8
South Bay, Florida 33493

Re: FINAL Permit Modification No. 0990332-005-AC
PSD-FL-196C

Dear Mr. Space:

The Department has reviewed Okeelanta Power's February 28 letter requesting a modification to its permit to allow additional time for the simultaneous operation of Okeelanta's existing sugar mill boilers and your new cogeneration boilers at the facilities located near South Bay, Palm Beach County, Florida. This request is acceptable and your permit is hereby amended as follows:

SPECIFIC CONDITION FOR OKEELANTA POWER LIMITED PARTNERSHIP PERMIT

FROM:

17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively) may be retained for standby operation. During the period from initial firing until April 1, 1997, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1997, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing sugar mill boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

DRAFT

Mr. Dennis V. Space
Page Two
April XX, 1997

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the cogeneration facility provided its permit is amended to authorize standby use. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 1997, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler.

TO:

17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively) may be retained for standby operation. During the period from initial firing until April 1, 1998, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1998, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing sugar mill boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the sugar refinery and sugar mill in accordance with its existing permit. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 1998, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Sincerely,

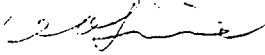
Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/wh/t

Memorandum

Florida Department of Environmental Protection

TO: Clair Fancy

THRU: Al Linero  3/19

FROM: Willard Hanks

DATE: March 19, 1997

SUBJECT: Osceola and Okeelanta Power L.P.
Amendments of Permits

Attached are letters modifying the construction permits for the referenced facilities. The modifications allow an addition year of concurrent operation of the sugar mill boilers and cogeneration boilers while connection problems between the associated facilities are being resolved.

I recommend your approval and signature.

Attachment

WH/t



March 6, 1997

RECEIVED
MAR 11 1997
BUREAU OF
AIR REGULATION

Willard Hanks, Project Engineer
New Source Review Section
Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

**Re: Okeelanta Power Limited Partnership
AC50-219413 / PSD-FL-196
Request to Extend Deadline for Simultaneous Operation of Sugar Mill and Cogeneration Boilers
From April 1, 1997 to April 1, 1998**

Dear Mr. Hanks:

We appreciate your update on the proposed air permit amendment regarding the above referenced request. Okeelanta Power has requested this extension because the current sugarcane crop season has ended and time is needed to de-bug problems with the biomass feed/handling system as well as the process steam connection to the sugar mill. During simultaneous operation, Okeelanta Power will continue to fire *only* biomass and No. 2 fuel oil. The facility must comply with all other provisions of the current air pollution permit. The special exception for county zoning approval (Petition No. 92-13) states:

K. 10. *"The existing boiler facilities shall be abandoned within three (3) years of commercial startup of the cogeneration facility and no later than January 1, 1989. The existing boilers and new facilities shall not be operated at the same time." (MONITORING/CODE ENFORCEMENT)*

It does not appear that the proposed request will conflict with this condition. The Air Pollution Control Section has no objection to this request. If you have any questions, please contact me at the numbers below.

Sincerely,

For the Division Director
Environmental Health and Engineering

Jeffery F. Koerner, PE
Air Pollution Control Section
Phone: (407) 355-4549 SunCom: 273-4549
FAX: (407) 355-2442

cc: L. Martin Hodgkins, Sr. Director
Zoning Division
Palm Beach County Planning, Zoning, & Building
100 Australian Avenue
West Palm Beach, FL 33406

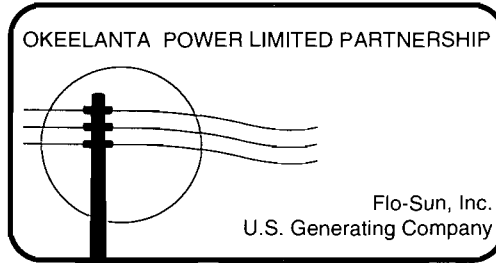
cc: W. Hanks, BAK

Ed Walker, Plan Review Section
Palm Beach County Health Department

Filename: OKE_EXT.LTR

0990332-005-AC

PSD-FL-196 c7



RECEIVED

MAR 6 1997

**BUREAU OF
AIR REGULATION**

March 3, 1997

State of Florida
Department of Environmental Protection
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399

Attn: Mr. Clair Fancy, P.E.

Re: Okeelanta Power Limited Partnership
AC 50-219413; PSD-FL-196

Dear Mr. Fancy:

Enclosed is an attachment to the February 28, 1997 letter from Okeelanta Power requesting an amendment for simultaneous operation of the cogeneration boilers and the sugar mill boilers. The attachment was inadvertently omitted from the original submittal.

Sincerely,

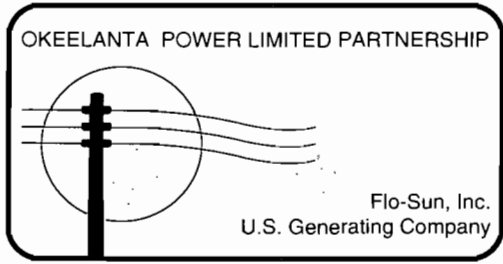
A handwritten signature in black ink, appearing to read "J.M. Meriwether".

James M. Meriwether
Environmental Manager

0990332-005-AC

PSD-FL-196

2222



February 28, 1997

Mr. Clair Fancy, P.E.
 Department of Environmental
 Protection
 Bureau of Air Regulation
 2600 Blair Stone Road
 Twin Towers Office Building
 Tallahassee, Florida 32399

RECEIVED
 MAR 7 1997
 BUREAU OF
 AIR REGULATION

Re: Okeelanta Power Limited Partnership
AC 50-219413; PSD-FL-196

Dear Mr. Fancy:

As you know, the Florida Department of Environmental Protection ("DEP") issued a permit (AC 50-219413; PSD-FL-196) to the Okeelanta Power Limited Partnership ("Okeelanta Power") for the construction of a cogeneration facility that will replace the boilers used at an adjacent sugar mill owned and operated by Okeelanta Corporation ("the sugar mill"). On June 14, 1996, DEP issued a permit amendment that authorizes the simultaneous operation of the cogeneration facility and the sugar mill boilers until April 1, 1997, while Okeelanta Power connects, tests, and debugs the interconnected operation of the two facilities.

Although the cogeneration facility was in commercial operation in 1996, it appears that Okeelanta Power will not have enough time to perfect the combined operation of the two facilities by April 1, 1997. Okeelanta Power now needs an extension of time for the simultaneous operation of the cogeneration facility and the sugar mill boilers. On behalf of Okeelanta Power, I respectfully request DEP to approve an amendment to the construction permit for the cogeneration facility and thereby extend the time for simultaneous operations.

The reasons for this request are set forth in more detail in the following paragraphs.

RECEIVED
 MAIL ROOM
 MAR-3 97

Requirements in DEP Construction Permit

The PSD construction permit for Okeelanta Power expressly addresses the simultaneous operation of the boilers at the cogeneration facility and the boilers at the sugar mill. Specific Condition 17 provides that the sugar mill boilers (Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15) may be retained for standby operations during the first three years of commercial cogeneration facility operation. As amended on June 14, 1996, Specific Condition 17 provides that:

1. Simultaneous operations are authorized until April 1, 1997.
2. After April 1, 1997, the cogeneration boilers may be operated only when the sugar mill boilers are shutdown or in the process of immediately shutting down.
3. Only biomass and No. 2 fuel oil may be used as fuel in the cogeneration facility during times of simultaneous operations.
4. During simultaneous operations, all of the boilers must comply with all of the conditions in their permits.

The PSD permit for the cogeneration facility states that the sugar mill boilers (Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15) must be permanently shutdown no later than January 1, 1999.

Specific Condition 18 provides that Boiler No. 16 may be retained as a standby boiler "for the cogeneration facility."¹ Boiler No. 16 may be used during startup, debugging, and testing of the cogeneration facility. After April 1, 1997, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown.

¹ Please note that this provision in the permit should be corrected. Boiler No. 16 currently serves the sugar refinery and serves as a standby boiler for the sugar mill. After the sugar mill boilers are rendered inoperable (i.e., no later than January 1, 1999), Boiler No. 16 will be retained as a standby boiler for the refinery.

Operations at Cogeneration Facility

In addition to providing electricity to Florida Power & Light Company, the cogeneration facility is designed to provide steam to the sugar mill. The Okeelanta Power cogeneration facility initially fired fuel oil for a few days in October 1995. Wood waste fuel was first fired in November 1995. From November 1995 until early February 1996, during startup conditions, the cogeneration facility was operated separately while debugging and testing was conducted. During the 1995-1996 harvest season, there was not enough time to debug the cogeneration facility and test interconnected operations with the sugar mill. In part of February and early March 1996, Okeelanta Power attempted interconnected operations with the sugar mill, but these efforts were unsuccessful. The sugar mill shutdown on March 3, 1996, upon completion of the harvest, and thus eliminated the possibility of additional tests until the next harvest season.

On April 17, 1996, Okeelanta Power submitted a request to DEP for a permit modification, which would extend the time for simultaneous operations and thus extend the time for debugging the interconnected operations of the cogeneration facility and sugar mill.

In its submittal to DEP, Okeelanta Power explained that Okeelanta Power was trying to determine whether certain physical components of the facility needed to be changed or improved. Okeelanta Power's letter also noted that:

Okeelanta Power cannot predict how quickly all of these technical problems can be resolved. It is estimated that, during the next crop season, 25 to 30 connection trials may be needed to test and increase the reliability of the complete cogen-sugar mill system that will replace the existing sugar mill boiler operation. Okeelanta Power hopes to start and conclude these tests as expeditiously as possible, but cannot predict when those tests will be conducted during the Okeelanta crop season or how long they will take.

The permit amendment for simultaneous operation was approved on June 14, 1996.

Before and after the issuance of the permit amendment, Okeelanta Power worked diligently on the interconnection aspects of the cogeneration facility. Okeelanta Power asked Bechtel

Power Corporation (the project engineer) and other experts to evaluate the key components of the cogeneration facility. Based on their recommendations, several significant interconnection changes were made to the cogeneration facility after the 1995-1996 harvest season. Among other things, a new bagasse feed system was installed.

Okeelanta Power's ability to test interconnected operations on bagasse has been affected by the seasonality of the sugar mill operations, the long lead time associated with the installation of the new bagasse feed system, and other operational and technical considerations. To date the cogeneration facility has connected to the sugar mill for partial operations (i.e., approximately 40% of the projected steam and bagasse transfer) on several occasions. It is anticipated that the cogeneration facility will have additional connections with the sugar mill, including a full interconnection, before the end of the current harvest season. However, the remaining days in the current harvest season are very limited. Okeelanta Power will not be able to conduct an adequate number (i.e., 25 to 30) of trial operations before the end of the 1996-1997 harvest season. After the harvest ends, the sugar mill will shutdown and Okeelanta Power will be unable to test interconnected operations until the 1997-1998 harvest season. Thus, although the facility has reached commercial operation for electricity production, the facility needs additional time for interconnection work with the sugar mill.

Okeelanta Power's Request for a Permit Amendment

Given the limited opportunities for testing during the remainder of the current harvest season, and given the April 1st deadline for the cessation of simultaneous operations, Okeelanta Power believes it is necessary and prudent to request an extension of time from DEP for simultaneous operation. Okeelanta Power needs more time to test and debug the interconnected operation of the cogeneration facility and the sugar mill.

Although Okeelanta Power needs an extension to conduct simultaneous operations for an additional harvest season, Okeelanta Power has very significant financial incentives to cease simultaneous operations as soon as possible. Okeelanta Power needs the bagasse that currently is being used as fuel in the sugar mill. When the bagasse is used in the sugar mill boilers, the cogeneration facility must procure wood waste fuels to replace the bagasse.

Nonetheless, as noted in Okeelanta Power's submittal to DEP on April 17, 1996, Okeelanta Power cannot predict accurately how long it will take to connect, test, and debug the systems that are used during interconnected operations. The testing and debugging process involves some uncertainties. These uncertainties compel Okeelanta Power to maintain some flexibility in its operations, including the flexibility to conduct simultaneous operations, as needed, during the upcoming harvest season. For these reasons, and in light of all of the facts set forth above, Okeelanta Power respectfully requests DEP to amend Okeelanta Power's permit: (a) to allow simultaneous operation of the cogeneration facility and Boiler Nos. 4, 5, 6, 10, 11, 12, 14, 15, and 16 through the next crop season (i.e., April 1, 1998); and (b) to correct Specific Condition 18 to show that Boiler No. 16 is a standby boiler for the sugar refinery and sugar mill.

During times of simultaneous operation, Okeelanta Power will continue to comply with all applicable provisions of its current construction permit. The cogeneration facility will use only biomass fuel or No. 2 fuel oil during simultaneous operations.

Ambient Air Quality Impacts

The air quality impacts associated with the simultaneous operation of the cogeneration facility and the sugar mill were described in the permit application for the construction permit. Those impacts are the same as previously described in the permit application. The simultaneous operation of the cogeneration facility and sugar mill will not cause or contribute to a violation of any ambient air quality standards or PSD increments. This request for a permit amendment only extends the time when such impacts potentially may occur.

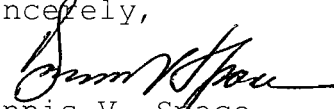
Conclusion

Okeelanta Power would greatly appreciate DEP's prompt consideration of this request for a permit amendment.

Okeelanta Power has enclosed a check in the amount of \$250. to pay the DEP fee for a permit amendment.

Please call me or Mr. David Buff (phone no. 352-336-5600) if you have any questions about this request for a permit amendment.

Sincerely,



Dennis V. Space
General Manager

cc: David Knowles--DEP Ft. Myers
James Stormer--HRS PBC
Willard Hanks--DEP Tallahassee
James Meriwether--OPLP
Ricardo Lima--OC
David S. Dee--Landers & Parsons
David Buff--Golder & Associates

C:\WPDOCS\OKEE9

cc: EPA
NPS

K. Anderson, DEP

0990332-004

1968

(Date)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dennis V. Space, General Manager
Okeelanta Power Limited Partnership
Post Office Box 8
South Bay, Florida 33493

Dear Mr. Space:

Re: Amendment of Permit
AC 50-219413/PSD-FL-196

The Department has reviewed the letter dated February ____, 1997 from Okeelanta Power Limited Partnership and Okeelanta Power's request that the above-referenced permit be amended to allow additional time for the simultaneous operation of the boilers at Okeelanta Corporation's sugar mill and the new cogeneration boilers at the facilities located near South Bay, Palm Beach County, Florida. This request is acceptable and the referenced permit is amended as follows:

SPECIFIC CONDITIONS FOR OKEELANTA POWER LIMITED PARTNERSHIP

FROM:

17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively), may be retained for standby operation. During the period from initial firing until April 1, 1997, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1997, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

Mr. Dennis V. Space
Page Two
February __, 1997

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the cogeneration facility provided its permit is amended to authorize standby use. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 1997, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler.

TO:

17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively), may be retained for standby operation. During the period from initial firing until April 1, 1998, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1998, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing **sugar mill** boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the **sugar refinery and sugar mill in accordance with its existing permit**. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 1998, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler.

Mr. Dennis V. Space
Page Three
February __, 1997

A copy of this letter shall be attached to the referenced permit and shall become a condition of that permit.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION .

Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that all copies of this INTENT TO ISSUE PERMIT AMENDMENT were mailed by certified mail before the close of business on _____ to the listed persons.

Clerk Stamp

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

Clerk _____ Date _____

Attachment: Okeelanta Power's February __, 1997 letter

Copies furnished to:

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

David Buff, Golder
David Dee, Landers & Parsons

/vc:FLSN5

Fold at line over top of envelope to the right of the return address

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Mr. Dennis Space, Gen. Trgs.
Okeelanta Power, LP
P O Box 8
South Bay, FL
33493

4a. Article Number
P 265 659 203

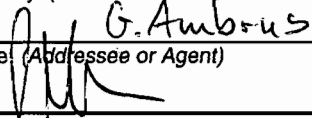
4b. Service Type

<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Certified
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured
<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> COD

7. Date of Delivery
5-8-97

5. Received By: (Print Name)
G. Ambros

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)
X 

PS Form 3811, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

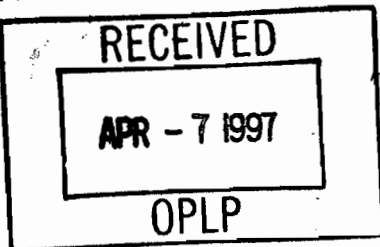
Batch
 7/14/01
~~3:27:55 PM~~
 3:40:20 PM

P 265 659 203

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to <i>Dennis Space</i>	
Street & Number <i>Okeelanta Power</i>	
Post Office, State, & ZIP Code <i>S. Bay FL</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>5-5-97</i>	
<i>0990332-005-AC</i>	
<i>PSD-FL-196C</i>	

PS Form 3800, April 1995



THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

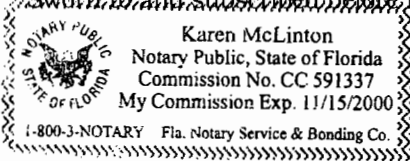
STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Chris Bull
who on oath says that she/he is Class Adv Mgr of The Palm Beach Post,
a daily and Sunday newspaper published at West Palm Beach in Palm Beach County,
Florida; that the attached copy of advertising, being a Notice
in the matter of of intent
in the Court, was published in said newspaper in
the issues of march 28, 1997

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.

Handwritten signature of Chris Bull

Sworn to and subscribed before me this 31 day of March A.D. 19 97



Handwritten signature of Karen M. McLinton, Notary Public

Personally known XX or Produced Identification
Type of Identification Produced

NO. 266228
PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRAFT Permit Modification No. 0990332-005-AC, PSD-FL-196C
Okeelanta Power Limited Partnership Palm Beach County
The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Okeelanta Power Limited Partnership for the congeneration plant located near South Bay, Palm Beach County, A Best Available Control Technology (BACT) determination was not required for this modification pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The modification will not result in an increase in allowable emissions from the facility, and will not cause a violation of any state or federal ambient air quality standards or increments. The applicant's name and address are: Okeelanta Power Limited Partnership, P.O. Box 8, South Bay, FL 33493.
The modification will allow an additional year for concurrent operation of the Okeelanta sugar mill's existing boilers and the new congeneration boilers while problems with the interconnections between the two plants are being resolved.
The Department will issue the FINAL Permit Modification, in accordance with the conditions of the DRAFT Permit Modification 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 DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Any written comments should be provided to the Department's Bureau of Air Regulation, 2800 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.
The Department will issue FINAL Permit Modification with the conditions of the DRAFT Permit Modification unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.
A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904.488-9370, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a

copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number

of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection

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

Division of Environmental Science and Engineering
Palm Beach County - Health Unit

901 Evernia Street
West Palm Beach, Florida
33401

Telephone: 561/355-3070

Department of Environmental Protection South Florida District
2295 Victoria Avenue, Suite
364

Fort Myers, Florida 33901
Telephone: 613/332-6975

Department of Environmental Protection
Southeast District

400 N. Congress Avenue
Reception 2nd Floor
West Palm Beach, Florida
33416

Telephone: 561/681-6600

The complete project file includes the Draft Permit Modification, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information. PUB: The Palm Beach Post March 28, 1997

Is your RETURN ADDRESS completed on the reverse side.

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Dennis Space, Gen. Mgr. Okelanta Power, LP P.O. Box 8 South Bay, FL 33493		4a. Article Number P 265 659 137	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery 3/24/97	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X Gizella Ambros			

PS Form 3811, December 1994 Domestic Return Receipt

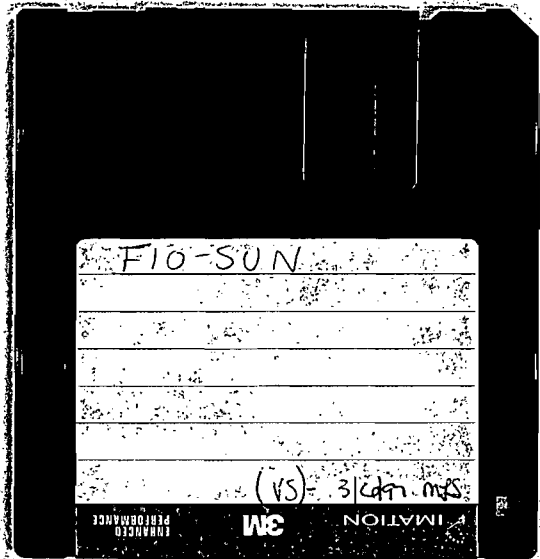
Thank you for using Return Receipt Service.

P 265 659 137

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Serv. to: Dennis Space	
Street & Number: Okelanta Power, LP	
Post Office, State, & ZIP Code: South Bay, FL	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date: 3-20-97 0990332-005-AC P50-FI-196C	

PS Form 3800 April 1995



F10-SUN

(VS) = 3147.045

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PERFORMANCE

3M

IMATION

1.44

OKEELANTA POWER LTD. PARTNERSHIP

Florida Department of Environmental Protection

DATE	INVOICE NO.	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
2/28/97	AC 50-219413;	PSD-FL-196	\$250.00		\$250.00
CHECK DATE	CHECK NUMBER	TOTALS			
2/28/97	5347		\$250.00		\$250.00

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS