Memorandum

Florida Department of Environmental Protection

TO: Michael G. Cooke, Division of Air Resources Management

THROUGH: Trina Vielhauer, Bureau of Air Regulation

FROM: Jeff Koerner, BAR - Permitting North

DATE: May 31, 2005

SUBJECT: Project No. 0990332-017-AC
Final Air Permit No. PSD-FL-196(P)
New Hope Power Partnership - Okeelanta Cogeneration Plant
Increased Electrical Production, Power Plant Site Certification

The Okeelanta Cogeneration Plant consists of three cogeneration boilers firing a blend of bagasse and wood as the primary fuel to produce steam for the adjacent sugar mill and 74.9 MW of electricity for sale to the power grid. Natural gas and distillate oil are fired as restricted startup and supplemental fuels. The existing plant is a PSD-major facility originally constructed pursuant to a PSD preconstruction review permit issued in 1993.

On September 3, 2004, New Hope Power Partnership submitted an application to add a nominal 65 MW steam turbine electrical generator for a total of approximately 140 MW of steam-generated electricity. The project requires a modification of the PSD permit to authorize the requested construction and remove the previous limitation on electrical power production. In addition, upon completion of the project, the cogeneration plant will have a nominal steam-generated electrical capacity greater than 75 MW. Therefore, the project subjects the facility to the power plant site certification requirements of the Department.

On December 20, 2004, we issued a draft permit authorizing the requested modification. The applicant published the Public Notice in the January 5, 2005 edition of the Palm Beach Post. We received the proof of publication on January 18, 2005. Only minor changes were made to the draft permit based on the applicant's comments. No petitions for administrative hearings or extensions of time to petition for an administrative hearing were filed. The power plant site certification hearing was held in Tallahassee on May 17, 2005. The final recommended order was issued on May 27, 2005. I recommend your approval of the attached Final Permit for this project.

Attachments

FINAL DETERMINATION

PERMITTEE

New Hope Power Partnership
Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, FL 33493

PERMITTING AUTHORITY

Florida Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation
New Source Review Section
2600 Blair Stone Road, MS #5505
Tallahassee, Florida, 32399-2400

PROJECT

Project No. 0990332-017-AC
Air Permit No. PSD-FL-196(P)

This permit authorizes the construction of a 65 MW electrical generator and mechanical draft cooling tower at the existing Okeelanta Cogeneration Plant, which is located off U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida.

NOTICE, PUBLICATION AND COMMENTS

The Department distributed an "Intent to Issue Permit" package on December 20, 2004. The applicant published the "Public Notice of Intent to Issue" in The Palm Beach Post on January 5, 2005. The Department received the proof of publication on January 18, 2005. No petitions for administrative hearings or extensions of time to petition for an administrative hearing were filed. The applicant provided comments on the draft permit, which resulted in only minor changes and corrections as detailed in the Interim Determination submitted to the Department's Siting Office.

SITING HEARING

The power plant site certification hearing was held in Tallahassee on May 17, 2005. The final recommended order from the Governor and Cabinet was issued on May 27, 2005. No comments or changes were recommended on the draft permit.

CONCLUSION

The Department will issue the Final Permit for this project.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF FINAL PERMIT

In the Matter of an
Application for Permit by:

New Hope Power Partnership
Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, FL 33493

Authorized Representative:
Mr. Rodney Williams, Plant Manager

Project No. 0990332-017-AC
Air Permit No. PSD-FL-196(P)
Okeelanta Cogeneration Plant
New 65 MW Electrical Generator
Palm Beach County, Florida

Enclosed is Final Air Permit No. PSD-FL-196(P), which authorizes the construction of a new 65 MW electrical generator and a cooling tower. The new equipment will be installed at the existing Okeelanta Cogeneration Plant, which is located off U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida. As noted in the attached Final Determination, only minor changes and clarifications were made.

This permit is issued pursuant to Chapter 403, Florida Statutes. Any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000) and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty (30) days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Trina L Vielhauer

Trina Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit (including the Final permit) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 6/6/05 to the persons listed:

Mr. Rodney Williams, New Hope Power*
Mr. James Meriwether, New Hope Power
Mr. David Buff, Golder Associates Inc.
Mr. David Dee, Landers & Parsons
Mr. James Stormer, PBCHD
Mr. Ron Blackburn, SD Office
Mr. Gregg Worley, EPA Region 4 Office
Mr. John Bunyak, NPS

Clerk Stamp

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

Mary F. Harrop — (Clerk)

6/6/05 — (Date)

Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

PERMITTEE

New Hope Power Partnership
Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, FL 33493

Authorized Representative:
Mr. Rodney Williams, Plant Manager

Air Permit No. PSD-FL-196(P)
Project No. 0990332-017-AC
PPSC No. PA 04-46
Okeelanta Cogeneration Plant
SIC No. 4911
Palm Beach County

FACILITY

The facility consists of two adjacent plants. Okeelanta Corporation (ARMS ID No. 0990005) operates a sugar mill (SIC No. 2061) and sugar refinery (SIC No. 2062) including packaging and transshipment activities. New Hope Power Partnership (ARMS ID No. 0990332) operates a nominal 140 MW cogeneration plant that provides process steam for the sugar mill/refinery and generates electricity for sale to the power grid (SIC 4911). The cogeneration plant, sugar mill, and sugar refinery are all considered a single facility for purposes of the PSD and Title V regulatory programs. The facility is located off U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida. The UTM coordinates are Zone 17, 524.90 km East, and 2940.10 km North. The map coordinates are latitude 26° 35' 00" N and longitude 80° 45' 00" W.

STATEMENT OF BASIS

This PSD air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.) and Title 40, Part 52, Section 21 of the Code of Federal Regulations. Specifically, this permit is issued pursuant to the requirements for the Prevention of Significant Deterioration (PSD) of Air Quality in accordance with Rule 62-212.400, F.A.C. The proposed project is subject to Power Plant Site Certification because the cogeneration plant will be able to generate more than 75 MW of steam generated electrical power. Key conditions of this PSD permit will become provisions of the site certification. The permittee is authorized to perform the proposed work and operate the installed equipment in accordance with the conditions of this permit, the conditions of the Title V operation permit, and as described in the application, approved drawings, plans, and other documents on file with the Department.

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Michael D. Cooke — 6/

Michael G. Cooke, Director
Division of Air Resource Management

Effective Date

PROJECT DESCRIPTION

The existing cogeneration plant consists of three biomass fired boilers and a 74.9 MW steam turbine electrical generator. A new steam turbine electrical generator with a nameplate capacity of 70 MW will be added to the existing cogeneration plant. The new steam turbine electrical generator is expected to produce an incremental peak output of approximately 65 MW, which will increase the plant's production capacity to a nominal 140 MW. This permit authorizes the construction of the nominal 65 MW steam turbine electrical generator, a 2-cell mechanical draft cooling tower, and other miscellaneous support equipment. The following emissions units are regulated by this permit.

Facility ID No. 0990332

ID	Emission Unit Description
001	Cogeneration Boiler A (760 MMBtu per hour)
002	Cogeneration Boiler B (760 MMBtu per hour)
003	Cogeneration Boiler C (760 MMBtu per hour)
004	Material handling and storage
005	Miscellaneous support equipment (steam turbine electrical generators, condensers, cooling towers, etc.)

REGULATORY CLASSIFICATION

Title III: The facility is a potential major source of hazardous air pollutants (HAPs).

Title IV: The facility does not operate any units subject to the acid rain provisions of the Clean Air Act.

Title V: The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.

PSD: The facility is a PSD major source of air pollution with respect to Rule 62-212.400, F.A.C.

PPSC: The facility is subject to Chapter 62-17, F.A.C. for Power Plant Site Certification because it produces more than 75 MW of steam-generated electrical power.

NSPS: The facility operates units subject to the New Source Performance Standards in 40 CFR 60, including Subparts Da and Db (boilers).

NESHAP: The facility operates existing boilers that will be subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) in Subpart DDDDD of 40 CFR 63.

PERMITTING AUTHORITY

All documents related to applications for permits to construct, modify or operate shall be submitted to the Bureau of Air Regulation of the Florida Department of Environmental Protection (DEP) at 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. Copies of the applications shall be submitted to each Compliance Authority.

COMPLIANCE AUTHORITY

All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Air Pollution Control Section of the Palm Beach County Health Department at P.O. Box 29, West Palm Beach, Florida 33402-0029. Copies of all such documents shall be submitted to the Air Resources Section at the South District Office of the Florida Department of Environmental Protection (DEP) at 2295 Victoria Avenue, Suite 364 in Fort Myers, Florida 33902-2549.

RELEVANT DOCUMENTS

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action and are on file with the Department.

- Air Permit No. PSD-FL-196 issued September 27, 1993 and all subsequent modifications; and
- Application No. 0990332-017-AC received by the Department on September 3, 2004 and all related correspondence to make it complete.
- Interim determination (minor permit revisions) emailed on February 21, 2005.
- The power plant site certification hearing was held in Tallahassee on May 17, 2005.
- The final recommended order from the Governor and Cabinet was issued on May 27, 2005.

For a brief history of the modifications to the PSD permit, refer to Appendix F.

APPENDICES

The following Appendices are attached as part of this permit.

Appendix A. Citation Format
Appendix B. General Conditions
Appendix C. Standard Requirements
Appendix D. Final BACT Determinations
Appendix E. Continuous Monitor Requirements
Appendix F. Permitting History

CITATION FORMAT

Appendix A of this permit describes the format used to cite applicable rules, regulations, and permitting actions.

NOTES

This permit is a revision of the PSD air construction permit for the cogeneration plant. It does not impose any new initial testing requirements.

1. General Conditions: The permittee is subject to, and shall operate under, the attached General Conditions listed in Appendix B of this permit. General Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]

2. Applicable Regulations, Forms and Application Procedures: Unless otherwise indicated in this permit, the construction and operation of each subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403 of the Florida Statutes (F.S.); Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.); and the Title 40, Parts 51, 52, 60 and 63 of the Code of Federal Regulations (CFR), adopted by reference in Rule 62-204.800, F.A.C. The terms used in this permit have specific meanings as defined in the applicable chapters of the Florida Administrative Code. The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]

3. Permit Expiration: The original expiration date for the construction of this plant was July 1, 1996. Construction of the original cogeneration plant is complete and commercial operation has commenced. The permit modification authorizes construction of a new steam turbine electrical generator, a new 2-cell mechanical draft cooling tower, and other support equipment. For purposes of installing the new equipment, the authorization to construct shall expire on **December 15, 2006**. [Rule 62-4.210(2), F.A.C.]

4. Effective Date: The effective date of the modified PSD permit is specified on the placard page (page 1).

5. Relaxations of Restrictions on Pollutant Emitting Capacity: If a previously permitted facility or modification becomes a facility or modification which would be subject to the preconstruction review requirements of this rule if it were a proposed new facility or modification solely by virtue of a relaxation in any federally enforceable limitation on the capacity of the facility or modification to emit a pollutant (such as a restriction on hours of operation), which limitation was established after August 7, 1980, then at the time of such relaxation the preconstruction review requirements of this rule shall apply to the facility or modification as though construction had not yet commenced on it. [Rule 62-212.400(2)(g), F.A.C.]

6. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]

7. Modifications: No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]

8. Title V Permit Revision: Pursuant to Rule 62-213.420(1)(a)2, F.A.C., the permittee shall submit an application for a revised Title V air operation permit at least ninety (90) days before the expiration of this permit, but no later than 180 days after commencing operation. In accordance with Rule 62-213.412(2), F.A.C., the permittee may immediately implement the changes authorized by this air construction permit after submitting the application for a revised Title V air operation permit to the Permitting Authority and providing copies of the application to EPA Region 4 and each Compliance Authority. To apply for a revised Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. As necessary, the application shall include a Compliance Assurance Monitoring Plan. The application shall be submitted to the Department's South District Office with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050, 62-4.220, 62-213.412, and 62-213.420, F.A.C.]

This section of the permit addresses the following emissions units.

Emissions Units 001, 002, and 003: Cogeneration Boilers A, B, and C

Description: Each unit is a biomass-fired spreader stoker steam boiler manufactured by Zurn and designed to produce approximately 506,100 pounds per hour of steam at 1500 psig and 975° F.

Fuels and Capacity: The primary fuel is biomass (760 MMBtu per hour), which includes bagasse from the adjacent sugar mill and clean wood material delivered to the plant by area subcontractors. Auxiliary fuels include natural gas (605 MMBtu per hour) and very low sulfur distillate oil (490 MMBtu per hour).

Controls: Pollution control equipment includes low-NOx burners for gas firing, a selective non-catalytic reduction system to reduce nitrogen oxides emissions, mechanical dust collectors and an electrostatic precipitator to reduce particulate matter emissions, and an activated carbon injection system to reduce potential mercury emissions. Good operating practices and the efficient combustion of clean, low-sulfur fuels minimizes emissions of carbon monoxide, sulfuric acid mist, sulfur dioxide, and volatile organic compounds.

Stack Parameters: Exhaust gases exit a 10 feet diameter stack that is at least 199 feet tall and with a volumetric flow rate of approximately 319,000 acfm at 352° F.

Emissions Unit 004: Material handling and storage including unloading operations, stockpiles, transfer operations, conveyors, screens, crushers, hoppers, silos, and storage tanks.

Emissions Unit 005: Miscellaneous Support Equipment including a nominal 75 MW steam turbine electrical generator, a nominal 65 MW steam turbine electrical generator, condensers, two cooling towers, a switchyard, etc.

CONSTRUCTION DETAILS

1. New Construction: The existing cogeneration plant includes a nominal 75 MW steam turbine electrical generator and a mechanical draft cooling tower. This PSD modification authorizes the addition of a nominal 65 MW steam turbine electrical generator and the addition of a 2-cell mechanical draft cooling tower. Within 10 days of establishing commercial operation of the new steam turbine electrical generator, the permittee shall notify the Bureau of Air Regulation and Compliance Authorities. The notification shall include the date of commercial startup and identify any substantial changes in the final equipment that differ from the application. [Design; Rule 62-4.070(3), F.A.C.] *{Permitting Note: Upon completion of the project, the cogeneration plant will have a nominal generating capacity of 140 MW. Therefore, the project subjects the facility to the power plant site certification requirements of the Department. Any subsequent modifications must also be made in accordance with appropriate site certification requirements.}*

2. Boiler Design: The cogeneration boilers shall consist of spreader stoker units designed to fire biomass as the primary fuel with pipeline natural gas and distillate oil as auxiliary fuels. Natural gas and distillate oil are fired at startup and shutdown, when necessary to ensure good combustion, to supplement biomass fuel, and for periods when the biomass fuel supply is interrupted. No other fuels are authorized. *{Permitting Note: Each boiler was originally designed to fire low sulfur coal as an emergency backup fuel, but no transfer, crushing, or storage systems were ever installed. The permittee shall obtain a permit modification before firing any other fuel (including coal) not specifically authorized by this permit.}*

3. Stack: Each boiler shall have an individual stack that is at least 199 feet tall. The permanent stack sampling facilities for each stack must comply with Rule 62-297.345, F.A.C.

4. Process Monitors: Each boiler shall be equipped with instruments to measure the fuel feed rate, heat input, steam production, steam pressure, and steam temperature. Appendix E identifies minimum requirements for monitoring equipment.

5. Control Equipment: Each boiler shall be equipped with:
   - Low-NOx natural gas burners rated for no more than 0.15 pounds of NOx per MMBtu of heat input.

Four burners are installed with one in each corner of the boiler. The maximum heat input rate from all four burners is 605 MMBtu per hour.

- Mechanical dust collectors consisting of four, large diameter, multi-tube modules with airfoil vanes or equivalent equipment. The mechanical dust collectors shall be installed and maintained as pre-control devices prior to each electrostatic precipitator and designed for a removal efficiency of at least 85% of the particulate matter greater than 10 microns in size (assuming a specific gravity of 2.00).
- An electrostatic precipitator (ESP) designed for at least 98 percent removal of particulate matter.
- A selective non-catalytic reduction (SNCR) system designed for at least 40 percent removal of NOx.
- A carbon injection system (or equivalent) for potential control of mercury emissions.

6. Continuous Monitors: For each cogeneration boiler, the permittee shall install, calibrate, maintain, and operate continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS) to measure and record emissions of carbon monoxide (CO), nitrogen oxides (NOx), opacity, oxygen (O_2), and sulfur dioxide (SO_2) in a manner sufficient to demonstrate compliance with the standards of this permit. The opacity monitor shall be placed in the ductwork between the electrostatic precipitator and the stack or in the stack. Appendix E identifies minimum requirements for monitoring systems.

7. Good Combustion Practices: An oxygen meter shall be installed for each unit to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously optimize air/fuel ratio parameters. Depending on the fuel quality and existing combustion conditions, the operator shall provide sufficient excess air to ensure good combustion within the boiler. The application to revise the Title V operation permit shall identify "good combustion practices" for the cogeneration boilers to minimize pollutant emissions during startup, operation, and shutdown. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" shall be used as a guide. Good combustion controls shall also include the following:

   - Maintain improved combustion controls to provide efficient tuning of air/fuel control instrumentation.
   - Maintain rotary pocket-style wood feeders with efficient air seal to minimize intrusion of ambient air.
   - Maintain effective water level controls in bottom ash system to prevent intrusion of ambient air.
   - Mix biomass fuel to provide a consistent fuel blend.
   - Maintain the flue gas oxygen content to provide efficient combustion for the existing conditions.
   - When necessary to enhance poor combustion, reduce the biomass feed rate below the maximum rate.
   - When necessary to enhance poor combustion, co-fire natural gas or distillate oil.

8. O&M Plans: The application to revise the Title V operation permit shall include an operation and maintenance plan consisting of at least the following items.

   a. For the cogeneration boilers, electrostatic precipitators (ESP), selective non-catalytic reduction (SNCR) systems, activated carbon injection (ACI) mercury control systems, and silo fabric filters, identify: the capacities, design efficiencies, pollutant emission rates, general operational description of equipment, key design and operating parameters, expected operating range of each key parameter, monitoring of key parameters, frequency of monitoring (instantaneous, continual, or continuous), and actions taken to return key parameters to within the expected operating ranges. The plan shall also specify good operating practices to promote efficient boiler combustion, startup and shutdown procedures for the boilers and control systems to minimize emissions, and precautions to prevent fugitive particulate matter emissions. *{Permitting Note: Operation outside of the specified operating range for any monitored parameter would not be a violation by itself. However, continued operation outside of a specified operating range without corrective action may be considered circumvention of the air pollution control equipment or methods.}*

   b. For the selective non-catalytic reduction (SNCR) systems identify an alternate NOx emissions control

plan based on previous monitoring data that shall be implemented in case the NOx monitoring system is down. The plan shall identify the minimum urea injection rate that has demonstrated continuous compliance with the NOx emissions standard at various load conditions.

9. Materials Handling Controls: For the fly ash handling and mercury control system reactant storage systems:

   a. The particulate matter filter control system for the storage silos shall be designed to achieve an outlet dust loading of no greater than 0.01 grains per actual cubic feet of exhaust.

   b. The fly ash handling system (including transfer points and storage bin) shall be enclosed. The ash shall be wetted in the ash conditioner to minimize fugitive dust prior to discharging to the disposal bin.

OPERATIONAL RESTRICTIONS

10. Permitted Capacity: The cogeneration boilers shall be constructed and operated in accordance with the capabilities and specifications described in the application. The maximum heat input rate to each cogeneration boiler shall not exceed 760 MMBtu/hr when burning 100 percent biomass, 605 MMBtu/hr when burning 100 percent natural gas, and 490 MMBtu/hr when burning 100 percent very low sulfur distillate oil. The steam production of each boiler shall not exceed an average of 506,100 pounds per hour at 1,500 psig and 975°F. The operating hours of the cogeneration boilers are not restricted (8760 hours per year).

11. Primary Fuel: The primary fuel for the plant shall be biomass, which shall consist of bagasse and authorized wood material. Bagasse is the fibrous vegetative residue remaining after the sugarcane milling process. Authorized wood material is clean construction and demolition wood debris, yard trash, land clearing debris, and other clean cellulose and vegetative matter. Each cogeneration boiler shall combust no more than 30% by weight yard waste (yard trash) on a calendar quarter basis that is defined as a municipal solid waste (MSW) in 40 CFR 60.51a. The biomass fuel used at the cogeneration plant shall not contain hazardous substances, hazardous wastes, biomedical wastes, or garbage. The fuel used at the cogeneration plant shall not contain special wastes, except wood, lumber, trees, tree remains, bagasse, cane tops and leaves, and other clean vegetative and cellulose matter. The permittee shall perform a daily visual inspection of any wood material or similar vegetative matter that has been delivered to the plant for use as fuel. Any shipment observed to contain prohibited materials shall not be used as fuel, unless such materials can be readily segregated and removed from the wood material and vegetative matter.

    The permittee shall design and implement a management and testing program for the wood material and other materials delivered to the plant for fuel. The program shall be designed to keep painted and chemically treated wood, household garbage, toxic or hazardous non-biomass and non-combustible waste material, from being burned at this plant. The program shall provide for the routine inspection and/or testing of the fuel at the originating wood yard sites as well as at the cogeneration site, to ensure that the quantities of painted or chemically treated wood in the fuel are minimized. Based on the analysis of a composite sample, wood material containing more than 70.7 ppm arsenic or 83.3 ppm chromium or 62.8 ppm copper shall not be burned. Fuel scheduled for burning shall be inspected daily. At a minimum, the fuel management program shall include the following sampling and analyses:

    a. At least twice each month, the permittee shall have separate analyses conducted on an as-fired wood sample and an as-fired bagasse sample for the following: heating value (modified ASTM D3286, Btu/lb, dry), carbon content (modified ASTM D5373, percent by weight, dry), sulfur content (modified ASTM D4239 Method C, percent by weight, dry), and moisture content (modified ASTM D3173, percent by weight). In addition the wood sample shall be analyzed for copper, chromium, and arsenic in accordance with Methods 3050/6010 (EPA Method SW-846) and reported in ppm by weight, dry. Samples shall be taken at least two weeks apart.

    b. At least once each month, the permittee shall have an analysis conducted on a composite sample of fly ash and bottom ash for arsenic, copper, and chromium in accordance with the procedures described in EPA Method SW-846, *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods* (40 CFR

261, Appendix III). The analytical results from ash testing shall be used in conjunction with those from the as-fired wood samples to evaluate the effectiveness of the fuel management program in removing chemically treated wood from the biomass fuel. The permittee shall dispose of all ash generated on site in accordance with the applicable state and federal regulations.

c. Analytical results of the as-fired biomass fuels and ash sampling shall be summarized and provided in the quarterly report to the Compliance Authority.

The ash and fuel management program shall become part of the Title V operation permit.

12. Auxiliary Fuel: The cogeneration boilers shall fire only distillate oil and pipeline natural gas as auxiliary fuels. Distillate oil shall be new No. 2 oil with a maximum sulfur content of 0.05 percent sulfur by weight as determined by the appropriate test method listed in 40 CFR 60.17. "New" oil is oil that has been refined from crude oil and that has not been used in any manner that may contaminate it. Each boiler may startup solely on pipeline natural gas or distillate oil.

13. Fossil Fuel Limitation: The firing of fossil fuels (distillate oil and natural gas) shall be less than 25 percent of the total heat input to each cogeneration boiler during any calendar quarter.

14. Fuel Records: The permittee shall maintain a daily log of the amounts and types of fuels used. The amount, heating value, and sulfur content of each fuel oil delivery shall be kept in a log for at least five years. For each calendar month, the actual monthly SO_2 emissions and the 12-month rolling total SO_2 emissions shall be determined and kept in a log.

15. Permanent Shutdown: Sugar mill boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 shall remain permanently shutdown and rendered incapable of operation. *{Permitting Note: Okeelanta Corporation's Boiler No. 16 may operate in accordance with modified Permit No. PSD-FL-169(A).}* [Rule 62-212.400, F.A.C.]

EMISSIONS LIMITING STANDARDS

16. Emissions Standards: Based on the maximum permitted heat input to each cogeneration boiler, stack emissions shall not exceed the standards specified in the following table:

Pollutant	Averaging Period	Emissions Standards per Boiler [i]	
		lb/MMBtu	lb/hr
Carbon Monoxide (CO) [a]	30-day rolling CEMS avg.	0.50	380.0
	12-month rolling CEMS avg.	0.35	
Nitrogen Oxides (NOx) [b]	30-day rolling CEMS avg.	0.15	114.0
Sulfur Dioxide (SO_2) [c]	24-hour rolling CEMS avg.	0.20	152.0
	30-day rolling CEMS avg.	0.10	
	12-month rolling CEMS avg.	0.06	
Stack Opacity [d]	6-minute block COMS avg. (Alternative: EPA Method 9)	≤ 20% opacity, except for one 6-minute block per hour that is ≤ 27% opacity	
Particulate Matter (PM/PM_{10}) [e]	3-run test avg.	0.026	19.8
Volatile Organic Compounds (VOC) [f]	3-run test avg.	0.05	38.0
Mercury [g]	3-run test avg.	5.4×10^{-06}	NA
Lead and Fluorides [h]	The BACT determination for lead and fluoride emissions is the use of fuels containing low levels of these compounds (bagasse, wood, distillate oil, and natural gas) and prospective removal with the fly ash by the mechanical dust collectors and electrostatic precipitators.		

a. Compliance shall be determined by data collected from the required CO CEMS in terms of "lb/MMBtu of heat input". The 30-day rolling average shall be determined by calculating the arithmetic average of all hourly emission rates for 30 successive boiler operating days and be consistent with the NOx monitoring requirements below. Compliance with the 12-month standard shall be based on the rolling average for each consecutive 12-month period.

b. Compliance shall be determined by data collected from the required NOx CEMS in terms of "lb/MMBtu of heat input". The 30-day rolling average shall be determined by calculating the arithmetic average of all hourly emission rates for 30 successive boiler operating days and the requirements of 40 CFR 60.13, 60.44a, 60.46a, 60.47a, 60.48a, and 60.49a. A boiler-operating day is any day in which any authorized fuel is fired.

c. Compliance with the SO_2 standards shall be determined by data collected from the required SO_2 CEMS in terms of "lb/MMBtu of heat input". The 24-hour average shall be determined by calculating the arithmetic average of all valid hourly emission rates for 24 successive boiler-operating hours. The 30-day rolling average shall be determined by calculating the arithmetic average of all hourly emission rates for 30 successive boiler-operating days and the requirements of 40 CFR 60.13, 60.43a, 60.46a, 60.47a, 60.48a, and 60.49a. Compliance with the 12-month standard shall be based on the rolling average for each consecutive 12-month period. Valid SO_2 hourly averages shall not be excluded from any compliance average. *{Permitting Note: Potential emissions of sulfuric acid mist are minimized by the effective control of SO_2 emissions with the firing of low sulfur fuels. For reporting purposes, sulfuric acid mist emissions shall be estimated as 6% of the total measured SO_2 emissions.}*

d. Continuous compliance with the opacity standard shall be determined by data collected from the required COMS in terms of "percent opacity" based on 6-minute block averages. Alternatively, compliance may also be determined by conducting EPA Method 9 observations.

e. Compliance with the particulate matter standards shall be determined by the average of three test runs conducted in accordance with EPA Method 5. For purposes of reporting PM_{10} emissions, it shall be assumed that all particulate matter emitted is PM_{10}.

f. Compliance with the VOC standards shall be determined by the average of three test runs conducted in accordance with EPA Method 25A based on propane. In addition, the permittee may choose to conduct EPA Method 18 concurrently with EPA Method 25A to deduct emissions of methane and ethane from the measured VOC emissions. Otherwise, all emissions measured by EPA Method 25A shall be considered "volatile organic compounds".

g. Compliance with the mercury standards shall be determined by the average of three test runs conducted in accordance with EPA Method 101A or 29. Emissions in excess of this standard shall be a violation of the permit. In addition, if two or more cogeneration boilers exceed the annual mercury emission limit, the permittee shall reactivate the carbon injection system for all three units within 30 days of the stack test report due date. The minimum carbon injection rate shall be at least 7 pounds per hour. Within 60 days of the stack test report due date, the permittee shall submit to the permitting and compliance authorities a mercury testing protocol designed to establish an effective carbon injection rate to control mercury emissions. Within 60 days of receiving approval for the mercury testing protocol by the permitting authority, the permittee shall begin the approved testing program. At a minimum, the permittee shall submit a full engineering report summarizing the uncontrolled emissions, controlled emissions, fuels, operating capacities, and recommending a minimum activated carbon injection rate to control mercury emissions.

h. The particulate matter standard is also a surrogate standard for lead emissions. *{Permitting Note: For reporting purposes, average lead emissions are expected to be 2.6×10^{-05} lb/MMBtu and average fluoride emissions are expected to be 1.9×10^{-04} lb/MMBtu when firing bagasse/wood.}*

i. Each boiler shall comply with the standards when firing any combination of authorized fuels. The "lb/hour" rates are based on the highest emission standard shown for that pollutant. Required compliance tests shall be performed in accordance with the requirements of Condition No. 19. The cogeneration boilers are also subject to the new source performance standards (NSPS Subpart Da) for new electric utility steam generating units. These requirements include the general provisions of Subpart A in 40 CFR 60, as well as the following source-specific applicable requirements: 60.40a (Applicability and Designation of Affected Facility); 60.41a (Definitions); 60.42a (Standards for Particulate Matter); 60.43a (Standard for Sulfur Dioxide); 60.44a (Standard for Nitrogen Oxides); 60.46a (Compliance Provisions); 60.47a (Emissions Monitoring); 60.48a (Compliance Determination Procedures and Methods); and 60.49a (Reporting Requirements). The cogeneration boilers are also subject to Rule 62-296.405(2), F.A.C. (Fossil Fuel Steam Generators with more than 250 MMBtu per Hour of Heat Input), Rule 62-296.410, F.A.C. (Carbonaceous Fuel Burning Equipment), and Rule 62-296.570, F.A.C. (Reasonably Available Control Technology Requirements for Major VOC and NOx Facilities).

{Permitting Note: Appendix D identifies the final BACT determinations for the cogeneration boilers.}

17. Material Handling: The following conditions apply to the biomass, ash, and activated carbon handling facilities.

a. All conveyors and conveyor transfer points shall be enclosed to preclude PM emissions (except those directly associated with the stacker/reclaimer, for which enclosure is operationally infeasible).

b. Water sprays, chemical wetting agents, and/or stabilizers shall be applied to storage piles, handling equipment, unenclosed transfer points, etc. during dry periods and as necessary to prevent visible emissions. When adding, moving or removing material from the storage pile, visible emissions of no more than 20% opacity are allowed.

c. The mercury control system reactant storage silos shall be maintained at a negative pressure while operating with the exhaust vented to a filter control system. Visible emissions from any storage silo shall not exceed 5 percent opacity based on a 6-minute block average. A visible emissions test (EPA Method 9) shall be performed at least annually for each silo that is loaded with carbon during the federal fiscal year.

STARTUP, SHUTDOWN, AND MALFUNCTION

18. Startup, Shutdown, and Malfunction Requirements: The permittee shall comply with the following requirements regarding periods of startup, shutdown, and malfunction for each cogeneration boiler.

a. *Definitions*

1) Excess emissions are emissions of pollutants in excess of those allowed by any applicable air pollution rule of the Department, or by a permit issued pursuant to any such rule or Chapter 62-4, F.A.C. The term applies only to conditions that occur during startup, shutdown, or malfunction. [Rule 62-210.200(106), F.A.C.]

2) Startup is the commencement of operation of a boiler which has shut down or ceased operation for a period of time sufficient to cause temperature, pressure, chemical or pollution control device imbalances, which may result in excess emissions. Periods of startup for each boiler shall end once steam generation reaches 150,000 pounds per hour. A cold startup is a startup after the boiler has been shutdown for 24 hours or more. A warm startup is a startup after the boiler has been shutdown for less than 24 hours.

3) Shutdown is the cessation of the operation of a boiler for any purpose after steam generation drops below 150,000 pounds per hour.

4) Malfunction is any unavoidable mechanical and/or electrical failure of air pollution control

equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner. [Rule 62-210.200(160), F.A.C.]

b. *Prohibition*: Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited. Emissions data recorded during such preventable periods shall be included in the compliance averages. [Rule 62-210.700(4), F.A.C.]

c. *Monitoring Data Exclusion*: Each continuous monitoring system shall operate and record data during all periods of operation (including startup, shutdown, and malfunction) except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments. Provided the operators implement best operational practices to minimize the amount and duration of emissions, the following conditions apply. Pursuant to Rules 62-210.700(1) and (5), F.A.C., these conditions consider the variations in operation of the cogeneration boilers.

1) Natural gas or distillate oil shall be fired during startup prior to energizing the electrostatic precipitator (ESP). Once the operating temperature recommended by the ESP manufacturer is maintained (approximately 340° F to 350 ° F), it shall be placed on line and the boiler shall comply with the opacity standard specified in Condition No. 16. The ESP shall be on line and functioning properly before firing any biomass. The opacity limit does not apply when the ESP is off line due to warm startup, cold startup, or shutdown. No more than twenty 6-minute block averages of opacity monitoring data shall be excluded in a 24-hour period due to documented malfunctions.

2) Hourly CO and NOx emission rate values collected during startup, shutdown, or documented malfunction may be excluded from the 30-day and/or 12-month compliance averages. No more than six hourly emission rate values (CO or NOx) shall be excluded in a 24-hour period due to a cold startup. No more than three hourly emission rate values (CO or NOx) shall be excluded in a 24-hour period due to a warm startup. No more than two hourly emission rate values (CO or NOx) shall be excluded in a 24-hour period due to a malfunction. No more than two hourly emission rate values (CO or NOx) shall be excluded in a 24-hour period due to a shutdown. For each cogeneration boiler, no more than 183 hourly emission rate values shall be excluded during any calendar quarter.

3) All valid hourly SO_2 emission rate values shall be included in all of the compliance averages. [40 CFR 60.46a and 60.49a]

4) To "document" a malfunction, the operator shall notify the Compliance Authority within one working day of the malfunction by phone, facsimile, or electronic mail. The notification shall include the date and time of malfunction, a description of the malfunction and probable cause, steps to taken to minimize emissions, and actions taken to correct the problem. [Rules 62-210.700(6) and 62-4.130, F.A.C.]

d. *Reporting*: In conjunction with the annual operating report, the permittee shall identify the number of startups, the number of shutdowns, and the number of malfunctions that occurred during the year for each boiler. For each boiler's CO and NOx monitors, the report shall identify the annual hours of emission data excluded from the compliance determination due to each type of incident (startups; shutdowns; and documented malfunctions).

[Rule 62-210.700, F.A.C.; Rule 62-4.070(3), F.A.C.; 40 CFR 60.8; and 40 CFR 60.46a]

COMPLIANCE METHODS AND REPORTING

19. Stack Test Requirements

a. *Initial Tests*: Initial tests were initially required for emissions of mercury, particulate matter, and volatile organic compounds. The Department may require these initial tests to be repeated if major physical or operational changes are made that affect main components such as the boiler, fuels, and/or

pollution control equipment.

b. *Annual Tests*: At least once during each federal fiscal year, the permittee shall conduct compliance tests for emissions of mercury, particulate matter, and volatile organic compounds.

c. *Renewal Tests*: Within the 12-month period prior to submitting an application to renew the Title V air operation permit, the permittee shall conduct compliance tests for emissions of, mercury, particulate matter, and volatile organic compounds. Tests shall be conducted at five-year intervals.

d. *Test Procedures*: The emission compliance tests shall be conducted in accordance with the provisions of Chapter 62-297, F.A.C., 40 CFR 60.46a (NSPS Subpart Da), and as summarized in Appendix C of this permit. The permittee shall notify the Compliance Authority in writing at least 30 days prior to any initial NSPS performance tests and at least 15 days prior to any other required tests. The biomass fuel feed for each test run shall consist of at least 45% wood materials by weight. Testing of emissions shall be conducted with each cogeneration boiler operating at permitted capacity, which is defined as a heat input rate between 684 and 760 MMBtu/hour and firing 100% biomass. If it is impracticable to test at permitted capacity, a cogeneration boiler may be tested at less than the maximum permitted capacity; in this case, subsequent operation is limited to 110 percent of the test rate until a new test is conducted. Within three days of completing a test below permitted capacity, the permittee shall provide written notification of the restricted operational capacity to the Compliance Authority. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(7)(a)9, F.A.C. and 40 CFR 60.7, 60.8]

e. *Test Methods*: Compliance with the emission limits specified in this permit shall be demonstrated using EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants).

EPA Method	Description
1	Selection of sample site and velocity traverses
2	Stack gas flow rate when converting concentrations to or from mass emission limits
3A	Gas analysis when needed for calculation of molecular weight or percent O2
4	Moisture content when converting stack velocity to dry volumetric flow rate for use in converting concentrations in dry gases to or from mass emission limits
5	Particulate matter emissions
6 or 6C	Sulfur dioxide emissions
7 or 7E	Nitrogen oxide emissions
9	Visible emissions determination of opacity *{Permitting Note: Although each unit is required to monitor opacity with a COMS, visible observations may also be used to demonstrate compliance.}*
10	Carbon monoxide emissions
12	Inorganic lead emissions
19	Calculation of sulfur dioxide and nitrogen oxide emission rates
25A	Volatile organic compounds emissions *{Permitting Note: EPA Method 18 may be conducted concurrently with EPA Method 25A to deduct emissions of methane and ethane from the measured VOC emissions. Otherwise, all emissions measured by EPA Method 25A shall be considered "volatile organic compounds".*
29	Multiple metals emissions
101A	Particulate and gaseous mercury emissions

No other methods may be used to demonstrate compliance unless prior written approval is received from the Department. Other applicable testing requirements are included in Appendix C of the permit. The permittee shall use CEMS and COMS data to demonstrate compliance with the emissions standards for CO, NOx, opacity, and SO_2. [Rules 62-204.800 and 62-297.100, F.A.C.; 40 CFR 60, Appendix A]

20. Continuous Monitor Requirements: The permittee shall demonstrate compliance with the emissions standards for CO, NOx, opacity, and SO_2 based on data collected from the continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS) required for each cogeneration boiler. Appendix E specifies the minimum requirements for monitoring equipment.

21. Quarterly Reports: For each cogeneration boiler, the permittee shall submit a quarterly report for each required continuous emissions and opacity monitoring system in accordance with the requirements specified in Appendix E of this permit. The permittee shall also submit a quarterly summary of the fuel analyses, fuel usage, and equipment malfunctions. For each malfunction, the report shall identify the cause (if known), and corrective actions taken. The quarterly reports and summaries shall be submitted to the Compliance Authority no later than 30 days following each calendar quarter.

22. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(2), F.A.C.]

CONTENTS

The following examples illustrate the format used in the permit to identify applicable permitting actions and regulations.

REFERENCES TO PREVIOUS PERMITTING ACTIONS

Old Permit Numbers

Example: Permit No. AC50-123456 or Air Permit No. AO50-123456

Where: "AC" identifies the permit as an Air Construction Permit
"AO" identifies the permit as an Air Operation Permit
"123456" identifies the specific permit project number

New Permit Numbers

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: "099" represents the specific county ID number in which the project is located
"2222" represents the specific facility ID number
"001"identifies the specific permit project
"AC" identifies the permit as an air construction permit
"AF" identifies the permit as a minor federally enforceable state operation permit
"AO" identifies the permit as a minor source air operation permit
"AV" identifies the permit as a Title V Major Source Air Operation Permit

PSD Permit Numbers

Example: Permit No. PSD-FL-317

Where: "PSD" means issued pursuant to the Prevention of Significant Deterioration of Air Quality
"FL" means that the permit was issued by the State of Florida
"317" identifies the specific permit project

RULE CITATION FORMATS

Florida Administrative Code (F.A.C.)

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

20. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

21. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

22. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

23. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

24. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

25. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

26. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:

    a. Have access to and copy and records that must be kept under the conditions of the permit;
    b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
    c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

    Reasonable time may depend on the nature of the concern being investigated.

27. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

    a. A description of and cause of non-compliance; and

    b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

    The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

28. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

29. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

30. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

31. This permit or a copy thereof shall be kept at the work site of the permitted activity.

32. This permit also constitutes:

    a. Determination of Best Available Control Technology (X);
    b. Determination of Prevention of Significant Deterioration (X); and
    c. Compliance with New Source Performance Standards (X).

33. The permittee shall comply with the following:

    a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

    b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

    c. Records of monitoring information shall include:

        20) The date, exact place, and time of sampling or measurements;
        21) The person responsible for performing the sampling or measurements;
        22) The dates analyses were performed;
        23) The person responsible for performing the analyses;
        24) The analytical techniques or methods used; and
        25) The results of such analyses.

34. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

{Permitting Note: Unless otherwise specified by permit, the following conditions are generally applicable to all emissions units.}

EMISSIONS AND CONTROLS

20. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]

21. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]

22. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]

23. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]

24. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]

25. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. [Rule 62-296.320(2), F.A.C.]

26. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20 percent opacity. [Rule 62-296.320(4)(b)1, F.A.C.]

27. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

TESTING REQUIREMENTS

28. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]

29. Calculation of Emission Rate: For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]

30. Test Procedures: Tests shall be conducted in accordance with all applicable requirements of Chapter 62-297, F.A.C.

    t. *Required Sampling Time.* Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. The minimum observation period for a visible emissions compliance test shall be thirty (30) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur.

u. *Minimum Sample Volume.* Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.

v. *Calibration of Sampling Equipment.* Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C.

[Rule 62-297.310(4), F.A.C.]

31. Determination of Process Variables

t. *Required Equipment.* The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

u. *Accuracy of Equipment.* Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

[Rule 62-297.310(5), F.A.C.]

32. Sampling Facilities: The permittee shall provide stack testing facilities and sampling locations in accordance with Rule 62-297.310(6), F.A.C.

33. Test Notification: The permittee shall notify the Compliance Authority in writing at least 30 days prior to any initial NSPS performance tests and at least 15 days prior to any other required tests. [Rule 62-297.310(7)(a)9, F.A.C. and 40 CFR 60.7, 60.8]

34. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

RECORDS AND REPORTS

35. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2, F.A.C.]

36. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(2), F.A.C.]

37. Emissions Performance Test Reports: A report indicating the results of any required emissions performance test shall be submitted to each Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.]

PSD Applicability

The existing facility is located in Palm Beach County, an area that is in attainment with (or designated as unclassifiable for) all air pollutants subject to a National Ambient Air Quality Standard (NAAQS). The cogeneration plant is classified as a fossil fuel-fired steam electric plant, which is one of the 28 PSD Major Facility Categories identified in Table 62-212.400-1, F.A.C. Potential emissions from the plant are greater than 100 tons per year for at least one regulated pollutant. As such, the facility is "major" with respect to the Prevention of Significant Deterioration (PSD) of Air Quality. Permit No. PSD-FL-196(O) established Best Available Control Technology (BACT) for the following pollutants: carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, volatile organic compounds, lead, fluorides, and sulfuric acid mist.

Final BACT Determinations

In accordance with Rule 62-212.400, F.A.C., the Department determined that the following standards represent the Best Available Control Technology (BACT) for the existing biomass-fired cogeneration boilers.

Pollutant	BACT Standards for Each Cogeneration Boiler		
	Averaging Period	**lb/MMBtu**	**lb/hr**
Carbon Monoxide (CO) *Based on "good combustion practices".*	30-day rolling CEMS avg.	0.50	380.0
	12-month rolling CEMS avg.	0.35	
Nitrogen Oxides (NOx) *Based on the application of SNCR.*	30-day rolling CEMS avg.	0.15	114.0
Sulfur Dioxide (SO_2) *Based on "low sulfur fuels". The SO_2 standards are also surrogate standards for sulfuric acid mist (SAM) emissions.*	24-hour rolling CEMS avg.	0.20	152.0
	30-day rolling CEMS avg.	0.10	
	12-month rolling CEMS avg.	0.06	
Opacity *Based on application of mechanical dust collectors and electrostatic precipitator.*	6-minute block COMS avg. (Alternative: EPA Method 9)	≤ 20% opacity, except for one 6-minute block per hour that is ≤ 27% opacity	
Particulate Matter (PM) *Based on application of mechanical dust collectors and electrostatic precipitator.*	3-run test avg.	0.026	19.8
Volatile Organic Compounds (VOC) *Based on "good combustion practices".*	3-run test avg.	0.05	38.0
Lead (Pb) and Fluorides (Fl) *Based on "low lead/fluoride fuels".*	BACT is the use of fuels containing low levels of these compounds (bagasse, wood, distillate oil, and natural gas) and prospective removal with the fly ash by the mechanical dust collectors and electrostatic precipitators. The particulate matter standard shall also serve as a surrogate standard for lead.		

The Department's technical review and rationale for the BACT determinations are presented in Technical Evaluation and Preliminary Determination issued concurrently with Permit No. PSD-FL-196(O) for Project No. 0990332-016-AC.

{Permitting Note: The following summarizes the basic monitoring requirements for the cogeneration boilers.}

20. Process and Control Parameters: The permittee shall install, calibrate, maintain, and operate continuous monitoring systems to measure and record the following process and control equipment parameters:

    t. *Power Output.* The net power generation (MW) delivered for sale to the electrical power grid shall be continuously monitored and recorded in 1-hour block averages.

    u. *Fuel Feed Rate.* Fuel flow meters equipped with totalizers are required to monitor and record the fuel feed rates for distillate oil (gallons) and natural gas (million cubic feet). Biomass feed rates (tons of bagasse and tons of wood) shall be calculated and recorded based on actual fuel flows. The permittee shall continuously monitor the fuel throughput rates based on the fuel flow monitors and calculate the actual heat input rates (24 hour average) for each fuel during each day of operation.

    v. *Steam Parameters.* Each cogeneration boiler shall be equipped with monitors to measure and record the steam temperature (° F), steam pressure (psig), and steam production (pounds).

    w. *Urea Injection Rate (SNCR System).* The urea injection rate shall be continuously monitored and recorded for each cogeneration boiler. The urea injection rate shall be compared to actual NOx emissions data recorded by the CEMS. The permittee shall identify minimum urea injection rates for various load conditions that ensure compliance with the NOx standards. Should the NOx CEMS be unavailable, the urea injection rate shall be maintained at an appropriate minimum level.

    x. *Activated Carbon Injection Rate (Mercury Control System).* If the mercury injection system is reactivated, the carbon injection rate shall be continuously monitored and recorded. Based on the testing required in this permit, the permittee shall identify and maintain minimum carbon injection rates to ensure effective control of mercury emissions.

    The permittee shall maintain written procedures for inspecting, calibrating, and maintaining the process and control monitoring equipment. [Rules 62-4.070 and 62-212.400(BACT), F.A.C.]

21. CEMS and COMS: For each cogeneration boiler, the permittee shall install, calibrate, maintain, and operate continuous emissions monitors (CEMS) and continuous opacity monitors (COMS) to measure and record emissions of carbon monoxide (CO), nitrogen oxides (NOx), oxygen (O_2), sulfur dioxide (SO_2), and opacity in a manner sufficient to demonstrate compliance with the standards of this permit.

    t. *Performance Specifications.* Each monitor shall be located in the ductwork between the electrostatic precipitator and the stack (or in the stack) to obtain emissions measurements representative of actual stack emissions. Each CEMS and COMS shall comply with the corresponding performance specifications that identify location, installation, design, performance, and reporting requirements.

        (1) Opacity shall comply with Performance Specification 1 in Appendix B of 40 CFR 60.

        (2) NOx and SO_2 CEMS shall comply with Performance Specification 2 in Appendix B of 40 CFR 60. The SO_2 reference method for the annual RATA shall be EPA Method 6 (or 6C) in Appendix A of 40 CFR 60. The NOx reference method for the annual RATA shall be EPA Method 7 (or 7E) in Appendix A of 40 CFR 60.

        (3) O_2 CEMS shall comply with Performance Specification 3 in Appendix B of 40 CFR 60. The O_2 reference method for the annual RATA shall be EPA Method 3A Appendix A of 40 CFR 60.

        (4) CO CEMS shall meet Performance Specification 4 or 4A in Appendix B of 40 CFR 60. The CO reference method for the annual RATA shall be EPA Method 10 in Appendix A of 40 CFR 60.

    u. *Data Collection.* Each CEMS and COMS shall record emissions data at all times including episodes of startup, shutdown, and malfunction. Emissions data recorded during periods of startup, shutdown, or malfunction may only be excluded from the compliance averages in accordance with the requirements specified in Section III of this permit. To the extent practicable, the permittee shall minimize the duration of data excluded for startup, shutdown and malfunctions.

    Each CEMS shall be designed and operated to sample, analyze, and record emissions data evenly spaced over a 1-hour period. Each 1-hour average shall be computed using at least one data point in each fifteen minute quadrant

of the 1-hour block during which the unit combusted fuel. Notwithstanding this requirement, each 1-hour average shall be computed from at least two data points separated by a minimum of 15 minutes. All valid measurements or data points collected during a 1-hour block shall be used to calculate the 1-hour emission averages. CO, NOx, and SO2 CEMS shall express the 1-hour emission averages in terms of "lb/MMBtu of heat input". O2 CEMS shall express the 1-hour emission average in terms of "percent by volume". A 30-day rolling emission average shall be the average of all valid 1-hour emission averages collected during the 30-day period. A 12-month rolling emission average shall be the average of all valid 1-hour emission averages collected during the 12-month period. NOx and SO2 CEMS shall comply with NSPS Subpart Da in 40 CFR 60.

Each COMS shall be designed and operated to complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period. Opacity shall be recorded in 6-minute block averages.

v. *Quality Assurance Procedures.* Each CEMS shall comply with the applicable quality assurance procedures specified in Appendix F of 40 CFR 60. These procedures include methods such as calibration, calibration drift, data recording, accuracy assessment, calculations, audit procedures, preventive maintenance, corrective actions, and reporting.

w. *Monitor Availability.* Monitor availability shall not be less than 95% in any calendar quarter. In the event 95% availability is not achieved, the permittee shall provide the Department with a report identifying the problems in achieving 95% availability and a plan of corrective actions that will be taken to achieve 95% availability. The permittee shall implement the reported corrective actions within the next calendar quarter. Failure to take corrective actions or continued failure to achieve the minimum monitor availability shall be violations of this permit.

x. *Other Applicable Requirements*: Each CEMS shall comply with the following applicable requirements Rules 62-204.800 and 62-297.520, F.A.C. (Continuous Monitor Performance Specifications); 40 CFR 60.13 (Subpart A - Monitoring Requirements); 40 CFR 60.47a (Subpart Da - Emissions Monitoring); 40 CFR 60.48a (Subpart Da - Compliance Determination Procedures and Methods); 60.49a (Subpart Da - Reporting Requirements).

y. *Quarterly Reports*: For each cogeneration boiler, the permittee shall submit the report on the following page to summarize each required continuous emissions and opacity monitoring system. The authorized representative shall certify that the information provided in each quarterly report is true, accurate, and complete to the best of his/her knowledge. Each quarterly report is due no later than 30 days following the calendar quarter.

CONTINUOUS MONITOR REQUIREMENTS

Facility Name	ARMS ID No.	Title V Air Permit No.
Okeelanta Cogeneration Plant	0990332	

Facility Address/Location

Located off U.S. Highway 27 South, approximately six miles south of South Bay in Palm Beach County, Florida

Emissions Unit Description	Unit Operation in Calendar Quarter
Spreader stoker boiler with maximum heat input of 760 MMBtu/hour ARMS EU ID No. _____ Cogeneration Boiler: ___ A ___ B ___ C	_____ hours

Control Equipment

Mercury - activated carbon injection; Nitrogen Oxides – low NOx burners and selective non-catalytic reduction (NOx) system; Particulate Matter – mechanical dust collectors and electrostatic precipitators

Primary Fuel	Auxiliary Fuels
Biomass, which includes bagasse from adjacent sugar mill and wood material from area suppliers (clean construction and demolition wood debris, yard trash, land clearing debris, and other clean cellulose and vegetative matter)	Pipeline natural gas Distillate oil (≤ 0.05% sulfur by weight)

Pollutant Monitored *(Check one.)*	Calendar Quarter of Operation Covered *(Check one.)*
_____ CO _____ NOx _____ SO2 _____ Opacity	___ 1 ___ 2 ___ 3 ___ 4 for year _____

Continuous Monitor Information	Emission Standards
Manufacturer: _____ Model No. _____ Date of last certification or audit: _____	_____ lb/MMBtu of heat input, 24-hour rolling average _____ lb/MMBtu of heat input, 30-day rolling average _____ lb/MMBtu of heat input, 12-month rolling average ≤ 20% opacity, except for one 6-minute block per hour that is ≤ 27% opacity

Emission Data Summary		CMS Performance Summary	
20. Duration of excess emissions in reporting period due to:		1. CMS downtime in reporting period due to:	
a. Startup/shutdown	_____	a. Monitor Equipment Malfunctions	_____
b. Control equipment problems	_____	b. Non-Monitor Equipment Malfunctions	_____
c. Process problems	_____	c. Quality Assurance Calibration	_____
d. Other known causes	_____	d. Other Known Causes	_____
e. Unknown causes	_____	e. Unknown Causes	_____
2. Total duration of excess emissions	_____	2. Total CMS Downtime	_____
20. [Total duration of excess emissions] x (100%) [Total source operating time]	_____	3. [Total CMS Downtime] x (100%) [Total source operating time]	_____
Note: Report "excess emissions" as emission averages that are in excess of a permitted emissions standard. For gases, report excess emissions in terms of hours. For opacity, report excess emissions in terms of minutes.		*If monitor availability is not at least 95%, provide a report identifying the problems in achieving 95% availability and a plan of corrective actions that will be taken to achieve 95% availability*	

Emissions Data Exclusion

1. Report the number of 1-hour emissions averages excluded the reporting period due to:
   a. Startup ..... _____
   b. Shutdown ..... _____
   c. Malfunction ..... _____
   d. Total ..... _____
21. On a separate page, summarize each malfunction event, the cause (if known), and corrective actions taken.
22. On a separate page, describe any changes to CMS, process or controls during last quarter.

Air Permit No. AC5O-219413 (PSD-FL-196): The permittee requested approval to construct the original cogeneration plant. The initial PSD permit was issued on 09/27/93.

Air Permit No. 0990332-001-AC (PSD-FL-196A): The permittee requested a limit on yard trash of 30% by weight to avoid most of the applicable requirements of 40 CFR 60, Subpart Ea. A modification was issued modification on 02/20/96, which added specific condition 12A.

Air Permit No. 0990332-002-AC (PSD-FL-196B): The permittee requested an extension of time for the simultaneous operation of the cogeneration boilers with the sugar mill boilers in order to "perfect the steam interconnection". A modification was issued modification on 06/14/96.

Air Permit No. 0990332-003-AC (PSD-FL-196C): The permittee requested approval to fire tire derived fuel. A permit modification was issued on 01/22/97 to allow for a temporary demonstration period to collect emissions data.

Air Permit No. 0990332-004-AC (PSD-FL-196D): The permittee requested a revision to the emission standard and testing requirements for sulfuric acid mist. A modification was issued on 04/18/97, which retained the emission standard, but revised the test method to 8 (modified).

Air Permit No. 0990332-005-AC (PSD-FL-196E): The permittee requested an extension of time for the simultaneous operation of the cogeneration boilers with the sugar mill boilers in order to "perfect the steam interconnection". A modification was issued on 04/05/97.

Air Permit No. 0990332-006-AC (PSD-FL-196F): The permittee requested a modification of the emissions standards for carbon monoxide, lead, and mercury. A modification was issued on 10/24/97.

Air Permit No. 0990332-007-AC (PSD-FL-196G): The permittee requested an amendment to Specific Condition 11 to clarify the performance test schedule. A modification was issued on 05/08/97.

Air Permit No. 0990332-008-AC (PSD-FL-196H): The permittee requested a revision to the 24-hour rolling average for determining peak electrical generation. The application was withdrawn on 02/03/97.

Air Permit No. 0990332-009-AC (PSD-FL-196I): The permittee requested an extension of time for the simultaneous operation of the cogeneration boilers with the sugar mill boilers in order to provide additional time to ensure that the interconnections (bagasse fuel and steam systems) were commercially and operationally reliable. A modification was issued on 06/16/98.

Air Permit No. 0990332-010-AC (PSD-FL-196J): The permittee requested a revision to the CO emissions standard. A modification of the CO averaging period was issued on 06/24/99.

Air Permit No. 0990332-011-AC (PSD-FL-196K): The permittee requested a modification to extend operation of Okeelanta Corporation's sugar mill boilers as standby units for the cogeneration boilers due to litigation with FPL. A modification was issued on 10/31/00.

Air Permit No. 0990332-012-AC (PSD-FL-196K): The permittee requested approval to install particulate dust collectors prior to the electrostatic precipitators. A letter approval was issued on 12/22/99 and a description of the control equipment was added to Permit No. PSD-FL-196K.

Air Permit No. 0990332-013-AC (PSD-FL-196L): The permittee requested approval to add burners to fire natural gas as a startup and supplemental fuel. A modification was issued on 01/19/01.

Air Permit No. 0990332-014-AC (PSD-FL-196M): The permittee requested a modification for the following: emissions limiting and monitoring provisions for emissions of carbon monoxide, fluorides, lead, mercury, sulfur dioxide, and sulfuric acid mist; removal of the authority to fire low sulfur coal as a backup fuel; and removal of the requirement to conduct stack testing for chromium, copper and arsenic. A modification was issued on 01/31/02. It also updated the permit format and incorporated all previous permit modifications into a single document.

Air Permit No. 0990332-015-AC (PSD-FL-196N): The permittee requested a modification of the permit to specify that the electrical generating capacity would be based on "net" generation and not "gross" generation. A modification was issued on 05/04/01.

Air Permit No. 0990332-016-AC (PSD-FL-196O): The permittee requested an increase of the maximum heat input rate to each boiler from 715 to 760 MMBtu per hour and removal of the annual heat input rate restriction. The project was subject to PSD review carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, volatile organic compounds, lead, fluorides, and sulfuric acid mist. A modification was issued on 10/27/03.

Air Permit No. 0990332-017-AC (PSD-FL-196P): The permittee requested approval to add a nominal 65 MW steam turbine electrical generator. The project subjects the facility to power plant site certification requirements. This is the current project.

SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:

Mr. Rodney Williams, Plant Manager
New Hope Power Partnership
8001 U.S. Highway 27, South
South Bay, Florida 33483

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) JAMES M. MERIWETHER | C. Date of Delivery 6/23/05

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No
PO Box 9
South Bay, FL 33493-0009

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

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7001 0320 0001 3692 3036

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New Hope Power Partnership
Street, Apt. N or PO Box Nc 8001 U.S. Highway 27, South
City, State, Zi South Bay, Florida 33483

PS Form 3800, January 2001 See Reverse for Instructions

LANDERS & PARSONS, P.A.
ATTORNEYS AT LAW

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January 13, 2005

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

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

Dear Ms. Vielhauer:

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

Please call me if you have any questions.

Sincerely,

David S. Dee

Enclosure
cc: Jeff Koerner
Hamilton Oven
James Meriwether
B. Wikley, EPA
G. Bennyd, NPS

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

Kristi Morrow

Sworn to and subscribed before 5th day of January, A.D. 2005

Personally known XX or Produced Identification_____
Type of Identification Produced_____

NOTARY PUBLIC STATE OF FLORIDA
Karen M. McLinton
Commission # DD359566
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NO. 2390519
Florida Department of Environmental Protection
Project No. 0990332-017-AC / Draft Air Permit No. PSD-FL-196(P)
New Hope Power Partnership – Okeelanta Cogeneration Plant
Palm Beach County, Florida

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

Facility Location: The New Hope Power Partnership operates the existing Okeelanta Cogeneration Plant located off of U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida.

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

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

a violation of any PSD Class I or Class II increments.

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

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

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

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

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

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be postmarked, and all e-mail or facsimile comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at http://tlhora6.dep.state.fl.us/onw and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the attached Public Notice or within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a

period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation: Mediation is not available in this proceeding.

PUB: The Palm Beach Post
January 5, 2005

FO®

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FRED A. McCORMACK
PHILIP S. PARSONS
ROBERT SCHEFFEL WRIGHT

October 8, 2004

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

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

Dear Mr. Oven:

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

Sincerely,

David S. Dee

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

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THE PALM BEACH POST

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

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

Wendy Elliott

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

Personally known XX or Produced Identification_____
Type of Identification Produced_____

NOTARY PUBLIC STATE OF FLORIDA 1-800-3-NOTARY
KAREN M McLINTON
MY COMMISSION # CC 979669
EXPIRES: Nov 15, 2004
FL Notary Service & Bonding, Inc.

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NO. 750127

NOTICE OF FILING OF APPLICATION FOR ELECTRICAL POWER PLANT SITE CERTIFICATION

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any party listed in paragraph [Section 403.508(4)(a)] other than the Department or the applicant may waive its right to participate in these proceedings. If such listed party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing, such party shall be deemed to have waived its right to be a party.

(c) Upon the filing with the administrative law judge of a notice of intent to be a party at least 15 days prior to the date of the land use hearing, the following shall also be parties to the proceeding:

1. Any agency not listed in paragraph (a) [Section 403.508(4)(a)] as to matters within its jurisdiction.

2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located.

(d) Notwithstanding paragraph (e) [Section 403.508(4)(e)], failure of an agency described in subparagraph (c)1. [Section 403.508(4)(c)1.] to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding.

(e) Other parties may include any person, including those persons enumerated in paragraph (c)[Section 403.508(4)(c)] who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to chapter 120 and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing.

(f) Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), shall be made a party upon the request of the department or the applicant.

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

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

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

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

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

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

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

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

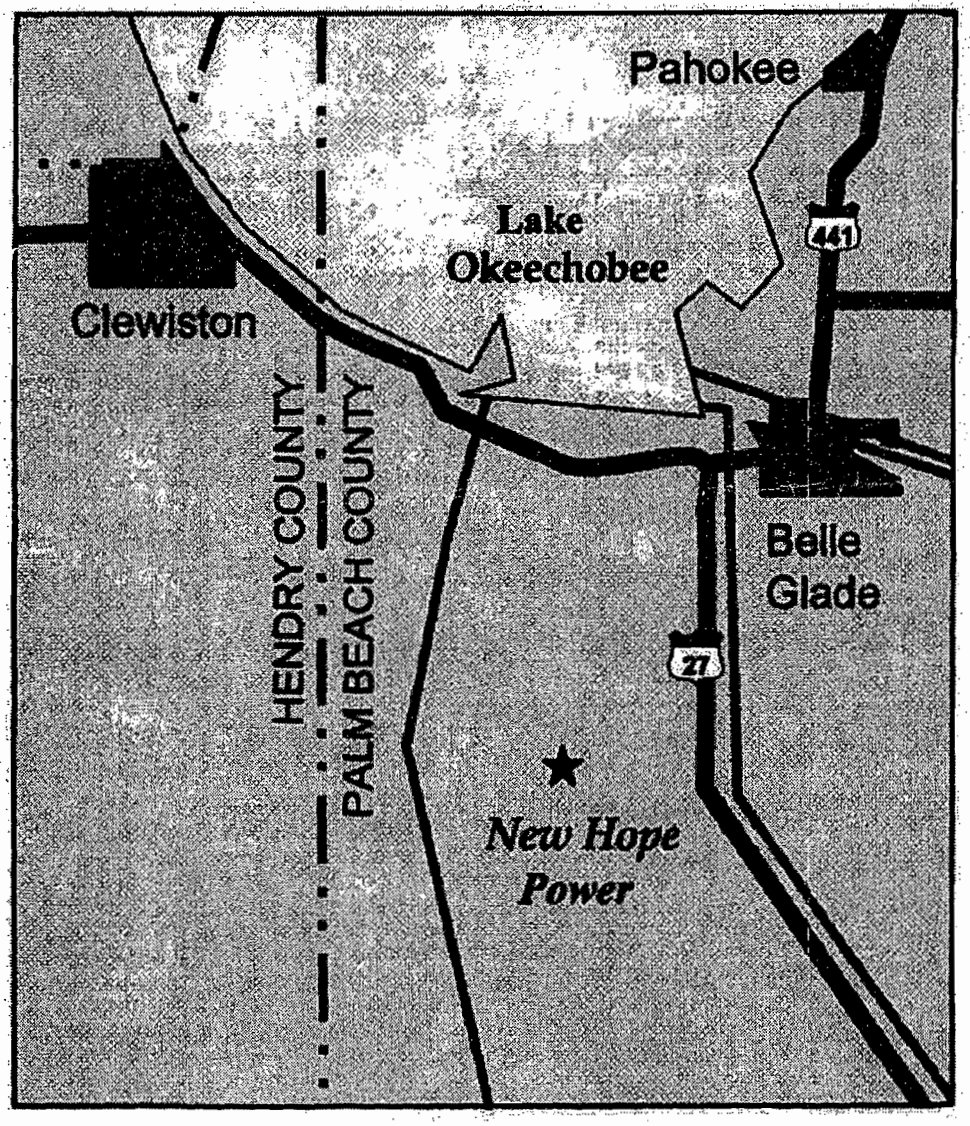
Sections 403.511(1) and (2), F.S., state:

> (1) Subject to the conditions set forth therein, any certification signed by the Governor shall constitute the sole license of the state and any agency as to the approval of the site and the construction and operation of the proposed electrical power plant, except for the issuance of department licenses required under any federally delegated or approved permit program and except as otherwise provided in subsection (4) [403.511(4)].
>
> (2)(a) The certification shall authorize the applicant named therein to construct and operate the proposed electrical power plant, subject only to the conditions of certification set forth in such certification, and except for the issuance of department licenses or permits required under any federally delegated or approved permit program.
>
> (b) Except as provided in subsection (4) [403.511(4)], the certification may include conditions which constitute variances, exemptions, or exceptions from nonprocedural requirements of the department or any agency which were expressly considered during the proceeding unless waived by the agency as provided below and which otherwise would be applicable to the construction and operation of the proposed electrical power plant. No variance, exemption, exception, or other relief shall be granted from a state statute or rule for the protection of endangered or threatened species, aquatic preserves, Outstanding National Resource Waters, or Outstanding Florida Waters or for the disposal of hazardous waste, except to the extent authorized by the applicable statute or rule or except upon a finding by the siting board that the public interests set forth in Section 403.502 in certifying the electrical power plant at the site proposed by the applicant overrides the public interest protected by the statute or rule from which relief is sought. Each party shall notify the applicant and other parties at least 60 days prior to the certification hearing of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the board to certify any electrical power plant proposed for certification. Failure of such notification by an agency shall be treated as a waiver from nonprocedural requirements of the department or any other agency. However, no variance shall be granted from standards or regulations of the department applicable under any federally delegated or approved permit program, except as expressly allowed in such program.

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

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

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



PUBLISH: September 29, 2004

Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

December 17, 2004

Mr. Rodney Williams, Plant Manager
New Hope Power Partnership - Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, FL 33493

Re: Draft Air Permit No. PSD-FL-196(P)
Project No. 0990332-017-AC
Okeelanta Cogeneration Plant
Generating Capacity Increase to 140 MW

Dear Mr. Williams:

On September 3, 2004, New Hope Power Partnership submitted an application to add a nominal 65 MW steam turbine electrical generator to the existing Okeelanta Cogeneration Plant, which is located off of U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida. Enclosed are the following documents: "Technical Evaluation and Preliminary Determination", "Draft Permit", "Written Notice of Intent to Issue Air Permit", and "Public Notice of Intent to Issue Air Permit".

The "Technical Evaluation and Preliminary Determination" summarizes the Bureau of Air Regulation's technical review of the application and provides the rationale for making the preliminary determination to issue a draft permit. The proposed "Draft Permit" includes the specific conditions that regulate the emissions units covered by the proposed project. The "Written Notice of Intent to Issue Air Permit" provides important information regarding: the Permitting Authority's intent to issue an air permit for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue an air permit; the procedures for submitting comments on the Draft Permit; the process for filing a petition for an administrative hearing; and the availability of mediation. The "Public Notice of Intent to Issue Air Permit" is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project.

As this project is subject to the power plant site certification requirements, a final permit cannot be issued until after the required hearing on this project. If you have any questions, please contact the Project Engineer, Jeff Koerner, at 850/921-9536.

Sincerely,

Trina L Vielhauer

Trina Vielhauer, Chief
Bureau of Air Regulation

Enclosures

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

In the Matter of an
Application for Air Permit by:

New Hope Power Partnership
Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, FL 33493

Authorized Representative:
Mr. Rodney Williams, Plant Manager

Draft Air Permit No. PSD-FL-196(P)
Project No. 0990332-017-AC
Okeelanta Cogeneration Plant
Generating Capacity Increase to 140 MW
Palm Beach County, Florida

Facility Location: New Hope Power Partnership operates an existing cogeneration plant located off of U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida.

Project: The applicant proposes to install a nominal 65 MW steam turbine electrical generator, a second cooling tower, and other miscellaneous support equipment. Upon completion of the project, the cogeneration plant will have a nominal generating capacity of 140 MW of electricity. Therefore, the project subjects the facility to the power plant site certification requirements of the Department. Details of the project are provided in the application and the enclosed "Technical Evaluation and Preliminary Determination".

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

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

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

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "Public Notice of Intent to Issue Air Permit" (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at the address or phone number listed above. Pursuant to Rule 62-110.106(5), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within seven (7) days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be post-marked, and all email or facsimile

comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at http://tlhora6.dep.state.fl.us/onw and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the attached Public Notice or within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. This PSD permitting action is being coordinated with a certification under the Power Plant Siting Act (Sections 403.501-519, F.S.). If a petition for an administrative hearing on the Department's Intent to Issue Air Permit is filed by a substantially affected person, that hearing shall be consolidated with the certification hearing, as provided under Section 403.507(3), F.S.

Mediation: Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

Trina Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this "Written Notice of Intent to Issue Air Permit" package (including the Public Notice, the Technical Evaluation and Preliminary Determination, and the Draft Permit) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 12/20/04 to the persons listed below.

Mr. Rodney Williams, NHPP*
Mr. James Meriwether, NHPP
Mr. David Buff, Golder Associates Inc.
Mr. David Dee, Landers and Parsons*
Mr. James Stormer, PBCHD
Mr. Ron Blackburn, SD Office
Mr. Gregg Worley, EPA Region 4
Mr. John Bunyak, NPS

Clerk Stamp

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

Mary L Stamey (Clerk) 12/20/04 (Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

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

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

Facility Location: The New Hope Power Partnership operates the existing Okeelanta Cogeneration Plant located off of U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida.

Project: The applicant operates an existing cogeneration plant, which was originally permitted in 1993 and began operation in 1997. The existing plant currently consists of three boilers, biomass storage/handling, a 74.9 MW steam turbine electrical generator, a condenser, a mechanical draft cooling tower, an electrical switchyard, and miscellaneous support equipment. Each boiler fires biomass (bagasse and wood chips) as the primary fuel. Distillate oil and natural gas are fired as startup and supplemental fuels. The applicant proposes to install a nominal 65 MW steam turbine electrical generator, a second cooling tower, and other miscellaneous support equipment. The existing cogeneration plant is located in Palm Beach County, an area that is currently in attainment with the state and federal Ambient Air Quality Standards (AAQS) or otherwise designated as unclassifiable. The cogeneration plant is a major facility in accordance with Rule 62-212.400, F.A.C., the regulatory program for the Prevention of Significant Deterioration (PSD) of Air Quality. Therefore, new projects at the existing facility must be reviewed for PSD applicability.

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

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

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

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application,

and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. A copy of the project file is available at the Air Resource Section of the Department's South District Office at 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902-3381 (Phone: 239/332-6975). A copy of the project file is also available at the Air Pollution Control Section of the Palm Beach County Health Department, 901 Evernia Street, West Palm Beach, Florida 33401 (Phone: 561/355-3136).

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

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be post-marked, and all e-mail or facsimile comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at http://tlhora6.dep.state.fl.us/onw and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the attached Public Notice or within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue

Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. This PSD permitting action is being coordinated with a certification under the Power Plant Siting Act (Sections 403.501-519, F.S.). If a petition for an administrative hearing on the Department's Intent to Issue Air Permit is filed by a substantially affected person, that hearing shall be consolidated with the certification hearing, as provided under Section 403.507(3), F.S.

Mediation: Mediation is not available in this proceeding.

DRAFT PERMIT

PERMITTEE

New Hope Power Partnership
Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, FL 33493

Authorized Representative:
Mr. Rodney Williams, Plant Manager

Air Permit No. PSD-FL-196(P)
Project No. 0990332-017-AC
Okeelanta Cogeneration Plant
SIC No. 4911
Palm Beach County

FACILITY

The facility consists of two adjacent plants. Okeelanta Corporation (ARMS ID No. 0990005) operates a sugar mill (SIC No. 2061) and sugar refinery (SIC No. 2062) including packaging and transshipment activities. New Hope Power Partnership (ARMS ID No. 0990332) operates a nominal 140 MW cogeneration plant that provides process steam for the sugar mill/refinery and generates electricity for sale to the power grid (SIC 4911). The cogeneration plant, sugar mill, and sugar refinery are all considered a single facility for purposes of the PSD and Title V regulatory programs. The facility is located off U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida. The UTM coordinates are Zone 17, 524.90 km East, and 2940.10 km North. The map coordinates are latitude 26° 35' 00" N and longitude 80° 45' 00" W.

STATEMENT OF BASIS

This PSD air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.) and Title 40, Part 52, Section 21 of the Code of Federal Regulations. Specifically, this permit is issued pursuant to the requirements for the Prevention of Significant Deterioration (PSD) of Air Quality in accordance with Rule 62-212.400, F.A.C. The proposed project is subject to Power Plant Site Certification because the cogeneration plant will be able to generate more than 75 MW of steam generated electrical power. Key conditions of this PSD permit will become provisions of the site certification. The permittee is authorized to perform the proposed work and operate the installed equipment in accordance with the conditions of this permit, the conditions of the Title V operation permit, and as described in the application, approved drawings, plans, and other documents on file with the Department.

CONTENTS

Michael G. Cooke, Director
Division of Air Resources Management

Effective Date

PROJECT DESCRIPTION

The existing cogeneration plant consists of three biomass fired boilers and a 74.9 MW steam turbine electrical generator. A new steam turbine electrical generator with a nameplate capacity of 70 MW will be added to the existing cogeneration plant. The new steam turbine electrical generator is expected to produce an incremental peak output of approximately 65 MW, which will increase the plant's production capacity to a nominal 140 MW. This permit authorizes the construction of the nominal 65 MW steam turbine electrical generator, a 2-cell mechanical draft cooling tower, and other miscellaneous support equipment. The following emissions units are regulated by this permit.

Facility ID No. 0990332

ID	Emission Unit Description
001	Cogeneration Boiler A (760 MMBtu per hour)
002	Cogeneration Boiler B (760 MMBtu per hour)
003	Cogeneration Boiler C (760 MMBtu per hour)
004	Material handling and storage
005	Miscellaneous support equipment (steam turbine electrical generators, condensers, cooling towers, etc.)

REGULATORY CLASSIFICATION

Title III: The facility is a potential major source of hazardous air pollutants (HAPs).

Title IV: The facility does not operate any units subject to the acid rain provisions of the Clean Air Act.

Title V: The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.

PSD: The facility is a PSD major source of air pollution with respect to Rule 62-212.400, F.A.C.

PPSC: The facility is subject to Chapter 62-17, F.A.C. for Power Plant Site Certification because it produces more than 75 MW of steam-generated electrical power.

NSPS: The facility operates units subject to the New Source Performance Standards in 40 CFR 60, including Subparts Da and Db (boilers) and Subpart Kb (fuel storage tanks).

NESHAP: The facility operates existing boilers that will be subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) in Subpart DDDDD of 40 CFR 63.

PERMITTING AUTHORITY

All documents related to applications for permits to construct, modify or operate shall be submitted to the Bureau of Air Regulation of the Florida Department of Environmental Protection (DEP) at 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. Copies of the applications shall be submitted to each Compliance Authority.

COMPLIANCE AUTHORITY

All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Air Pollution Control Section of the Palm Beach County Health Department at P.O. Box 29, West Palm Beach, Florida 33402-0029. Copies of all such documents shall be submitted to the Air Resources Section at the South District Office of the Florida Department of Environmental Protection (DEP) at 2295 Victoria Avenue, Suite 364 in Fort Myers, Florida 33902-2549.

RELEVANT DOCUMENTS

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action and are on file with the Department.

- Air Permit No. PSD-FL-196 issued September 27, 1993 and all subsequent modifications; and
- Application No. 0990332-017-AC received by the Department on September 3, 2004 and all related correspondence to make it complete.

For a brief history of the modifications to the PSD permit, refer to Appendix F.

APPENDICES

The following Appendices are attached as part of this permit.

Appendix A. Citation Format
Appendix B. General Conditions
Appendix C. Standard Requirements
Appendix D. Final BACT Determinations
Appendix E. Continuous Monitor Requirements
Appendix F. Permitting History

CITATION FORMAT

Appendix A of this permit describes the format used to cite applicable rules, regulations, and permitting actions.

NOTES

This permit is a revision of the PSD air construction permit for the cogeneration plant. It does not impose any new initial testing requirements.

1. General Conditions: The permittee is subject to, and shall operate under, the attached General Conditions listed in Appendix B of this permit. General Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]

2. Applicable Regulations, Forms and Application Procedures: Unless otherwise indicated in this permit, the construction and operation of each subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403 of the Florida Statutes (F.S.); Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.); and the Title 40, Parts 51, 52, and 60 of the Code of Federal Regulations (CFR), adopted by reference in Rule 62-204.800, F.A.C. The terms used in this permit have specific meanings as defined in the applicable chapters of the Florida Administrative Code. The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]

3. Permit Expiration: The original expiration date for the construction of this plant was July 1, 1996. Construction of the original cogeneration plant is complete and commercial operation has commenced. The permit modification authorizes construction of a new steam turbine electrical generator, a new 2-cell mechanical draft cooling tower, and other support equipment. For purposes of installing the new equipment, the authorization to construct shall expire on **December 15, 2006**. [Rule 62-4.210(2), F.A.C.]

4. Effective Date: The effective date of the modified PSD permit is specified on the placard page (page 1).

5. Relaxations of Restrictions on Pollutant Emitting Capacity: If a previously permitted facility or modification becomes a facility or modification which would be subject to the preconstruction review requirements of this rule if it were a proposed new facility or modification solely by virtue of a relaxation in any federally enforceable limitation on the capacity of the facility or modification to emit a pollutant (such as a restriction on hours of operation), which limitation was established after August 7, 1980, then at the time of such relaxation the preconstruction review requirements of this rule shall apply to the facility or modification as though construction had not yet commenced on it. [Rule 62-212.400(2)(g), F.A.C.]

6. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]

7. Modifications: No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]

8. Title V Permit Revision: Pursuant to Rule 62-213.420(1)(a)2, F.A.C., the permittee shall submit an application for a revised Title V air operation permit at least ninety (90) days before the expiration of this permit, but no later than 180 days after commencing operation. In accordance with Rule 62-213.412(2), F.A.C., the permittee may immediately implement the changes authorized by this air construction permit after submitting the application for a revised Title V air operation permit to the Permitting Authority and providing copies of the application to EPA Region 4 and each Compliance Authority. To apply for a revised Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. As necessary, the application shall include a Compliance Assurance Monitoring Plan. The application shall be submitted to the Department's South District Office with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050, 62-4.220, 62-213.412, and 62-213.420, F.A.C.]

This section of the permit addresses the following emissions units.

Emissions Units 001, 002, and 003: Cogeneration Boilers A, B, and C

Description: Each unit is a biomass-fired spreader stoker steam boiler manufactured by Zurn and designed to produce approximately 506,100 pounds per hour of steam at 1500 psig and 975° F.

Fuels and Capacity: The primary fuel is biomass (760 MMBtu per hour), which includes bagasse from the adjacent sugar mill and clean wood material delivered to the plant by area subcontractors. Auxiliary fuels include natural gas (605 MMBtu per hour) and very low sulfur distillate oil (490 MMBtu per hour).

Controls: Pollution control equipment includes low-NOx burners for gas firing, a selective non-catalytic reduction system to reduce nitrogen oxides emissions, mechanical dust collectors and an electrostatic precipitator to reduce particulate matter emissions, and an activated carbon injection system to reduce potential mercury emissions. Good operating practices and the efficient combustion of clean, low-sulfur fuels minimizes emissions of carbon monoxide, sulfuric acid mist, sulfur dioxide, and volatile organic compounds.

Stack Parameters: Exhaust gases exit a 10 feet diameter stack that is at least 199 feet tall and with a volumetric flow rate of approximately 319,000 acfm at 352° F.

Emissions Unit 004: Material handling and storage including unloading operations, stockpiles, transfer operations, conveyors, screens, crushers, hoppers, silos, and storage tanks.

Emissions Unit 005: Miscellaneous Support Equipment including a nominal 75 MW steam turbine electrical generator, a nominal 65 MW steam turbine electrical generator, condensers, two cooling towers, a switchyard, etc.

CONSTRUCTION DETAILS

1. New Construction: The existing cogeneration plant includes a nominal 75 MW steam turbine electrical generator and a mechanical draft cooling tower. This PSD modification authorizes the addition of a nominal 65 MW steam turbine electrical generator and the addition of a 2-cell mechanical draft cooling tower. Within 10 days of establishing commercial operation of the new steam turbine electrical generator, the permittee shall notify the Bureau of Air Regulation and Compliance Authorities. The notification shall include the date of commercial startup and identify any substantial changes in the final equipment that differ from the application. [Design; Rule 62-4.070(3), F.A.C.] *{Permitting Note: Upon completion of the project, the cogeneration plant will have a nominal generating capacity of 140 MW. Therefore, the project subjects the facility to the power plant site certification requirements of the Department. Subsequent modifications must also be made in accordance with these requirements.}*

2. Boiler Design: The cogeneration boilers shall consist of spreader stoker units designed to fire biomass as the primary fuel with pipeline natural gas and distillate oil as auxiliary fuels. Natural gas and distillate oil are fired at startup and shutdown, when necessary to ensure good combustion, to supplement biomass fuel, and for periods when the biomass fuel supply is interrupted. No other fuels are authorized. *{Permitting Note: Each boiler was originally designed to fire low sulfur coal as an emergency backup fuel, but no transfer, crushing, or storage systems were ever installed. The permittee shall obtain a permit modification before firing any other fuel (including coal) not specifically authorized by this permit.}*

3. Stack: Each boiler shall have an individual stack that is at least 199 feet tall. The permanent stack sampling facilities for each stack must comply with Rule 62-297.345, F.A.C.

4. Process Monitors: Each boiler shall be equipped with instruments to measure the fuel feed rate, heat input, steam production, steam pressure, and steam temperature. Appendix E identifies minimum requirements for monitoring equipment.

5. Control Equipment: Each boiler shall be equipped with:
   - Low-NOx natural gas burners rated for no more than 0.15 pounds of NOx per MMBtu of heat input.

Four burners are installed with one in each corner of the boiler. The maximum heat input rate from all four burners is 605 MMBtu per hour.

- Mechanical dust collectors consisting of four, large diameter, multi-tube modules with airfoil vanes or equivalent equipment. The mechanical dust collectors shall be installed and maintained as pre-control devices prior to each electrostatic precipitator and designed for a removal efficiency of at least 85% of the particulate matter greater than 10 microns in size (assuming a specific gravity of 2.00).
- An electrostatic precipitator (ESP) designed for at least 98 percent removal of particulate matter.
- A selective non-catalytic reduction (SNCR) system designed for at least 40 percent removal of NOx.
- A carbon injection system (or equivalent) for potential control of mercury emissions.

6. Continuous Monitors: For each cogeneration boiler, the permittee shall install, calibrate, maintain, and operate continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS) to measure and record emissions of carbon monoxide (CO), nitrogen oxides (NOx), opacity, oxygen (O_2), and sulfur dioxide (SO_2) in a manner sufficient to demonstrate compliance with the standards of this permit. The opacity monitor shall be placed in the ductwork between the electrostatic precipitator and the stack or in the stack. Appendix E identifies minimum requirements for monitoring systems.

7. Good Combustion Practices: An oxygen meter shall be installed for each unit to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously optimize air/fuel ratio parameters. Depending on the fuel quality and existing combustion conditions, the operator shall provide sufficient excess air to ensure good combustion within the boiler. The application to revise the Title V operation permit shall identify "good combustion practices" for the cogeneration boilers to minimize pollutant emissions during startup, operation, and shutdown. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" shall be used as a guide. Good combustion controls shall also include the following:

   - Maintain improved combustion controls to provide efficient tuning of air/fuel control instrumentation.
   - Maintain rotary pocket-style wood feeders with efficient air seal to minimize intrusion of ambient air.
   - Maintain effective water level controls in bottom ash system to prevent intrusion of ambient air.
   - Mix biomass fuel to provide a consistent fuel blend.
   - Maintain the flue gas oxygen content to provide efficient combustion for the existing conditions.
   - When necessary to enhance poor combustion, reduce the biomass feed rate below the maximum rate.
   - When necessary to enhance poor combustion, co-fire natural gas or distillate oil.

8. O&M Plans: The application to revise the Title V operation permit shall include an operation and maintenance plan consisting of at least the following items.

   a. For the cogeneration boilers, electrostatic precipitators (ESP), selective non-catalytic reduction (SNCR) systems, activated carbon injection (ACI) mercury control systems, and silo fabric filters, identify: the capacities, design efficiencies, pollutant emission rates, general operational description of equipment, key design and operating parameters, expected operating range of each key parameter, monitoring of key parameters, frequency of monitoring (instantaneous, continual, or continuous), and actions taken to return key parameters to within the expected operating ranges. The plan shall also specify good operating practices to promote efficient boiler combustion, startup and shutdown procedures for the boilers and control systems to minimize emissions, and precautions to prevent fugitive particulate matter emissions. *{Permitting Note: Operation outside of the specified operating range for any monitored parameter would not be a violation by itself. However, continued operation outside of a specified operating range without corrective action may be considered circumvention of the air pollution control equipment or methods.}*

   b. For the selective non-catalytic reduction (SNCR) systems identify an alternate NOx emissions control

plan based on previous monitoring data that shall be implemented in case the NOx monitoring system is down. The plan shall identify the minimum urea injection rate that has demonstrated continuous compliance with the NOx emissions standard at various load conditions.

9. Materials Handling Controls: For the fly ash handling and mercury control system reactant storage systems:

   a. The particulate matter filter control system for the storage silos shall be designed to achieve an outlet dust loading of no greater than 0.01 grains per actual cubic feet of exhaust.

   b. The fly ash handling system (including transfer points and storage bin) shall be enclosed. The ash shall be wetted in the ash conditioner to minimize fugitive dust prior to discharging to the disposal bin.

OPERATIONAL RESTRICTIONS

10. Permitted Capacity: The cogeneration boilers shall be constructed and operated in accordance with the capabilities and specifications described in the application. The maximum heat input rate to each cogeneration boiler shall not exceed 760 MMBtu/hr when burning 100 percent biomass, 605 MMBtu/hr when burning 100 percent natural gas, and 490 MMBtu/hr when burning 100 percent very low sulfur distillate oil. The steam production of each boiler shall not exceed an average of 506,100 pounds per hour at 1,500 psig and 975°F. The operating hours of the cogeneration boilers are not restricted (8760 hours per year).

11. Primary Fuel: The primary fuel for the plant shall be biomass, which shall consist of bagasse and authorized wood material. Bagasse is the fibrous vegetative residue remaining after the sugarcane milling process. Authorized wood material is clean construction and demolition wood debris, yard trash, land clearing debris, and other clean cellulose and vegetative matter. Each cogeneration boiler shall combust no more than 30% by weight yard waste (yard trash) on a calendar quarter basis that is defined as a municipal solid waste (MSW) in 40 CFR 60.51a. The biomass fuel used at the cogeneration plant shall not contain hazardous substances, hazardous wastes, biomedical wastes, or garbage. The fuel used at the cogeneration plant shall not contain special wastes, except wood, lumber, trees, tree remains, bagasse, cane tops and leaves, and other clean vegetative and cellulose matter. The permittee shall perform a daily visual inspection of any wood material or similar vegetative matter that has been delivered to the plant for use as fuel. Any shipment observed to contain prohibited materials shall not be used as fuel, unless such materials can be readily segregated and removed from the wood material and vegetative matter.

    The permittee shall design and implement a management and testing program for the wood material and other materials delivered to the plant for fuel. The program shall be designed to keep painted and chemically treated wood, household garbage, toxic or hazardous non-biomass and non-combustible waste material, from being burned at this plant. The program shall provide for the routine inspection and/or testing of the fuel at the originating wood yard sites as well as at the cogeneration site, to ensure that the quantities of painted or chemically treated wood in the fuel are minimized. Based on the analysis of a composite sample, wood material containing more than 70.7 ppm arsenic or 83.3 ppm chromium or 62.8 ppm copper shall not be burned. Fuel scheduled for burning shall be inspected daily. At a minimum, the fuel management program shall include the following sampling and analyses:

    a. At least twice each month, the permittee shall have separate analyses conducted on an as-fired wood sample and an as-fired bagasse sample for the following: heating value (modified ASTM D3286, Btu/lb, dry), carbon content (modified ASTM D5373, percent by weight, dry), sulfur content (modified ASTM D4239 Method C, percent by weight, dry), and moisture content (modified ASTM D3173, percent by weight). In addition the wood sample shall be analyzed for copper, chromium, and arsenic in accordance with Methods 3050/6010 (EPA Method SW-846) and reported in ppm by weight, dry. Samples shall be taken at least two weeks apart.

    b. At least once each month, the permittee shall have an analysis conducted on a composite sample of fly ash and bottom ash for arsenic, copper, and chromium in accordance with the procedures described in EPA Method SW-846, *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods* (40 CFR

261, Appendix III). The analytical results from ash testing shall be used in conjunction with those from the as-fired wood samples to evaluate the effectiveness of the fuel management program in removing chemically treated wood from the biomass fuel. The permittee shall dispose of all ash generated on site in accordance with the applicable state and federal regulations.

c. Analytical results of the as-fired biomass fuels and ash sampling shall be summarized and provided in the quarterly report to the Compliance Authority.

The ash and fuel management program shall become part of the Title V operation permit.

12. Auxiliary Fuel: The cogeneration boilers shall fire only distillate oil and pipeline natural gas as auxiliary fuels. Distillate oil shall be new No. 2 oil with a maximum sulfur content of 0.05 percent sulfur by weight as determined by the appropriate test method listed in 40 CFR 60.17. "New" oil is oil that has been refined from crude oil and that has not been used in any manner that may contaminate it. Each boiler may startup solely on pipeline natural gas or distillate oil.

13. Fossil Fuel Limitation: The firing of fossil fuels (distillate oil and natural gas) shall be less than 25 percent of the total heat input to each cogeneration boiler during any calendar quarter.

14. Fuel Records: The permittee shall maintain a daily log of the amounts and types of fuels used. The amount, heating value, and sulfur content of each fuel oil delivery shall be kept in a log for at least five years. For each calendar month, the actual monthly SO_2 emissions and the 12-month rolling total SO_2 emissions shall be determined and kept in a log.

15. Permanent Shutdown: Sugar mill boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 shall remain permanently shutdown and rendered incapable of operation. *{Permitting Note: Okeelanta Corporation's Boiler No. 16 may operate in accordance with modified Permit No. PSD-FL-169(A).}* [Rule 62-212.400, F.A.C.]

EMISSIONS LIMITING STANDARDS

16. Emissions Standards: Based on the maximum permitted heat input to each cogeneration boiler, stack emissions shall not exceed the standards specified in the following table:

Pollutant	Averaging Period	Emissions Standards per Boiler[i]	
		lb/MMBtu	lb/hr
Carbon Monoxide (CO) [a]	30-day rolling CEMS avg.	0.50	380.0
	12-month rolling CEMS avg.	0.35	
Nitrogen Oxides (NOx) [b]	30-day rolling CEMS avg.	0.15	114.0
Sulfur Dioxide (SO_2) [c]	24-hour rolling CEMS avg.	0.20	152.0
	30-day rolling CEMS avg.	0.10	
	12-month rolling CEMS avg.	0.06	
Stack Opacity [d]	6-minute block COMS avg. (Alternative: EPA Method 9)	≤ 20% opacity, except for one 6-minute block per hour that is ≤ 27% opacity	
Particulate Matter (PM/PM_{10}) [e]	3-run test avg.	0.026	19.8
Volatile Organic Compounds (VOC) [f]	3-run test avg.	0.05	38.0
Mercury [g]	3-run test avg.	5.4×10^{-06}	NA
Lead and Fluorides[h]	The BACT determination for lead and fluoride emissions is the use of fuels containing low levels of these compounds (bagasse, wood, distillate oil, and natural gas) and prospective removal with the fly ash by the mechanical dust collectors and electrostatic precipitators.		

a. Compliance shall be determined by data collected from the required CO CEMS in terms of "lb/MMBtu of heat input". The 30-day rolling average shall be determined by calculating the arithmetic average of all hourly emission rates for 30 successive boiler operating days and be consistent with the NOx monitoring requirements below. Compliance with the 12-month standard shall be based on the rolling average for each consecutive 12-month period.

b. Compliance shall be determined by data collected from the required NOx CEMS in terms of "lb/MMBtu of heat input". The 30-day rolling average shall be determined by calculating the arithmetic average of all hourly emission rates for 30 successive boiler operating days and the requirements of 40 CFR 60.13, 60.44a, 60.46a, 60.47a, 60.48a, and 60.49a. A boiler-operating day is any day in which any authorized fuel is fired.

c. Compliance with the SO_2 standards shall be determined by data collected from the required SO_2 CEMS in terms of "lb/MMBtu of heat input". The 24-hour average shall be determined by calculating the arithmetic average of all valid hourly emission rates for 24 successive boiler-operating hours. The 30-day rolling average shall be determined by calculating the arithmetic average of all hourly emission rates for 30 successive boiler-operating days and the requirements of 40 CFR 60.13, 60.43a, 60.46a, 60.47a, 60.48a, and 60.49a. Compliance with the 12-month standard shall be based on the rolling average for each consecutive 12-month period. Valid SO_2 hourly averages shall not be excluded from any compliance average. *{Permitting Note: Potential emissions of sulfuric acid mist are minimized by the effective control of SO_2 emissions with the firing of low sulfur fuels. For reporting purposes, sulfuric acid mist emissions shall be estimated as 6% of the total measured SO_2 emissions.}*

d. Continuous compliance with the opacity standard shall be determined by data collected from the required COMS in terms of "percent opacity" based on 6-minute block averages. Alternatively, compliance may also be determined by conducting EPA Method 9 observations.

e. Compliance with the particulate matter standards shall be determined by the average of three test runs conducted in accordance with EPA Method 5. For purposes of reporting PM_{10} emissions, it shall be assumed that all particulate matter emitted is PM_{10}.

f. Compliance with the VOC standards shall be determined by the average of three test runs conducted in accordance with EPA Method 25A based on propane. In addition, the permittee may choose to conduct EPA Method 18 concurrently with EPA Method 25A to deduct emissions of methane and ethane from the measured VOC emissions. Otherwise, all emissions measured by EPA Method 25A shall be considered "volatile organic compounds".

g. Compliance with the mercury standards shall be determined by the average of three test runs conducted in accordance with EPA Method 101A or 29. Emissions in excess of this standard shall be a violation of the permit. In addition, if two or more cogeneration boilers exceed the annual mercury emission limit, the permittee shall reactivate the carbon injection system for all three units within 30 days of the stack test report due date. The minimum carbon injection rate shall be at least 7 pounds per hour. Within 60 days of the stack test report due date, the permittee shall submit to the permitting and compliance authorities a mercury testing protocol designed to establish an effective carbon injection rate to control mercury emissions. Within 60 days of receiving approval for the mercury testing protocol by the permitting authority, the permittee shall begin the approved testing program. At a minimum, the permittee shall submit a full engineering report summarizing the uncontrolled emissions, controlled emissions, fuels, operating capacities, and recommending a minimum activated carbon injection rate to control mercury emissions.

h. The particulate matter standard is also a surrogate standard for lead emissions. *{Permitting Note: For reporting purposes, average lead emissions are expected to be 2.6×10^{-05} lb/MMBtu and average fluoride emissions are expected to be 1.9×10^{-04} lb/MMBtu when firing bagasse/wood.}*

i. Each boiler shall comply with the standards when firing any combination of authorized fuels. The "lb/hour" rates are based on the highest emission standard shown for that pollutant. Required compliance tests shall be performed in accordance with the requirements of Condition No. 19. The cogeneration boilers are also subject to the new source performance standards (NSPS Subpart Da) for new electric utility steam generating units. These requirements include the general provisions of Subpart A in 40 CFR 60, as well as the following source-specific applicable requirements: 60.40a (Applicability and Designation of Affected Facility); 60.41a (Definitions); 60.42a (Standards for Particulate Matter); 60.43a (Standard for Sulfur Dioxide); 60.44a (Standard for Nitrogen Oxides); 60.46a (Compliance Provisions); 60.47a (Emissions Monitoring); 60.48a (Compliance Determination Procedures and Methods); and 60.49a (Reporting Requirements). The cogeneration boilers are also subject to Rule 62-296.405(2), F.A.C. (Fossil Fuel Steam Generators with more than 250 MMBtu per Hour of Heat Input), Rule 62-296.410, F.A.C. (Carbonaceous Fuel Burning Equipment), and Rule 62-296.570, F.A.C. (Reasonably Available Control Technology Requirements for Major VOC and NOx Facilities).

{Permitting Note: Appendix D identifies the final BACT determinations for the cogeneration boilers.}

17. Material Handling: The following conditions apply to the biomass, ash, and activated carbon handling facilities.

a. All conveyors and conveyor transfer points shall be enclosed to preclude PM emissions (except those directly associated with the stacker/reclaimer, for which enclosure is operationally infeasible).

b. Water sprays, chemical wetting agents, and/or stabilizers shall be applied to storage piles, handling equipment, unenclosed transfer points, etc. during dry periods and as necessary to prevent visible emissions. When adding, moving or removing material from the storage pile, visible emissions of no more than 20% opacity are allowed.

c. The mercury control system reactant storage silos shall be maintained at a negative pressure while operating with the exhaust vented to a filter control system. Visible emissions from any storage silo shall not exceed 5 percent opacity based on a 6-minute block average. A visible emissions test (EPA Method 9) shall be performed at least annually for each silo that is loaded with carbon during the federal fiscal year.

STARTUP, SHUTDOWN, AND MALFUNCTION

18. Startup, Shutdown, and Malfunction Requirements: The permittee shall comply with the following requirements regarding periods of startup, shutdown, and malfunction for each cogeneration boiler.

a. *Definitions*

1) Excess emissions are emissions of pollutants in excess of those allowed by any applicable air pollution rule of the Department, or by a permit issued pursuant to any such rule or Chapter 62-4, F.A.C. The term applies only to conditions that occur during startup, shutdown, or malfunction. [Rule 62-210.200(106), F.A.C.]

2) Startup is the commencement of operation of a boiler which has shut down or ceased operation for a period of time sufficient to cause temperature, pressure, chemical or pollution control device imbalances, which may result in excess emissions. Periods of startup for each boiler shall end once steam generation reaches 150,000 pounds per hour. A cold startup is a startup after the boiler has been shutdown for 24 hours or more. A warm startup is a startup after the boiler has been shutdown for less than 24 hours.

3) Shutdown is the cessation of the operation of a boiler for any purpose after steam generation drops below 150,000 pounds per hour.

4) Malfunction is any unavoidable mechanical and/or electrical failure of air pollution control

equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner. [Rule 62-210.200(160), F.A.C.]

b. *Prohibition*: Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited. Emissions data recorded during such preventable periods shall be included in the compliance averages. [Rule 62-210.700(4), F.A.C.]

c. *Monitoring Data Exclusion*: Each continuous monitoring system shall operate and record data during all periods of operation (including startup, shutdown, and malfunction) except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments. Provided the operators implement best operational practices to minimize the amount and duration of emissions, the following conditions apply. Pursuant to Rules 62-210.700(1) and (5), F.A.C., these conditions consider the variations in operation of the cogeneration boilers.

1) Natural gas or distillate oil shall be fired during startup prior to energizing the electrostatic precipitator (ESP). Once the operating temperature recommended by the ESP manufacturer is maintained (approximately 340° F to 350 ° F), it shall be placed on line and the boiler shall comply with the opacity standard specified in Condition No. 16. The ESP shall be on line and functioning properly before firing any biomass. The opacity limit does not apply when the ESP is off line due to warm startup, cold startup, or shutdown. No more than twenty 6-minute block averages of opacity monitoring data shall be excluded in a 24-hour period due to documented malfunctions.

2) Hourly CO and NOx emission rate values collected during startup, shutdown, or documented malfunction may be excluded from the 30-day and/or 12-month compliance averages. No more than six hourly emission rate values (CO or NOx) shall be excluded in a 24-hour period due to a cold startup. No more than three hourly emission rate values (CO or NOx) shall be excluded in a 24-hour period due to a warm startup. No more than two hourly emission rate values (CO or NOx) shall be excluded in a 24-hour period due to a malfunction. No more than two hourly emission rate values (CO or NOx) shall be excluded in a 24-hour period due to a shutdown. For each cogeneration boiler, no more than 183 hourly emission rate values shall be excluded during any calendar quarter.

3) All valid hourly SO_2 emission rate values shall be included in all of the compliance averages. [40 CFR 60.46a and 60.49a]

4) To "document" a malfunction, the operator shall notify the Compliance Authority within one working day of the malfunction by phone, facsimile, or electronic mail. The notification shall include the date and time of malfunction, a description of the malfunction and probable cause, steps to taken to minimize emissions, and actions taken to correct the problem. [Rules 62-210.700(6) and 62-4.130, F.A.C.]

d. *Reporting*: In conjunction with the annual operating report, the permittee shall identify the number of startups, the number of shutdowns, and the number of malfunctions that occurred during the year for each boiler. For each boiler's CO and NOx monitors, the report shall identify the annual hours of emission data excluded from the compliance determination due to each type of incident (startups; shutdowns; and documented malfunctions).

[Rule 62-210.700, F.A.C.; Rule 62-4.070(3), F.A.C.; 40 CFR 60.8; and 40 CFR 60.46a]

COMPLIANCE METHODS AND REPORTING

19. Stack Test Requirements

a. *Initial Tests*: Initial tests were initially required for emissions of mercury, particulate matter, and volatile organic compounds. The Department may require these initial tests to be repeated if major physical or operational changes are made that affect main components such as the boiler, fuels, and/or

pollution control equipment.

b. *Annual Tests*: At least once during each federal fiscal year, the permittee shall conduct compliance tests for emissions of mercury, particulate matter, and volatile organic compounds.

c. *Renewal Tests*: Within the 12-month period prior to submitting an application to renew the Title V air operation permit, the permittee shall conduct compliance tests for emissions of, mercury, particulate matter, and volatile organic compounds. Tests shall be conducted at five-year intervals.

d. *Test Procedures*: The emission compliance tests shall be conducted in accordance with the provisions of Chapter 62-297, F.A.C., 40 CFR 60.46a (NSPS Subpart Da), and as summarized in Appendix C of this permit. The permittee shall notify the Compliance Authority in writing at least 30 days prior to any initial NSPS performance tests and at least 15 days prior to any other required tests. The biomass fuel feed for each test run shall consist of at least 45% wood materials by weight. Testing of emissions shall be conducted with each cogeneration boiler operating at permitted capacity, which is defined as a heat input rate between 684 and 760 MMBtu/hour and firing 100% biomass. If it is impracticable to test at permitted capacity, a cogeneration boiler may be tested at less than the maximum permitted capacity; in this case, subsequent operation is limited to 110 percent of the test rate until a new test is conducted. Within three days of completing a test below permitted capacity, the permittee shall provide written notification of the restricted operational capacity to the Compliance Authority. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(7)(a)9, F.A.C. and 40 CFR 60.7, 60.8]

e. *Test Methods*: Compliance with the emission limits specified in this permit shall be demonstrated using EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants).

EPA Method	Description
1	Selection of sample site and velocity traverses
2	Stack gas flow rate when converting concentrations to or from mass emission limits
3A	Gas analysis when needed for calculation of molecular weight or percent O2
4	Moisture content when converting stack velocity to dry volumetric flow rate for use in converting concentrations in dry gases to or from mass emission limits
5	Particulate matter emissions
6 or 6C	Sulfur dioxide emissions
7 or 7E	Nitrogen oxide emissions
9	Visible emissions determination of opacity *{Permitting Note: Although each unit is required to monitor opacity with a COMS, visible observations may also be used to demonstrate compliance.}*
10	Carbon monoxide emissions
12	Inorganic lead emissions
19	Calculation of sulfur dioxide and nitrogen oxide emission rates
25A	Volatile organic compounds emissions *{Permitting Note: EPA Method 18 may be conducted concurrently with EPA Method 25A to deduct emissions of methane and ethane from the measured VOC emissions. Otherwise, all emissions measured by EPA Method 25A shall be considered "volatile organic compounds".*
29	Multiple metals emissions
101A	Particulate and gaseous mercury emissions

No other methods may be used to demonstrate compliance unless prior written approval is received from the Department. Other applicable testing requirements are included in Appendix C of the permit. The permittee shall use CEMS and COMS data to demonstrate compliance with the emissions standards for CO, NOx, opacity, and SO_2. [Rules 62-204.800 and 62-297.100, F.A.C.; 40 CFR 60, Appendix A]

20. Continuous Monitor Requirements: The permittee shall demonstrate compliance with the emissions standards for CO, NOx, opacity, and SO_2 based on data collected from the continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS) required for each cogeneration boiler. Appendix E specifies the minimum requirements for monitoring equipment.

21. Quarterly Reports: For each cogeneration boiler, the permittee shall submit a quarterly report for each required continuous emissions and opacity monitoring system in accordance with the requirements specified in Appendix E of this permit. The permittee shall also submit a quarterly summary of the fuel analyses, fuel usage, and equipment malfunctions. For each malfunction, the report shall identify the cause (if known), and corrective actions taken. The quarterly reports and summaries shall be submitted to the Compliance Authority no later than 30 days following each calendar quarter.

22. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. Along with this report, the permittee shall also submit a summary of CO emissions from each cogeneration boiler in terms of "ppmvd corrected to 3% oxygen based on a 24-hour average (day)" for each operational day. [Rule 62-210.370(2), F.A.C.]

CONTENTS

SECTION IV. APPENDIX A
CITATION FORMAT

The following examples illustrate the format used in the permit to identify applicable permitting actions and regulations.

REFERENCES TO PREVIOUS PERMITTING ACTIONS

Old Permit Numbers

Example: Permit No. AC50-123456 or Air Permit No. AO50-123456

Where: "AC" identifies the permit as an Air Construction Permit
"AO" identifies the permit as an Air Operation Permit
"123456" identifies the specific permit project number

New Permit Numbers

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: "099" represents the specific county ID number in which the project is located
"2222" represents the specific facility ID number
"001"identifies the specific permit project
"AC" identifies the permit as an air construction permit
"AF" identifies the permit as a minor federally enforceable state operation permit
"AO" identifies the permit as a minor source air operation permit
"AV" identifies the permit as a Title V Major Source Air Operation Permit

PSD Permit Numbers

Example: Permit No. PSD-FL-317

Where: "PSD" means issued pursuant to the Prevention of Significant Deterioration of Air Quality
"FL" means that the permit was issued by the State of Florida
"317" identifies the specific permit project

RULE CITATION FORMATS

Florida Administrative Code (F.A.C.)

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

GENERAL CONDITIONS

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:

   a. Have access to and copy and records that must be kept under the conditions of the permit;
   b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
   c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

   Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

   a. A description of and cause of non-compliance; and

   b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

   The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

    a. Determination of Best Available Control Technology (X);
    b. Determination of Prevention of Significant Deterioration (X); and
    c. Compliance with New Source Performance Standards (X).

14. The permittee shall comply with the following:

    a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

    b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

    c. Records of monitoring information shall include:

        1) The date, exact place, and time of sampling or measurements;
        2) The person responsible for performing the sampling or measurements;
        3) The dates analyses were performed;
        4) The person responsible for performing the analyses;
        5) The analytical techniques or methods used; and
        6) The results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

{Permitting Note: Unless otherwise specified by permit, the following conditions are generally applicable to all emissions units.}

EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]

2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]

3. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]

4. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]

5. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]

6. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. [Rule 62-296.320(2), F.A.C.]

7. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20 percent opacity. [Rule 62-296.320(4)(b)1, F.A.C.]

8. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

TESTING REQUIREMENTS

9. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]

10. Calculation of Emission Rate: For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]

11. Test Procedures: Tests shall be conducted in accordance with all applicable requirements of Chapter 62-297, F.A.C.

    a. *Required Sampling Time.* Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. The minimum observation period for a visible emissions compliance test shall be thirty (30) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur.

b. *Minimum Sample Volume.* Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.

c. *Calibration of Sampling Equipment.* Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C.

[Rule 62-297.310(4), F.A.C.]

12. Determination of Process Variables

a. *Required Equipment.* The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

b. *Accuracy of Equipment.* Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

[Rule 62-297.310(5), F.A.C.]

13. Sampling Facilities: The permittee shall provide stack testing facilities and sampling locations in accordance with Rule 62-297.310(6), F.A.C.

14. Test Notification: The permittee shall notify the Compliance Authority in writing at least 30 days prior to any initial NSPS performance tests and at least 15 days prior to any other required tests. [Rule 62-297.310(7)(a)9, F.A.C. and 40 CFR 60.7, 60.8]

15. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

RECORDS AND REPORTS

16. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2, F.A.C.]

17. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(2), F.A.C.]

18. Emissions Performance Test Reports: A report indicating the results of any required emissions performance test shall be submitted to each Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.]

PSD Applicability

The existing facility is located in Palm Beach County, an area that is in attainment with (or designated as unclassifiable for) all air pollutants subject to a National Ambient Air Quality Standard (NAAQS). The cogeneration plant is classified as a fossil fuel-fired steam electric plant, which is one of the 28 PSD Major Facility Categories identified in Table 62-212.400-1, F.A.C. Potential emissions from the plant are greater than 100 tons per year for at least one regulated pollutant. As such, the facility is "major" with respect to the Prevention of Significant Deterioration (PSD) of Air Quality. Permit No. PSD-FL-196(O) established Best Available Control Technology (BACT) for the following pollutants: carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, volatile organic compounds, lead, fluorides, and sulfuric acid mist.

Final BACT Determinations

In accordance with Rule 62-212.400, F.A.C., the Department determined that the following standards represent the Best Available Control Technology (BACT) for the existing biomass-fired cogeneration boilers.

Pollutant	BACT Standards for Each Cogeneration Boiler		
	Averaging Period	lb/MMBtu	lb/hr
Carbon Monoxide (CO) *Based on "good combustion practices".*	30-day rolling CEMS avg.	0.50	380.0
	12-month rolling CEMS avg.	0.35	
Nitrogen Oxides (NOx) *Based on the application of SNCR.*	30-day rolling CEMS avg.	0.15	114.0
Sulfur Dioxide (SO_2) *Based on "low sulfur fuels". The SO_2 standards are also surrogate standards for sulfuric acid mist (SAM) emissions.*	24-hour rolling CEMS avg.	0.20	152.0
	30-day rolling CEMS avg.	0.10	
	12-month rolling CEMS avg.	0.06	
Opacity *Based on application of mechanical dust collectors and electrostatic precipitator.*	6-minute block COMS avg. (Alternative: EPA Method 9)	≤ 20% opacity, except for one 6-minute block per hour that is ≤ 27% opacity	
Particulate Matter (PM) *Based on application of mechanical dust collectors and electrostatic precipitator.*	3-run test avg.	0.026	19.8
Volatile Organic Compounds (VOC) *Based on "good combustion practices".*	3-run test avg.	0.05	38.0
Lead (Pb) and Fluorides (Fl) *Based on "low lead/fluoride fuels".*	BACT is the use of fuels containing low levels of these compounds (bagasse, wood, distillate oil, and natural gas) and prospective removal with the fly ash by the mechanical dust collectors and electrostatic precipitators. The particulate matter standard shall also serve as a surrogate standard for lead.		

The Department's technical review and rationale for the BACT determinations are presented in Technical Evaluation and Preliminary Determination issued concurrently with Permit No. PSD-FL-196(O) for Project No. 0990332-016-AC.

CONTINUOUS MONITOR REQUIREMENTS

{Permitting Note: The following summarizes the basic monitoring requirements for the cogeneration boilers.}

1. Process and Control Parameters: The permittee shall install, calibrate, maintain, and operate continuous monitoring systems to measure and record the following process and control equipment parameters:

   a. *Power Output.* The net power generation (MW) delivered for sale to the electrical power grid shall be continuously monitored and recorded in 1-hour block averages.

   b. *Fuel Feed Rate.* Fuel flow meters equipped with totalizers are required to monitor and record the fuel feed rates for distillate oil (gallons) and natural gas (million cubic feet). Biomass feed rates (tons of bagasse and tons of wood) shall be calculated and recorded based on actual fuel flows. The permittee shall continuously monitor the fuel throughput rates based on the fuel flow monitors and calculate the actual heat input rates (24 hour average) for each fuel during each day of operation.

   c. *Steam Parameters.* Each cogeneration boiler shall be equipped with monitors to measure and record the steam temperature (° F), steam pressure (psig), and steam production (pounds).

   d. *Urea Injection Rate (SNCR System).* The urea injection rate shall be continuously monitored and recorded for each cogeneration boiler. The urea injection rate shall be compared to actual NOx emissions data recorded by the CEMS. The permittee shall identify minimum urea injection rates for various load conditions that ensure compliance with the NOx standards. Should the NOx CEMS be unavailable, the urea injection rate shall be maintained at an appropriate minimum level.

   e. *Activated Carbon Injection Rate (Mercury Control System).* If the mercury injection system is reactivated, the carbon injection rate shall be continuously monitored and recorded. Based on the testing required in this permit, the permittee shall identify and maintain minimum carbon injection rates to ensure effective control of mercury emissions.

   The permittee shall maintain written procedures for inspecting, calibrating, and maintaining the process and control monitoring equipment. [Rules 62-4.070 and 62-212.400(BACT), F.A.C.]

2. CEMS and COMS: For each cogeneration boiler, the permittee shall install, calibrate, maintain, and operate continuous emissions monitors (CEMS) and continuous opacity monitors (COMS) to measure and record emissions of carbon monoxide (CO), nitrogen oxides (NOx), oxygen (O_2), sulfur dioxide (SO_2), and opacity in a manner sufficient to demonstrate compliance with the standards of this permit.

   a. *Performance Specifications.* Each monitor shall be located in the ductwork between the electrostatic precipitator and the stack (or in the stack) to obtain emissions measurements representative of actual stack emissions. Each CEMS and COMS shall comply with the corresponding performance specifications that identify location, installation, design, performance, and reporting requirements.

      (1) Opacity shall comply with Performance Specification 1 in Appendix B of 40 CFR 60.

      (2) NOx and SO_2 CEMS shall comply with Performance Specification 2 in Appendix B of 40 CFR 60. The SO_2 reference method for the annual RATA shall be EPA Method 6 (or 6C) in Appendix A of 40 CFR 60. The NOx reference method for the annual RATA shall be EPA Method 7 (or 7E) in Appendix A of 40 CFR 60.

      (3) O_2 CEMS shall comply with Performance Specification 3 in Appendix B of 40 CFR 60. The O_2 reference method for the annual RATA shall be EPA Method 3A Appendix A of 40 CFR 60.

      (4) CO CEMS shall meet Performance Specification 4 or 4A in Appendix B of 40 CFR 60. The CO reference method for the annual RATA shall be EPA Method 10 in Appendix A of 40 CFR 60.

   b. *Data Collection.* Each CEMS and COMS shall record emissions data at all times including episodes of startup, shutdown, and malfunction. Emissions data recorded during periods of startup, shutdown, or malfunction may only be excluded from the compliance averages in accordance with the requirements specified in Section III of this permit. To the extent practicable, the permittee shall minimize the duration of data excluded for startup, shutdown and malfunctions.

      Each CEMS shall be designed and operated to sample, analyze, and record emissions data evenly spaced over a 1-hour period. Each 1-hour average shall be computed using at least one data point in each fifteen minute quadrant

of the 1-hour block during which the unit combusted fuel. Notwithstanding this requirement, each 1-hour average shall be computed from at least two data points separated by a minimum of 15 minutes. All valid measurements or data points collected during a 1-hour block shall be used to calculate the 1-hour emission averages. CO, NOx, and SO2 CEMS shall express the 1-hour emission averages in terms of "lb/MMBtu of heat input". O2 CEMS shall express the 1-hour emission average in terms of "percent by volume". A 30-day rolling emission average shall be the average of all valid 1-hour emission averages collected during the 30-day period. A 12-month rolling emission average shall be the average of all valid 1-hour emission averages collected during the 12-month period. NOx and SO2 CEMS shall comply with NSPS Subpart Da in 40 CFR 60.

Each COMS shall be designed and operated to complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period. Opacity shall be recorded in 6-minute block averages.

c. *Quality Assurance Procedures.* Each CEMS shall comply with the applicable quality assurance procedures specified in Appendix F of 40 CFR 60. These procedures include methods such as calibration, calibration drift, data recording, accuracy assessment, calculations, audit procedures, preventive maintenance, corrective actions, and reporting.

d. *Monitor Availability.* Monitor availability shall not be less than 95% in any calendar quarter. In the event 95% availability is not achieved, the permittee shall provide the Department with a report identifying the problems in achieving 95% availability and a plan of corrective actions that will be taken to achieve 95% availability. The permittee shall implement the reported corrective actions within the next calendar quarter. Failure to take corrective actions or continued failure to achieve the minimum monitor availability shall be violations of this permit.

e. *Other Applicable Requirements*: Each CEMS shall comply with the following applicable requirements Rules 62-204.800 and 62-297.520, F.A.C. (Continuous Monitor Performance Specifications); 40 CFR 60.13 (Subpart A - Monitoring Requirements); 40 CFR 60.47a (Subpart Da - Emissions Monitoring); 40 CFR 60.48a (Subpart Da - Compliance Determination Procedures and Methods); 60.49a (Subpart Da - Reporting Requirements).

f. *Quarterly Reports*: For each cogeneration boiler, the permittee shall submit the report on the following page to summarize each required continuous emissions and opacity monitoring system. The authorized representative shall certify that the information provided in each quarterly report is true, accurate, and complete to the best of his/her knowledge. Each quarterly report is due no later than 30 days following the calendar quarter.

SECTION IV. APPENDIX E
CONTINUOUS MONITOR REQUIREMENTS

Facility Name	ARMS ID No.	Title V Air Permit No.
Okeelanta Cogeneration Plant	0990332	

Facility Address/Location
Located off U.S. Highway 27 South, approximately six miles south of South Bay in Palm Beach County, Florida

Emissions Unit Description
Spreader stoker boiler with maximum heat input of 760 MMBtu/hour
ARMS EU ID No. _____ Cogeneration Boiler: ___ A ___ B ___ C

Unit Operation in Calendar Quarter
_____ hours

Control Equipment
Mercury - activated carbon injection; Nitrogen Oxides – low NOx burners and selective non-catalytic reduction (NOx) system; Particulate Matter – mechanical dust collectors and electrostatic precipitators

Primary Fuel
Biomass, which includes bagasse from adjacent sugar mill and wood material from area suppliers (clean construction and demolition wood debris, yard trash, land clearing debris, and other clean cellulose and vegetative matter)

Auxiliary Fuels
Pipeline natural gas
Distillate oil (≤ 0.05% sulfur by weight)

Pollutant Monitored *(Check one.)*
_____ CO _____ NOx _____ SO2 _____ Opacity

Calendar Quarter of Operation Covered *(Check one.)*
___ 1 ___ 2 ___ 3 ___ 4 for year _____

Continuous Monitor Information
Manufacturer: _____
Model No. _____
Date of last certification or audit: _____

Emission Standards
_____ lb/MMBtu of heat input, 24-hour rolling average
_____ lb/MMBtu of heat input, 30-day rolling average
_____ lb/MMBtu of heat input, 12-month rolling average
≤ 20% opacity, except for one 6-minute block per hour that is ≤ 27% opacity

Emission Data Summary

1. Duration of excess emissions in reporting period due to:
   a. Startup/shutdown ..... _____
   b. Control equipment problems ..... _____
   c. Process problems ..... _____
   d. Other known causes ..... _____
   e. Unknown causes ..... _____
2. Total duration of excess emissions ..... _____
3. [Total duration of excess emissions] x (100%) ..... _____
   [Total source operating time]

Note: Report "excess emissions" as emission averages that are in excess of a permitted emissions standard. For gases, report excess emissions in terms of hours. For opacity, report excess emissions in terms of minutes.

CMS Performance Summary

1. CMS downtime in reporting period due to:
   a. Monitor Equipment Malfunctions ..... _____
   b. Non-Monitor Equipment Malfunctions ..... _____
   c. Quality Assurance Calibration ..... _____
   d. Other Known Causes ..... _____
   e. Unknown Causes ..... _____
2. Total CMS Downtime ..... _____
3. [Total CMS Downtime] x (100%) ..... _____
   [Total source operating time]

If monitor availability is not at least 95%, provide a report identifying the problems in achieving 95% availability and a plan of corrective actions that will be taken to achieve 95% availability

Emissions Data Exclusion

1. Report the number of 1-hour emissions averages excluded the reporting period due to:
   a. Startup ..... _____
   b. Shutdown ..... _____
   c. Malfunction ..... _____
   d. Total ..... _____
2. On a separate page, summarize each malfunction event, the cause (if known), and corrective actions taken.
3. On a separate page, describe any changes to CMS, process or controls during last quarter.

Air Permit No. AC5O-219413 (PSD-FL-196): The permittee requested approval to construct the original cogeneration plant. The initial PSD permit was issued on 09/27/93.

Air Permit No. 0990332-001-AC (PSD-FL-196A): The permittee requested a limit on yard trash of 30% by weight to avoid most of the applicable requirements of 40 CFR 60, Subpart Ea. A modification was issued modification on 02/20/96, which added specific condition 12A.

Air Permit No. 0990332-002-AC (PSD-FL-196B): The permittee requested an extension of time for the simultaneous operation of the cogeneration boilers with the sugar mill boilers in order to "perfect the steam interconnection". A modification was issued modification on 06/14/96.

Air Permit No. 0990332-003-AC (PSD-FL-196C): The permittee requested approval to fire tire derived fuel. A permit modification was issued on 01/22/97 to allow for a temporary demonstration period to collect emissions data.

Air Permit No. 0990332-004-AC (PSD-FL-196D): The permittee requested a revision to the emission standard and testing requirements for sulfuric acid mist. A modification was issued on 04/18/97, which retained the emission standard, but revised the test method to 8 (modified).

Air Permit No. 0990332-005-AC (PSD-FL-196E): The permittee requested an extension of time for the simultaneous operation of the cogeneration boilers with the sugar mill boilers in order to "perfect the steam interconnection". A modification was issued on 04/05/97.

Air Permit No. 0990332-006-AC (PSD-FL-196F): The permittee requested a modification of the emissions standards for carbon monoxide, lead, and mercury. A modification was issued on 10/24/97.

Air Permit No. 0990332-007-AC (PSD-FL-196G): The permittee requested an amendment to Specific Condition 11 to clarify the performance test schedule. A modification was issued on 05/08/97.

Air Permit No. 0990332-008-AC (PSD-FL-196H): The permittee requested a revision to the 24-hour rolling average for determining peak electrical generation. The application was withdrawn on 02/03/97.

Air Permit No. 0990332-009-AC (PSD-FL-196I): The permittee requested an extension of time for the simultaneous operation of the cogeneration boilers with the sugar mill boilers in order to provide additional time to ensure that the interconnections (bagasse fuel and steam systems) were commercially and operationally reliable. A modification was issued on 06/16/98.

Air Permit No. 0990332-010-AC (PSD-FL-196J): The permittee requested a revision to the CO emissions standard. A modification of the CO averaging period was issued on 06/24/99.

Air Permit No. 0990332-011-AC (PSD-FL-196K): The permittee requested a modification to extend operation of Okeelanta Corporation's sugar mill boilers as standby units for the cogeneration boilers due to litigation with FPL. A modification was issued on 10/31/00.

Air Permit No. 0990332-012-AC (PSD-FL-196K): The permittee requested approval to install particulate dust collectors prior to the electrostatic precipitators. A letter approval was issued on 12/22/99 and a description of the control equipment was added to Permit No. PSD-FL-196K.

Air Permit No. 0990332-013-AC (PSD-FL-196L): The permittee requested approval to add burners to fire natural gas as a startup and supplemental fuel. A modification was issued on 01/19/01.

Air Permit No. 0990332-014-AC (PSD-FL-196M): The permittee requested a modification for the following: emissions limiting and monitoring provisions for emissions of carbon monoxide, fluorides, lead, mercury, sulfur dioxide, and sulfuric acid mist; removal of the authority to fire low sulfur coal as a backup fuel; and removal of the requirement to conduct stack testing for chromium, copper and arsenic. A modification was issued on 01/31/02. It also updated the permit format and incorporated all previous permit modifications into a single document.

Air Permit No. 0990332-015-AC (PSD-FL-196N): The permittee requested a modification of the permit to specify that the electrical generating capacity would be based on "net" generation and not "gross" generation. A modification was issued on 05/04/01.

Air Permit No. 0990332-016-AC (PSD-FL-196O): The permittee requested an increase of the maximum heat input rate to each boiler from 715 to 760 MMBtu per hour and removal of the annual heat input rate restriction. The project was subject to PSD review carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, volatile organic compounds, lead, fluorides, and sulfuric acid mist. A modification was issued on 10/27/03.

Air Permit No. 0990332-017-AC (PSD-FL-196P): The permittee requested approval to add a nominal 65 MW steam turbine electrical generator. The project subjects the facility to power plant site certification requirements. This is the current project.

TECHNICAL EVALUATION
&
PRELIMINARY DETERMINATION

PROJECT

Project No. 0990332-017-AC
Air Permit No. PSD-FL-196(P)
New Hope Power Partnership – Okeelanta Cogeneration Plant
ARMS Facility ID No. 0990332
Increase Steam-Generated Electrical Capacity to a Nominal 140 MW

COUNTY

Palm Beach County

APPLICANT

New Hope Power Partnership
Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, FL 33493

PERMITTING AUTHORITY

Florida Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Air Permitting South Program
2600 Blair Stone Road, MS #5505
Tallahassee, FL 32399-2400

December 3, 2004

1. GENERAL PROJECT INFORMATION

General Facility Information

The existing facility consists of two adjacent plants. Okeelanta Corporation (ARMS ID No. 0990005) operates a sugar mill (SIC No. 2061) and sugar refinery (SIC No. 2062) including packaging and transshipment activities. New Hope Power Partnership (ARMS ID No. 0990332) operates a 74.9 MW cogeneration plant that provides process steam for the sugar mill/refinery and generates electricity for sale to the power grid (SIC 4911). The cogeneration plant, sugar mill, and sugar refinery are all considered a single facility for purposes of the PSD and Title V regulatory programs. The facility is located off U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida.

The existing cogeneration plant consists of three boilers, biomass storage/handling, a 74.9 MW steam turbine electrical generator, a condenser, a mechanical draft cooling tower, an electrical switchyard, and miscellaneous support equipment. Each boiler fires biomass (bagasse and wood chips) as the primary fuel. Distillate oil and natural gas are fired as startup and supplemental fuels. The boilers include the following air pollution control equipment: low-NOx gas burners, over fire air, and a selective non-catalytic reduction (SNCR) system to reduce nitrogen oxides emissions; mechanical dust collectors followed by an electrostatic precipitator (ESP) to reduce particulate matter emissions; and the efficient combustion of clean, low-sulfur fuels to minimize emissions of carbon monoxide, sulfuric acid mist, sulfur dioxide, and volatile organic compounds. The existing facility is subject to the following regulatory classifications.

Title III: The facility is a major source of hazardous air pollutants (HAP).

Title IV: The facility operates no units subject to the acid rain provisions of the Clean Air Act.

Title V: The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.

PSD: The facility is a PSD-major facility as defined in Rule 62-212.400, F.A.C.

Siting: The project subjects the facility to the power plant site certification requirements in Chapter 62-17, F.A.C.

Application Processing

The Department received the application on September 3, 2004. The Department requested additional information on October 5, 2004. The Department received the requested additional information on November 18, 2004 making the application complete.

Project Description

During the crop milling season (October – April), the primary function of the cogeneration plant is to meet the steam demands from the adjacent sugar mill. The cogeneration plant was designed such that it could supply steam to the mill with only two operating boilers. Excess steam is used to generate electricity for sale to the power grid. During the off-crop season (May – September), the cogeneration boilers have the steam-generating capacity to produce more electricity than the existing 74.9 MW steam turbine electrical generator.

New Hope Power Partnership proposes to add a second steam turbine electrical generator with a nameplate capacity of 70 MW to the existing cogeneration plant. The new steam turbine electrical generator is expected to produce an incremental peak output of approximately 65 MW, which will increase the plant's production capacity to a nominal 140 MW. Historically, the cogeneration plant has operated with an annual capacity factor of approximately 60%. With the addition of the 65 MW generator, the applicant estimates the annual capacity factor to be in the range of 74% to 95%. The project also includes the addition of a 2-cell mechanical draft cooling tower as well as other support equipment. Construction is expected to begin in the summer of 2005 and be completed in May of 2006.

The cogeneration plant was originally permitted in 2003. Although it was a major facility subject to PSD preconstruction review, the steam-generated electrical production capacity was below 75 MW and the facility

was not subject to the requirements of the Department's power plant site certification process. After completion of the proposed project, the steam-generated electrical production capacity of the cogeneration plant will be a nominal 140 MW. Therefore, the project is currently undergoing review in accordance with the Department's power plant site certification process.

2. APPLICABLE REGULATIONS

This project is subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The Florida Statutes authorize the Department of Environmental Protection to establish rules and regulations regarding air quality as part of the Florida Administrative Code (F.A.C.). This project is subject to the applicable rules and regulations defined in the following Chapters of the Florida Administrative Code.

Chapter	Description
62-4	Permitting Requirements
62-17	Electrical Power Plant Siting
62-204	Ambient Air Quality Requirements, PSD Increments, and Federal Regulations Adopted by Reference
62-210	Permits Required, Public Notice, Reports, Stack Height Policy, Circumvention, Excess Emissions, and Forms
62-212	Preconstruction Review, PSD Review and BACT, and Non-attainment Area Review and LAER
62-213	Title V Air Operation Permits for Major Sources of Air Pollution
62-296	Emission Limiting Standards
62-297	Test Methods and Procedures, Continuous Monitoring Specifications, and Alternate Sampling Procedures

Federal Regulations

The Environmental Protection Agency establishes air quality regulations in Title 40 of the Code of Federal Regulations (CFR). Part 60 identifies New Source Performance Standards (NSPS) for a variety of industrial activities. Par t 61 specifies the National Emissions Standards for Hazardous Air Pollutant (NESHAP) based on specific pollutants. Part 63 identifies National Emissions Standards for Hazardous Air Pollutant (NESHAP) base on the Maximum Achievable Control Technology (MACT) for given source categories. No new federal regulations were identified as applicable for this project.

General PSD Applicability

The Department regulates major air pollution facilities in accordance with Florida's Prevention of Significant Deterioration (PSD) program, as approved by the EPA in Florida's State Implementation Plan and defined in Rule 62-212.400, F.A.C. PSD preconstruction review is required in areas currently in attainment with the state and federal Ambient Air Quality Standards (AAQS) or areas designated as "unclassifiable" for a given pollutant. A facility is considered "major" with respect to PSD if it emits or has the potential to emit: 250 tons per year or more of any regulated air pollutant, or 100 tons per year or more of any regulated air pollutant and the facility belongs to one of the 28 PSD Major Facility Categories (Table 62-212.400-1, F.A.C.), or 5 tons per year of lead.

For new projects at existing PSD-major sources, each regulated pollutant is reviewed for PSD applicability based on emissions thresholds known as the Significant Emission Rates listed in Table 62-212.400-2, F.A.C. Pollutant emissions from the project exceeding these rates are considered "significant" and the applicant must employ the Best Available Control Technology (BACT) to minimize emissions of each such pollutant and evaluate the air quality impacts. Although a facility may be "major" with respect to PSD for only one regulated pollutant, it may be required to install BACT controls for several "significant" regulated pollutants.

PSD Applicability for the Project

The existing facility is located in Palm Beach County, an area that is currently in attainment with the state and federal Ambient Air Quality Standards (AAQS) or otherwise designated as unclassifiable. The actual and potential annual emissions of several pollutants from the facility are greater than the applicability thresholds

defined above. Therefore, the plant is an existing PSD-major facility as defined in Rule 62-212.400, F.A.C. New projects at the existing major facility must be reviewed for the applicability of PSD preconstruction review.

The Department recognizes that the additional 65 MW steam turbine electrical generator could potentially de-bottleneck operations at the cogeneration plant during the 5-month off-crop season. However, less than a year ago, the facility underwent PSD preconstruction review that considered full potential operation of the plant. In October of 2003, the Department issued a PSD permit modification (Project No. 0990332-016-AC) for the cogeneration facility that:

- Increased the maximum heat input rate to the boilers from 715 to 760 MMBtu, and
- Removed the annual heat input restriction of $11.5 \times 10^{+06}$ MMBtu per year.

Prior to the modification, the cogeneration plant was restricted to an annual capacity factor of approximately 60%. The previous project review compared the past actual emissions of the existing cogeneration plant at 60% annual capacity with full potential emissions at 100% annual capacity. Based on potential emissions increases, the project was subject to PSD preconstruction review for the following pollutants: carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, volatile organic compounds, lead, fluorides, and sulfuric acid mist. The Department made a determination of the Best Available Control Technology (BACT) for each of these pollutants based on the following air pollution control equipment: low-NOx gas burners, over fire air and a selective non-catalytic reduction system to reduce nitrogen oxides emissions; mechanical dust collectors followed by an electrostatic precipitator to reduce particulate matter emissions; and the efficient combustion of clean, low-sulfur fuels to minimize emissions of carbon monoxide, sulfuric acid mist, sulfur dioxide, and volatile organic compounds.

As part of Project No. 0990332-016-AC, the applicant also provided an air quality analysis to evaluate impacts from full operation of the plant. The following summarizes the conclusions of the air quality analysis.

- Initial air dispersion modeling indicated that the project did not result in significant impacts of carbon monoxide, nitrogen oxides, particulate matter, or sulfur dioxide (annual averaging period).
- Initial air dispersion modeling indicated that the project was significant for sulfur dioxide emissions (3-hour and 24-hour averaging periods) in both the Class I (Everglades National Park) and Class II areas (vicinity of the plant). Further refined modeling showed potential impacts from the project to be less than the allowable increments for sulfur dioxide.
- Although the potential increase in volatile organic compounds (VOC) from the project was above the de minimis level of 100 tons per year, there are no approved stationary point source models available for use in predicting ozone impacts. Actual annual VOC emissions from the cogeneration plant are expected to be less than 100 tons per year based on past performance test data and predicted operational levels. In addition, ambient ozone monitoring data collected in Palm Beach County over the last several years shows attainment with the current ozone standards and predicts attainment with the proposed new ozone standards. It was determined that the use of a regional model incorporating the complex chemical mechanisms for predicting ozone formation was not suitable for this project nor would it be sensitive enough to evaluate impacts associated with the changes from this project.

Based on the supporting air quality analysis of the potential impacts from increased operation, the applicant provided the Department with reasonable assurance that the project would not significantly contribute to or cause a violation of any state or federal ambient air quality standards and would not significantly contribute to or cause a violation of any PSD Class I or Class II increments.

In the definition of "actual emissions", Rule 62-210.200(11), F.A.C. states, "The Department may presume that unit-specific allowable emissions for an emissions unit are equivalent to the actual emissions of the emissions unit provided that, for any regulated air pollutant, such unit-specific allowable emissions limits are federally enforceable." For this project, the Department presumes that the past actual emissions are equivalent to the allowable emissions from of the cogeneration boilers based on the PSD permit modification issued in October of

2003. This presumption is based on the following:

- The specific details of the project;
- The previous PSD modification permitting full operation of the cogeneration plant;
- The timing of the previous project that evaluated full operation;
- The previous BACT determinations and control equipment for the cogeneration boilers;
- The previous air quality analysis that evaluated the impacts of the full potential emissions increases; and
- The definition of actual emissions in Rule 62-210.200(11), F.A.C.

Based on the presumption, the following table summarizes the PSD applicability for this project.

Table 2A. PSD Applicability Analysis

Pollutant	Annual Emission Rates, Tons per Year						Subject To PSD Review?
	Cogeneration Boilers	Cooling Tower	Potential After Project	Past Actual Before Project	Net Change	PSD SER	
CO	3495	0	3495	3495	0	100	No
NOx	1498	0	1498	1498	0	40	No
PM/PM10	260	< 2	< 262	260	< 2	25/15	No
SO2	599	0	599	599	0	40	No
VOC	499	0	499	499	0	40	No

a. The maximum annual heat input rate for the cogeneration plant is 19.9728 x 10^{+06} MMBtu/year. This includes three boilers operating at 760 MMBtu per hour per boiler for 8760 hours per year.

b. Annual emissions from the boiler were based on the following emissions standards: CO (0.35 lb/MMBtu, 12-month average); NOx (0.15 lb/MMBtu, 30-day average); PM/PM10 (0.026 lb/MMBtu, 3-hour average); SO2 (0.06, 12-month average); and VOC (0.05, 3-hour average). All PM is assumed to be PM10.

c. Annual emissions from the cooling tower were estimated based on the design.

d. Past actual emissions from the cogeneration boilers were assumed to be equivalent to the unit-specific allowable emissions in the current PSD permit.

Based on this review, there will not be a PSD-significant emissions increase in any pollutant and the proposed project is not subject to PSD preconstruction review. However, the project does require a modification of the PSD permit to authorize the requested construction and remove the previous limitation on electrical power production. In addition, upon completion of the project, the cogeneration plant will have a nominal steam-generated electrical capacity of 140 MW. Therefore, the project subjects the facility to the power plant site certification requirements of the Department.

Draft Permit Modification

The PSD permit will be modified as follows:

- Emissions Unit 005 will be added as "miscellaneous support equipment" to include such equipment as the steam turbine electrical generators, condensers, cooling towers, etc. This will provide a database element to identify the plant's nominal steam-generated electrical capacity rather than apportioning among the boilers.
- Appendix F was added to provide a brief permitting history for the cogeneration plant.
- To provide sufficient time for construction and submittal of a revised Title V application, the expiration date will be changed to December 15, 2006. The revised permit will authorize construction of the nominal 65

MW steam turbine electrical generator, cooling tower, and other miscellaneous supporting equipment.

- Specific Condition 1 will be revised as follows:

~~Generating Capacity: Construction of the proposed cogeneration plant shall reasonably conform to the plans described in the application. The plant shall be designed, constructed, and operated such that the generating capacity does not exceed 74.9 net megawatt (MW) based on a 1-hour average. The owner or operator shall not modify the cogeneration plant in any way that would cause the plant to exceed the limit on maximum net generating capacity. The hourly average net generation rate shall be recorded and retained for at least 5 years.~~

New Construction: The existing cogeneration plant includes a nominal 75 MW steam turbine electrical generator and a mechanical draft cooling tower. This PSD modification authorizes the addition of a nominal 65 MW steam turbine electrical generator and the addition of a 2-cell mechanical draft cooling tower. Within 10 days of establishing commercial operation of the new steam turbine electrical generator, the permittee shall notify the Bureau of Air Regulation and Compliance Authorities. The notification shall include the date of commercial startup and identify any substantial changes in the final equipment that differ from the application. [Design; Rule 62-4.070(3), F.A.C.] *{Permitting Note: Upon completion of the project, the cogeneration plant will have a nominal generating capacity of 140 MW. Therefore, the project subjects the facility to the power plant site certification requirements of the Department. Subsequent modifications must also be made in accordance with these requirements.}*

- Condition 16a will be revised as follows, "Compliance shall be determined by data collected from the required CO CEMS in terms of "lb/MMBtu of heat input". The 30-day rolling average shall be determined by calculating the arithmetic average of all hourly emission rates for 30 successive boiler operating days and be consistent with the NOx monitoring requirements below. Compliance with the 12-month standard shall be based on the rolling average for each consecutive 12-month period. ~~In addition, the CO CEMS shall record CO emissions in terms of "ppmvd corrected to 3% oxygen" for each 1-hour block average and each 24-hour block average (daily average). *{Permitting Note: CO emissions data recorded and reported in terms of "ppmvd corrected to 3% oxygen" are for informational purposes only.}*~~" This requirement was specified based on the proposed NESHAP Subpart DDDDD for industrial boilers. However, the final rule did not include the work practice standard for CO emissions from existing boilers. Therefore, this requirement is no longer necessary and will be removed.

3. PRELIMINARY DETERMINATION

Copies of the application were provided to the EPA Region 4 Office, the National Park Service, the Department's South District Office, and the Palm Beach County Health Department. The Department makes a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations as conditioned by the draft permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, and the conditions specified in the draft permit. Jeff Koerner is the project engineer responsible for reviewing the application and drafting the permit changes. Additional details of this analysis may be obtained by contacting the project engineer at the Department's Bureau of Air Regulation at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

{Filename: PSD-FL-196(P) - TEPD}

P.E. CERTIFICATION STATEMENT

PERMITTEE

New Hope Power Partnership
Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, FL 33493

Draft Air Permit No. PSD-FL-196(P)
Project No. 0990332-017-AC
Okeelanta Cogeneration Plant
Increase Generating Capacity to 140 MW

PROJECT DESCRIPTION

The applicant operates an existing cogeneration plant, which was originally permitted in 1993 and began operation in 1997. The existing plant currently consists of three boilers, biomass storage/handling, a 74.9 MW steam turbine electrical generator, a condenser, a mechanical draft cooling tower, an electrical switchyard, and miscellaneous support equipment. Each boiler fires biomass (bagasse and wood chips) as the primary fuel. Distillate oil and natural gas are fired as startup and supplemental fuels. The applicant proposes to install a nominal 65 MW steam turbine electrical generator, a second cooling tower, and other miscellaneous support equipment. The existing cogeneration plant is located in Palm Beach County, an area that is currently in attainment with the state and federal Ambient Air Quality Standards (AAQS) or otherwise designated as unclassifiable. The cogeneration plant is a major facility in accordance with Rule 62-212.400, F.A.C., the regulatory program for the Prevention of Significant Deterioration (PSD) of Air Quality. Therefore, new projects at the existing facility must be reviewed for PSD applicability.

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

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

I HEREBY CERTIFY *that the air pollution control engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including, but not limited to, the electrical, mechanical, structural, hydrological, geological, and meteorological features).*

Jeffery J. Koerner 12-17-04

Jeffery F. Koerner, P.E. (Date)
Registration No. 49441

Memorandum

Florida Department of
Environmental Protection

TO: Trina Vielhauer, Chief - Bureau of Air Regulation

THROUGH: Al Linero, Manager of Air Permitting South

FROM: Jeff Koerner, Air Permitting South

DATE: December 3, 2004

SUBJECT: Draft Air Permit No. PSD-FL-196(P)
Project No. 0990332-017-AC
New Hope Power Partnership – Okeelanta Cogeneration Plant
Increase Steam-Generated Electrical Capacity to a Nominal 140 MW

Attached for your review are the following items:

- Intent to Issue Revised Air Permit and Public Notice Package;
- Technical Evaluation and Preliminary Determination;
- Draft Permit; and
- P.E. Certification.

The P.E. certification briefly summarizes the proposed permit project. The Technical Evaluation and Preliminary Determination provide a detailed description of the project, rationale, and conclusion. Day #74 is January 30, 2005; however, it is noted that the project is subject to the requirements of power plant site certification. I recommend your approval of the attached Draft Permit for this project.

Attachments

Al has a copy of this package also. JK

P.E. CERTIFICATION STATEMENT

PERMITTEE

New Hope Power Partnership
Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, FL 33493

Draft Air Permit No. PSD-FL-196(P)
Project No. 0990332-017-AC
Okeelanta Cogeneration Plant
Increase Generating Capacity to 140 MW

PROJECT DESCRIPTION

The applicant operates an existing cogeneration plant, which was originally permitted in 1993 and began operation in 1997. The existing plant currently consists of three boilers, biomass storage/handling, a 74.9 MW steam turbine electrical generator, a condenser, a mechanical draft cooling tower, an electrical switchyard, and miscellaneous support equipment. Each boiler fires biomass (bagasse and wood chips) as the primary fuel. Distillate oil and natural gas are fired as startup and supplemental fuels. The applicant proposes to install a nominal 65 MW steam turbine electrical generator, a second cooling tower, and other miscellaneous support equipment. The existing cogeneration plant is located in Palm Beach County, an area that is currently in attainment with the state and federal Ambient Air Quality Standards (AAQS) or otherwise designated as unclassifiable. The cogeneration plant is a major facility in accordance with Rule 62-212.400, F.A.C., the regulatory program for the Prevention of Significant Deterioration (PSD) of Air Quality. Therefore, new projects at the existing facility must be reviewed for PSD applicability.

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

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Jeffery J. Koerner

12-17-04

Jeffery F. Koerner, P.E.
Registration No. 49441

(Date)

SENDER: COMPLETE THIS SECTION

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Mr. David Dee
Landers & Parsons
310 W. College Avenue
PO Box 271
Tallahassee, FL 32302

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A. Signature
X Lauren Labasky ☑ Agent ☐ Address

B. Received by (Printed Name) Lauren Labasky
C. Date of Deli... 12/27/04

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

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☒ Certified Mail ☐ Express Mail
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PS Form 3811, August 2001 Domestic Return Receipt 102...

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1. Article Addressed to:
Mr. Rodney Williams, Plant Manager
New Hope Power Partnership
Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, Florida 33493
PO BOX 9

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Kathleen Yerkes ☐ Agent ☐ Addressee

B. Received by (Printed Name) Kathleen Yerkes
C. Date of Delivery 1-3-05

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

3. Service Type
☒ Certified Mail ☐ Express Mail
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U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

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Sent To
Mr. Rodney Williams, Plant Manager
Street, Apt. No., or PO Box No.
New Hope Power Partnership
Okeelanta Cogeneration Plant
City, State, ZIP+4
8001 U.S. Highway 27 South

PS Form 3800, May 2000 See Reverse for Instructions

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   Office of General Counsel
   Department of Environmental Protection
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3. Al Linero
   Administrator of New Source Review
   Bureau of Air Regulation
   Department of Environmental Protection
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   620 S. Meridian Street
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DCA

8. Craid Varn, Esq.
   Department of Community Affairs
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Palm Beach County

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SFWMD

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Assistant General Counsel
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

16. Jim Golden
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

Others

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New Hope Power Partnership
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18. Gus Cepero
Okeelanta Corporation
21250 U.S. Highway 27
South Bay, Florida 33493

19. Matt Capone
Okeelanta Corporation
21250 U.S. Highway 27 South
South Bay, Florida 33493

20. Bill Tarr
Florida Crystals Corporation
One North Clematis Street
Suite 200
West Palm Beach, Florida 33401

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
Gainesville, FL USA 32653
Telephone (352) 336-5600
Fax (352) 336-6603
www.golder.com

December 13, 2004 0337594

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

Attention: Mr. James J. Golden, AICP, Senior Planner, Environmental Resource Regulation

RE: New Hope Power Partnership Expansion Project
Okeelanta Cogeneration Facility
Power Plant Siting Application No. PA 04-46
DOAH Case No. 04-3209EPP; OGC Case No. 04-1594

Dear Mr. Golden:

This correspondence provides some additional information requested regarding the proposed New Hope Power Partnership Expansion Project. Attached, please find a copy of the Potable Water Service Agreement between Okeelanta Corporation and New Hope Power Partnership. In addition, the capacity, horsepower, and size of the existing canal pumps are: 3 at 450 gpm, 30 hp, and 6" discharge.

If you should have further questions regarding the SCA or Sufficiency Responses, please contact Mr. James Meriwether or myself. Mr. Meriwether is the Environmental and Safety Manager for NHPP and his contact information is on the Application Information page.

Sincerely,

GOLDER ASSOCIATES INC.

Kennard F. Kosky, P. E.
Principal

KFK/dmw

Enclosure

Cc: New Hope Power Distribution List

Y:\Projects\2003\0337594 New Hope Power\4\4.1\L121304.doc

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South Bay, Florida 33493

20. Bill Tarr
Florida Crystals Corporation
One North Clematis Street
Suite 200
West Palm Beach, Florida 33401

FIRST AMENDMENT TO AGREEMENT

This First Amendment to the Agreement dated November 16, 2004 ("Agreement"), between Okeelanta Corporation, a Delaware corporation ("Okeelanta"), and New Hope Power Partnership, a Florida general partnership ("New Hope") is entered into this 8th day of December 2004.

WITNESSETH

WHEREAS, on November 16, 2004, the parties entered into the Agreement for the supply of non-potable water for operational purposes by Okeelanta to New Hope, to serve an expansion of the New Hope facility; and

WHEREAS the Agreement ratified an existing agreement to supply non-potable water and increased the quantity of water to be provided for operational purposes; and

WHEREAS, Okeelanta also provides potable water to New Hope and New Hope desires to obtain additional potable water from Okeelanta for use at the New Hope facility; and

WHEREAS, Okeelanta has the capacity to provide additional potable water to New Hope; and

WHEREAS, the parties desire to amend the Agreement to provide also for the supply by Okeelanta of additional potable water to New Hope,

NOW, THEREFORE, for good and valuable consideration, receipt of which the parties hereby acknowledge, the Agreement is amended as follows:

A. Paragraph 1 of the Agreement is amended to also incorporate by reference the recitals listed in the Whereas clauses above.

B. A new paragraph 6 is added as follows:

"6. Okeelanta agrees to provide New Hope up to 2,000 GPD of potable water. Provision of potable water, as set forth in this paragraph 6, includes the quantity of potable water that Okeelanta now supplies to New Hope as well as the requested increase. The additional potable water shall be made available within 3 days of a request for same by New Hope. Potable water shall be delivered via the existing PVC potable water supply pipe, which shall continue to be maintained by Okeelanta up to its property line and by New Hope from its leasehold boundary to the New Hope facility. Metering for this pipe shall continue to be maintained and operated by New Hope, which shall provide Okeelanta a monthly report of total potable water usage."

C. All other provisions of the Agreement remain unchanged and are hereby ratified.

OKEELANTA CORPORATION

By:

Gustavo Cepero

Its: Vice President

NEW HOPE POWER PARTNERSHIP

By:

Rodney Williams

Its: Plant Manager

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
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November 17, 2004

0337594-0700

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

Attention: Mr. Jeffery F. Koerner, P.E., New Source Review Section

RE: NEW HOPE POWER PARTNERSHIP – INCREASED GENERATING CAPACITY
DEP FILE NO. 0990332-017-AC (PSD-FL-196P)
REQUEST FOR ADDITIONAL INFORMATION

Dear Jeff:

This correspondence provides the additional information requested by the Florida Department of Environmental Protection (Department or FDEP) concerning the Site Certification Application (Application) that was filed by New Hope Power Partnership (NHPP) pursuant to the Florida Electrical Power Plant Siting Act (Siting Act or PPSA). This information is presented in the same sequence as the requested information in the Department's letter dated October 5, 2004.

FDEP AIR RAI #1, PSD Air Permit Application: Submit Sections I and II of the Department's air permit application [Form FDEP Form No. 62-210.900(1)], which includes the signature page for the Authorized Representative and the P.E. certification. Also submit any pages in Section III (Emissions Unit Information) that are different from the application submitted for the project to increase the cogeneration plant's heat input or that will change as a result of this project.

Additional Information: Attached are Sections I and II of FDEP Form No. 62-210.900(1), including the signature pages for the Authorized Representative and the P.E. certification. These sections are being submitted to change the description of the potential electrical generating capacity of NHPP's cogeneration facility (Facility).

As explained in the Site Certification Application, NHPP's proposed project does not require, and NHPP is not requesting, any changes in the operation conditions contained in the Air Construction Permit and PSD approval that was recently issued for the Facility [Project No. 0990332-016-AC; Air Permit No. PSD FL-196(O) issued October 29, 2003], with one exception -- i.e., NHPP wishes to delete the provisions in Specific Condition III.1 that restrict the electrical generating capacity of the Facility. The electrical generating capacity of the Facility will be reviewed and approved by the Governor and Cabinet (Siting Board) under the Siting Act. Thereafter, the Site Certification issued under the Siting Act will be the appropriate mechanism for regulating the electrical output of the

Facility. The Air Construction Permit will continue to govern the Facility's heat input and emissions rates, but the Air Construction Permit should not be used to regulate the Facility's electrical output, because the FDEP's Air Construction Permit and PSD program are designed to regulate airborne emissions, not electrical generating capacity. The Air Construction Permit should only mention the Facility's electrical generating capacity as part of the general project description (e.g., "nominal net capacity of 140 MW"), consistent with other air permits issued in Florida for electrical power plants. NHPP is not proposing any changes in the air emissions requirements for the Facility, so the Emissions Unit Information is not being changed in FDEP Form No. 62-210.900(1), with one exception. Page 14 of the Emissions Unit Information for each of the Facility's three cogeneration boilers will be changed to show that the Facility has a nominal net electrical generating capacity of 140 megawatts (MW).

FDEP AIR RAI #2, PSD Review: The previous PSD permit modification increased the plant's maximum heat input rate to full capacity (8760 hours per year). However, it may not be possible for the plant to fully utilize this additional capacity without the current project to add new electrical generating capacity. In essence, the new project could potentially "de-bottleneck" the plant to fully take advantage of the previous PSD modification. Provide a discussion of why the proposed project does not trigger PSD preconstruction review.

Additional Information: As described in the Site Certification Application, NHPP's proposed project may increase the Facility's annual electrical generation by approximately 150,000 to 190,000 megawatt-hours (MWH). Most of this electricity will be available during the months of April through September, when the demand for steam at the adjacent Okeelanta sugar mill is reduced (see SCA Section 1.1.3). As noted in the responses to FDEP AIR RAI #4 and #5, below, additional biomass fuels will be used to generate the additional electricity. However, as explained in the response to FDEP AIR RAI #1, above, NHPP is not requesting any changes to the applicable requirements in the recently issued Air Construction Permit for the Facility. Any additional fuel usage is already addressed in the Air Construction permit. NHPP is not proposing any changes in the Facility's permitted operating hours, emission limits, heat input rates, or the amount of steam that can be generated from the Facility's boilers. The only physical changes that will be made to the Facility are the addition of a steam turbine-generator and an associated heat dissipation system.

In 2002, NHPP filed its application for a PSD permit modification to increase the heat input at the Facility and also allowed year-round operation at full capacity. The increase in the annual heat input capacity of the Facility was needed at the time because the Facility had actually operated close to the annual heat input limitation in its permit. Although year-around operation at full capacity was not envisioned at the time, from a permitting perspective it was prudent to request such operation because the Facility was going through the time and expense of PSD review, and there was no compelling reason not to request full operation as new permit limits. On a short-term basis, NHPP had found through operational experience that the boiler could achieve somewhat higher heat input at times, and again it was prudent to request such a change in the PSD permitting process. Therefore, an increase in maximum and annual heat input limits was needed regardless of the installation of the new steam turbine. This recent PSD permit modification involved a complete PSD review including a determination of Best Available Control Technology (BACT) and an analysis of air quality impacts. The air quality impact analysis evaluated compliance with ambient air quality standards (AAQS) and PSD increments.

Federal and Florida rule allow the presumption that allowable or potential emissions of an emissions unit are equivalent to the actual emissions of the emission unit. FDEP Rule 62-210.200(11)(b), F.A.C., allows the Department to presume that unit-specific allowable emissions are equivalent to

the actual emissions, provided such allowable emissions are federally enforceable. Under FDEP Rule 62-210.200(11)(c), F.A.C., for any emissions unit that has not yet begun normal operations, actual emissions shall equal the potential emissions, provided such allowable emissions are federally enforceable. Emissions from "normal operations" usually are determined by reviewing a 2-year operating history. In the instant case, however, normal operations cannot be readily determined because the PSD approval for the Facility's full-capacity operations was issued only one year ago (October 2003) and, consequently, the Facility does not have a 2-year operating history at full capacity. Given these circumstances, the Department may rely on FDEP Rules 62-210.200(11)(b) and (c) to presume that the Facility's actual emissions are equal to the Facility's allowable emissions. In such a case, PSD review would not apply, since there would be no net increase in annual emissions for the proposed project.

Given FDEP's recent PSD approval for the Facility's operations at full capacity and the fact that no changes are being proposed in the recent Air Construction Permit, a new PSD review process would serve no purpose in this case. The requirements of a PSD review such as BACT and air quality impact analyses have already been recently conducted. The only new emissions unit is a cooling tower, which is such a small source that it is exempt from the FDEP's permitting requirements. The maximum amount of PM and PM_{10} in the drift from the cooling tower will be so small that the cooling tower is exempt from permitting pursuant to FDEP Rule 62-210.300(3), F.A.C.

FDEP AIR RAI #3, NESHAP Subpart DDDDD: Please discuss the impacts of the recently published NESHAP Subpart DDDDD requirements on the existing cogeneration boilers. With regard to this regulation, is the project considered a "modification"? With regard to this regulation, is the project considered a "reconstruction"?

Additional Information: Under EPA's new NESHAP for industrial, commercial, and institutional boilers (40 CFR 60, Subpart DDDDD), the Facility's boilers will be regulated as "existing" units. Subpart DDDDD applies to new, reconstructed, and existing units. There is no separate category in Subpart DDDDD for a modification. See Section 63.7490(a).

Reconstruction is not defined in Subpart DDDDD. However, reconstruction is defined in 40 CFR 63.2 as follows:

> *Reconstruction,* unless otherwise defined in a relevant standard, means the replacement of components of an affected or a previously nonaffected source to such an extent that:
> (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and
> (2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

Stationary source also is defined in 40 CFR 63.2:

> *Stationary source* means any building, structure, facility, or installation which emits or may emit any air pollutant.

Since the source is defined as the building, structure, facility or installation that emits any air pollutant, it is clear that the industrial boilers at NHPP's Facility are the affected sources under Subpart DDDDD.

There will not be a reconstruction of the Subpart DDDDD sources at the Facility because NHPP is not proposing to replace any of the components of the Facility's boilers. The addition of a steam turbine-generator and associated heat dissipation system at the Facility is not reconstruction under 40 CFR 63.2 because this equipment is not part of the affected source.

Since the Facility's boilers are not new or reconstructed, as defined in Subpart DDDDD, the Facility's boilers are subject to the regulations for existing boilers. See Sections 63.7490(b), (c), and (d). NHPP must comply with the Subpart DDDDD requirements by September 13, 2007. See Section 63.7495(b). Among other things, the Facility must comply with the emission limits in Subpart DDDDD for particulate matter, hydrogen chloride and mercury. NHPP anticipates that it will be able to demonstrate compliance with these emissions limits without installing any new air pollution control equipment. In any event, NHPP will address all of the applicable Subpart DDDDD requirements in future submittals to the Department.

FDEP AIR RAI #4, Annual Capacity Factor:

- **Please estimate the maximum expected actual annual capacity factor (in terms of heat input rate) for the cogeneration plant. What factors typically influence the operating rates of the cogeneration units? Will the units operate a reduced capacity at night during the cane-milling season as well as during the off-season? Does the available biomass fuel supply limit operation of the facility at capacity? Describe expected operation during the cane-milling season and during the off-season.**
- **How many hours are planned for regularly scheduled down times to perform maintenance and inspections? Historically, how many additional hours of down time were needed to perform unscheduled maintenance and repairs?**

Additional Information: The NHPP Facility produces steam to generate electricity and to supply process steam to the Okeelanta sugar mill and refinery. The process steam demand is seasonal; it is higher in the fall and winter than in the spring and summer. Accordingly, during the spring and summer when the process steam demand is lower, the Facility has the capacity to generate additional non-process steam. The basic purpose of the current project is to add a steam turbine generator, plus related auxiliaries, to more effectively utilize the steam generating capacity of the Facility on a year-round basis. NHPP estimates that the net electrical output of the Facility will be increased approximately an additional 165,000 MWH/year, with most of this electrical energy produced during the spring and summer months when the additional steam capacity is available.

NHPP estimates that the maximum annual capacity factor for the Facility will range from 14.5×10^6 to 19×10^6 MMBtu per year after the second turbine generator is installed (73- to 95-capacity factor). This range is dependent upon several operational variables, including but not limited to process steam demand, plant availability, public demand for electricity, and electrical wholesale market conditions.

The major factors that typically influence the operating rates of the cogeneration units are the process steam demand of the sugar mill during the grinding season, which is usually October through March, and the general wholesale market conditions associated with the production and sale of electricity during the non-grinding season.

After the second turbine generator is installed, the cogeneration units are expected to operate year-round at full capacity, except during planned outages and unscheduled maintenance.

NHPP is confident that the available fuel supply is sufficient to accommodate the Facility's operational requirements.

Annually each cogeneration boiler is scheduled for three weeks (504 hours) of downtime to conduct maintenance and inspections. Historically, unscheduled maintenance has accounted for approximately 250 hours of total downtime per boiler.

FDEP AIR RAI #5 Additional Fuel: From where will the additional biomass fuels come? Identify any sugar mills that are potential sources of bagasse. Is New Hope Power working on any preliminary contracts to obtain bagasse from any of the sugar mills? Will new contractors be needed to secure additional amounts of woods chips? Identify any new sources for the wood chips. Describe the fuel management program that will be used to ensure that only bagasse and clean, dry wood is fired in the cogeneration boilers. Will changes be made to the existing fuel management plan to ensure that foreign materials are not introduced? Identify all reasonable precautions that will be taken to prevent fugitive emissions from the storage and handling of the additional volumes of biomass.

Additional Information: During 2003, NHPP used approximately 900,000 tons of bagasse and 700,000 tons of clean wood fuel to generate all the steam required to support the process steam requirements of the Okeelanta Corporation's sugar mill and refinery and to generate electricity for sale to the power grid. The addition of the second turbine generator and auxiliary equipment is expected to result in the consumption of an additional 250,000 tons per year of clean biomass fuels. This represents an increase in fuel use of approximately 16%. The additional biomass fuel needed for future operations will be provided by the same vendors that currently provide the Facility's fuel.

In the past, NHPP has received excess bagasse fuel from U.S. Sugar Corporation. There are no plans to secure any additional bagasse contracts at this time.

NHPP's existing "Wood, Bagasse and Ash Inspection and Testing Plan" (Plan) was designed to ensure that only clean biomass fuels are fired at NHPP's Facility. The Plan was revised on 9/14/04 for incorporation into the Facility's Title V permit. In addition, NHPP's fuel specifications are included as part of NHPP's contracts with its fuel suppliers. NHPP will continue to utilize its Plan and contractual requirements as management tools to ensure a clean fuel source for the facility. This approach has worked well in the past, as confirmed by the Department's site inspections and NHPP's fuel analyses.

As stated above, NHPP's proposed project will result in a 16% increase in the Facility's fuel consumption. NHPP will continue to employ best management practices to control fugitive emissions. For example, NHPP uses enclosed conveyors and conveyor transfer points, except in the stacker/reclaimer transfer areas, where enclosures are infeasible. NHPP also uses water sprays during dry periods and when otherwise necessary to control fugitive emissions.

CONCLUSION

NHPP wishes to resolve all of the Department's questions as expeditiously as possible so that NHPP can move forward in a timely manner under the Florida Electrical Power Plant Siting Act. Please call me or David Buff at (352) 336-5600 if you need any additional information.

Sincerely,

GOLDER ASSOCIATES INC.

David A. Buff

David A. Buff, P.E.
Principal

Principal

DAB/dmw

Enclosures

cc: James Meriwether, NHPP
Gus Cepero, NHPP
David Dee, Esq., Landers and Parsons
Hamilton S. Oven, Jr., P.E., FDEP Siting Office
Y. Wordy, EPA
Y:\Projects\2003\0337594 New Hope Power\4\4.1\RAI111704.doc
J. Bunyak, NPS

Department of
Environmental Protection

Division of Air Resource Management

APPLICATION FOR AIR PERMIT - LONG FORM

I. APPLICATION INFORMATION

Air Construction Permit – Use this form to apply for an air construction permit for a proposed project:

- subject to prevention of significant deterioration (PSD) review, nonattainment area (NAA) new source review, or maximum achievable control technology (MACT) review; or
- where the applicant proposes to assume a restriction on the potential emissions of one or more pollutants to escape a federal program requirement such as PSD review, NAA new source review, Title V, or MACT; or
- at an existing federally enforceable state air operation permit (FESOP) or Title V permitted facility.

Air Operation Permit – Use this form to apply for:

- an initial federally enforceable state air operation permit (FESOP); or
- an initial/revised/renewal Title V air operation permit.

Air Construction Permit & Revised/Renewal Title V Air Operation Permit (Concurrent Processing Option) – Use this form to apply for both an air construction permit and a revised or renewal Title V air operation permit incorporating the proposed project.

To ensure accuracy, please see form instructions.

Identification of Facility

1. Facility Owner/Company Name: **New Hope Power Partnership**
2. Site Name: **Okeelanta Cogeneration Plant**
3. Facility Identification Number: **0990332**
4. Facility Location...:
   Street Address or Other Locator: **8001 U.S. Highway 27 South**
   City: **South Bay** County: **Palm Beach** Zip Code: **33493**
5. Relocatable Facility? ☐ Yes ☒ No
6. Existing Title V Permitted Facility? ☒ Yes ☐ No

Application Contact

1. Application Contact Name: **James Meriwether, Environmental and Safety Manager**
2. Application Contact Mailing Address...
   Organization/Firm: **New Hope Power Partnership**
   Street Address: **8001 U.S. Highway 27 South**
   City: **South Bay** State: **FL** Zip Code: **33493**
3. Application Contact Telephone Numbers...
   Telephone: (**561**) **993 -1003** ext. Fax: (**561**) **996-6596**
4. Application Contact Email Address:

Application Processing Information (DEP Use)

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

APPLICATION INFORMATION

Purpose of Application

This application for air permit is submitted to obtain: (Check one)

Air Construction Permit

☒ Air construction permit.

Air Operation Permit

☐ Initial Title V air operation permit.

☐ Title V air operation permit revision.

☐ Title V air operation permit renewal.

☐ Initial federally enforceable state air operation permit (FESOP) where professional engineer (PE) certification is required.

☐ Initial federally enforceable state air operation permit (FESOP) where professional engineer (PE) certification is not required.

Air Construction Permit and Revised/Renewal Title V Air Operation Permit (Concurrent Processing)

☐ Air construction permit and Title V permit revision, incorporating the proposed project.

☐ Air construction permit and Title V permit renewal, incorporating the proposed project.

Note: By checking one of the above two boxes, you, the applicant, are requesting concurrent processing pursuant to Rule 62-213.405, F.A.C. In such case, you must also check the following box:

☐ I hereby request that the department waive the processing time requirements of the air construction permit to accommodate the processing time frames of the Title V air operation permit.

Application Comment

Application to revise Construction Permit No. 0990332-016-AC to incorporate a description of the nominal amount of electric generation requested by NHPP under Florida's Power Plant Siting Act (PA 04-46) for the three (3) cogeneration boilers. There are no other changes to the requirements specified by Construction Permit No. 0990332-016-AC by this application. Emission Unit page No. 14 is being submitted.

APPLICATION INFORMATION

Scope of Application

Emissions Unit ID Number	Description of Emissions Unit	Air Permit Type	Air Permit Proc. Fee
001	Cogen Boiler A		
002	Cogen Boiler B		
003	Cogen Boiler C		

Application Processing Fee

Check one: ☐ Attached - Amount: $_____ ☒ Not Applicable

APPLICATION INFORMATION

Owner/Authorized Representative Statement

Complete if applying for an air construction permit or an initial FESOP.

1. Owner/Authorized Representative Name :

2. Owner/Authorized Representative Mailing Address...
   Organization/Firm:
   Street Address:
   City: State: Zip Code:

3. Owner/Authorized Representative Telephone Numbers...
   Telephone: ( ) - ext. Fax: ( ) -

4. Owner/Authorized Representative Email Address:

5. Owner/Authorized Representative Statement:

   I, the undersigned, am the owner or authorized representative of the facility addressed in this air permit application. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof and all other requirements identified in this application to which the facility is subject. I understand that a permit, if granted by the department, cannot be transferred without authorization from the department, and I will promptly notify the department upon sale or legal transfer of the facility or any permitted emissions unit.

   Signature Date

APPLICATION INFORMATION

Application Responsible Official Certification

Complete if applying for an initial/revised/renewal Title V permit or concurrent processing of an air construction permit and a revised/renewal Title V permit. If there are multiple responsible officials, the "application responsible official" need not be the "primary responsible official."

1. Application Responsible Official Name:
   Rodney Williams - Plant Manager

2. Application Responsible Official Qualification (Check one or more of the following options, as applicable):
   - ☒ For a corporation, the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under Chapter 62-213, F.A.C.
   - ☐ For a partnership or sole proprietorship, a general partner or the proprietor, respectively.
   - ☐ For a municipality, county, state, federal, or other public agency, either a principal executive officer or ranking elected official.
   - ☐ The designated representative at an Acid Rain source.

3. Application Responsible Official Mailing Address...
   Organization/Firm: **New Hope Power Partnership**
   Street Address: **8001 U.S. Highway 27 South**
   City: **South Bay** State: **FL** Zip Code: **33493**

4. Application Responsible Official Telephone Numbers...
   Telephone: **(561) 993-1000** ext. Fax: **(561) 992-7744**

5. Application Responsible Official Email Address:

6. Application Responsible Official Certification:

   I, the undersigned, am a responsible official of the Title V source addressed in this air permit application. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof and all other applicable requirements identified in this application to which the Title V source is subject. I understand that a permit, if granted by the department, cannot be transferred without authorization from the department, and I will promptly notify the department upon sale or legal transfer of the facility or any permitted emissions unit. Finally, I certify that the facility and each emissions unit are in compliance with all applicable requirements to which they are subject, except as identified in compliance plan(s) submitted with this application.

Rodney Williams — Signature

11/01/04 — Date

APPLICATION INFORMATION

Professional Engineer Certification

1. Professional Engineer Name: **David A. Buff**
   Registration Number: **19011**
2. Professional Engineer Mailing Address...
   Organization/Firm: **Golder Associates Inc.****
   Street Address: **6241 NW 23rd Street, Suite 500**
   City: **Gainesville** State: **FL** Zip Code: **32653**
3. Professional Engineer Telephone Numbers...
   Telephone: **(352) 336-5600** ext.**545** Fax: **(352) 336-6603**
4. Professional Engineer Email Address: **dbuff@golder.com**
5. Professional Engineer Statement:

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

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

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

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

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

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

   David A. Buff — Signature
   11/17/04 — Date

   (seal)

   * Attach any exception to certification statement.

Board of Professional Engineers Certificate of Authorization #00001670

II. FACILITY INFORMATION

A. GENERAL FACILITY INFORMATION

Facility Location and Type

1. Facility UTM Coordinates... Zone **17** East (km) **524.90** North (km) **2940.10**		2. Facility Latitude/Longitude... Latitude (DD/MM/SS) Longitude (DD/MM/SS)	
3. Governmental Facility Code: **0**	4. Facility Status Code: **A**	5. Facility Major Group SIC Code: **49**	6. Facility SIC(s): **4911**
7. Facility Comment :			

Facility Contact

1. Facility Contact Name: **James Meriwether, Environmental and Safety Manager**
2. Facility Contact Mailing Address... Organization/Firm: **New Hope Power Partnership** Street Address: **8001 U.S. Highway 27 South** City: **South Bay** State: **FL** Zip Code: **33493**
3. Facility Contact Telephone Numbers: Telephone: **(561) 993-1003** ext. Fax: **(561) 996-6596**
4. Facility Contact Email Address:

Facility Primary Responsible Official

Complete if an "application responsible official" is identified in Section I. that is not the facility "primary responsible official."

1. Facility Primary Responsible Official Name:
2. Facility Primary Responsible Official Mailing Address... Organization/Firm: Street Address: City: State: Zip Code:
3. Facility Primary Responsible Official Telephone Numbers... Telephone: ( ) - ext. Fax: ( ) -
4. Facility Primary Responsible Official Email Address:

FACILITY INFORMATION

Facility Regulatory Classifications

Check all that would apply *following* completion of all projects and implementation of all other changes proposed in this application for air permit. Refer to instructions to distinguish between a "major source" and a "synthetic minor source."

1. ☐ Small Business Stationary Source	☐ Unknown
2. ☐ Synthetic Non-Title V Source	
3. ☒ Title V Source	
4. ☒ Major Source of Air Pollutants, Other than Hazardous Air Pollutants (HAPs)	
5. ☐ Synthetic Minor Source of Air Pollutants, Other than HAPs	
6. ☒ Major Source of Hazardous Air Pollutants (HAPs)	
7. ☐ Synthetic Minor Source of HAPs	
8. ☒ One or More Emissions Units Subject to NSPS (40 CFR Part 60)	
9. ☐ One or More Emissions Units Subject to Emission Guidelines (40 CFR Part 60)	
10. ☒ One or More Emissions Units Subject to NESHAP (40 CFR Part 61 or Part 63)	
11. ☐ Title V Source Solely by EPA Designation (40 CFR 70.3(a)(5))	
12. Facility Regulatory Classifications Comment:	

FACILITY INFORMATION

List of Pollutants Emitted by Facility

1. Pollutant Emitted	2. Pollutant Classification	3. Emissions Cap [Y or N]?
PM (Particulate Matter – Total)	A	N
PM_{10} (Particulate Matter – PM_{10})	A	N
SO_2 (Sulfur Dioxide)	A	N
NO_x (Nitrogen Oxides)	A	N
CO (Carbon Monoxide)	A	N
VOC (Volatile Organic Compounds)	A	N
Hydrogen Chloride (H106)	A	N
Mercury Compounds (H114)	B	N
HAPs (Total Hazardous Air Pollutants)	A	N

B. EMISSIONS CAPS

Facility-Wide or Multi-Unit Emissions Caps

1. Pollutant Subject to Emissions Cap	2. Facility Wide Cap [Y or N]? (all units)	3. Emissions Unit ID No.s Under Cap (if not all units)	4. Hourly Cap (lb/hr)	5. Annual Cap (ton/yr)	6. Basis for Emissions Cap

7. Facility-Wide or Multi-Unit Emissions Cap Comment:

C. FACILITY ADDITIONAL INFORMATION

Additional Requirements for All Applications, Except as Otherwise Stated

1. Facility Plot Plan: (Required for all permit applications, except Title V air operation permit revision applications if this information was submitted to the department within the previous five years and would not be altered as a result of the revision being sought) ☐ Attached, Document ID:____ ☒ Previously Submitted, Date: **August 2002**
2. Process Flow Diagram(s): (Required for all permit applications, except Title V air operation permit revision applications if this information was submitted to the department within the previous five years and would not be altered as a result of the revision being sought) ☐ Attached, Document ID:____ ☒ Previously Submitted, Date: **August 2002**
3. Precautions to Prevent Emissions of Unconfined Particulate Matter: (Required for all permit applications, except Title V air operation permit revision applications if this information was submitted to the department within the previous five years and would not be altered as a result of the revision being sought) ☐ Attached, Document ID:____ ☒ Previously Submitted, Date: **August 2002**

Additional Requirements for Air Construction Permit Applications

1. Area Map Showing Facility Location: ☐ Attached, Document ID:____ ☒ Not Applicable (existing permitted facility)
2. Description of Proposed Construction or Modification: ☐ Attached, Document ID:____
3. Rule Applicability Analysis: ☐ Attached, Document ID:____
4. List of Exempt Emissions Units (Rule 62-210.300(3)(a) or (b)1., F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable (no exempt units at facility)
5. Fugitive Emissions Identification (Rule 62-212.400(2), F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable
6. Preconstruction Air Quality Monitoring and Analysis (Rule 62-212.400(5)(f), F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable
7. Ambient Impact Analysis (Rule 62-212.400(5)(d), F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable
8. Air Quality Impact since 1977 (Rule 62-212.400(5)(h)5., F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable
9. Additional Impact Analyses (Rules 62-212.400(5)(e)1. and 62-212.500(4)(e), F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable
10. Alternative Analysis Requirement (Rule 62-212.500(4)(g), F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable

Additional Requirements for FESOP Applications

1. List of Exempt Emissions Units (Rule 62-210.300(3)(a) or (b)1., F.A.C.):
   ☐ Attached, Document ID:____ ☒ Not Applicable (no exempt units at facility)

Additional Requirements for Title V Air Operation Permit Applications

1. List of Insignificant Activities (Required for initial/renewal applications only):
   ☐ Attached, Document ID:____ ☒ Not Applicable (revision application)

2. Identification of Applicable Requirements (Required for initial/renewal applications, and for revision applications if this information would be changed as a result of the revision being sought):
   ☐ Attached, Document ID:____
   ☒ Not Applicable (revision application with no change in applicable requirements)

3. Compliance Report and Plan (Required for all initial/revision/renewal applications):
   ☐ Attached, Document ID:____
   Note: A compliance plan must be submitted for each emissions unit that is not in compliance with all applicable requirements at the time of application and/or at any time during application processing. The department must be notified of any changes in compliance status during application processing.

4. List of Equipment/Activities Regulated under Title VI (If applicable, required for initial/renewal applications only):
   ☐ Attached, Document ID:____
   ☐ Equipment/Activities On site but Not Required to be Individually Listed
   ☒ Not Applicable

5. Verification of Risk Management Plan Submission to EPA (If applicable, required for initial/renewal applications only) :
   ☐ Attached, Document ID:____ ☒ Not Applicable

6. Requested Changes to Current Title V Air Operation Permit:
   ☐ Attached, Document ID:____ ☒ Not Applicable

Additional Requirements Comment

A. GENERAL EMISSIONS UNIT INFORMATION

Title V Air Operation Permit Emissions Unit Classification

1. Regulated or Unregulated Emissions Unit? (Check one, if applying for an initial, revised or renewal Title V air operation permit. Skip this item if applying for an air construction permit or FESOP only.)

   ☒ The emissions unit addressed in this Emissions Unit Information Section is a regulated emissions unit.

   ☐ The emissions unit addressed in this Emissions Unit Information Section is an unregulated emissions unit.

Emissions Unit Description and Status

1. Type of Emissions Unit Addressed in this Section: (Check one)

   ☒ This Emissions Unit Information Section addresses, as a single emissions unit, a single process or production unit, or activity, which produces one or more air pollutants and which has at least one definable emission point (stack or vent).

   ☐ This Emissions Unit Information Section addresses, as a single emissions unit, a group of process or production units and activities which has at least one definable emission point (stack or vent) but may also produce fugitive emissions.

   ☐ This Emissions Unit Information Section addresses, as a single emissions unit, one or more process or production units and activities which produce fugitive emissions only.

2. Description of Emissions Unit Addressed in this Section:
   Cogen Boiler A fired by Biomass/No. 2 Fuel Oil/Natural Gas

3. Emissions Unit Identification Number: **001**

4. Emissions Unit Status Code:	5. Commence Construction Date:	6. Initial Startup Date:	7. Emissions Unit Major Group SIC Code:	8. Acid Rain Unit?
A			**49**	☐ Yes ☒ No

9. Package Unit:
   Manufacturer: Model Number:

10. Generator Nameplate Rating: MW

11. Emissions Unit Comment: **140 MW nominal net generating capacity for entire facility.**

A. GENERAL EMISSIONS UNIT INFORMATION

Title V Air Operation Permit Emissions Unit Classification

1. Regulated or Unregulated Emissions Unit? (Check one, if applying for an initial, revised or renewal Title V air operation permit. Skip this item if applying for an air construction permit or FESOP only.)

   ☒ The emissions unit addressed in this Emissions Unit Information Section is a regulated emissions unit.

   ☐ The emissions unit addressed in this Emissions Unit Information Section is an unregulated emissions unit.

Emissions Unit Description and Status

1. Type of Emissions Unit Addressed in this Section: (Check one)

   ☒ This Emissions Unit Information Section addresses, as a single emissions unit, a single process or production unit, or activity, which produces one or more air pollutants and which has at least one definable emission point (stack or vent).

   ☐ This Emissions Unit Information Section addresses, as a single emissions unit, a group of process or production units and activities which has at least one definable emission point (stack or vent) but may also produce fugitive emissions.

   ☐ This Emissions Unit Information Section addresses, as a single emissions unit, one or more process or production units and activities which produce fugitive emissions only.

2. Description of Emissions Unit Addressed in this Section:
   Cogen Boiler B fired by Biomass/No. 2 Fuel Oil/Natural Gas

3. Emissions Unit Identification Number: **002**

4. Emissions Unit Status Code:	5. Commence Construction Date:	6. Initial Startup Date:	7. Emissions Unit Major Group SIC Code:	8. Acid Rain Unit?
A			**49**	☐ Yes ☒ No

9. Package Unit:
   Manufacturer: Model Number:

10. Generator Nameplate Rating: MW

11. Emissions Unit Comment: **140 MW nominal net generating capacity for entire facility.**

A. GENERAL EMISSIONS UNIT INFORMATION

Title V Air Operation Permit Emissions Unit Classification

1. Regulated or Unregulated Emissions Unit? (Check one, if applying for an initial, revised or renewal Title V air operation permit. Skip this item if applying for an air construction permit or FESOP only.)

   ☒ The emissions unit addressed in this Emissions Unit Information Section is a regulated emissions unit.

   ☐ The emissions unit addressed in this Emissions Unit Information Section is an unregulated emissions unit.

Emissions Unit Description and Status

1. Type of Emissions Unit Addressed in this Section: (Check one)

   ☒ This Emissions Unit Information Section addresses, as a single emissions unit, a single process or production unit, or activity, which produces one or more air pollutants and which has at least one definable emission point (stack or vent).

   ☐ This Emissions Unit Information Section addresses, as a single emissions unit, a group of process or production units and activities which has at least one definable emission point (stack or vent) but may also produce fugitive emissions.

   ☐ This Emissions Unit Information Section addresses, as a single emissions unit, one or more process or production units and activities which produce fugitive emissions only.

2. Description of Emissions Unit Addressed in this Section:
   Cogen Boiler C fired by Biomass/No. 2 Fuel Oil/Natural Gas

3. Emissions Unit Identification Number: **003**

4. Emissions Unit Status Code:	5. Commence Construction Date:	6. Initial Startup Date:	7. Emissions Unit Major Group SIC Code:	8. Acid Rain Unit?
A			**49**	☐ Yes ☒ No

9. Package Unit:
   Manufacturer: Model Number:

10. Generator Nameplate Rating: MW

11. Emissions Unit Comment: **140 MW nominal net generating capacity for entire facility.**

Adams, Patty

From: Koerner, Jeff
Sent: Tuesday, October 12, 2004 8:48 AM
To: Adams, Patty
Subject: FW: New Hope PPSA Project


FCC.NHPP.PPSA Notice of Filing...


fcc.nhpp.sca.distribution.list...

See Buck's email.

Jeff Koerner, BAR - Air Permitting South
Florida Department of Environmental Protection
850/921-9536

-----Original Message-----
From: Oven, Hamilton
Sent: Wednesday, September 08, 2004 3:19 PM
To: Iglehart, Jon; Linero, Alvaro
Cc: Koerner, Jeff; Blackburn, Ron
Subject: FW: New Hope PPSA Project

Application filed with us on 9/3/04

-----Original Message-----
From: David S. Dee [mailto:ddee@landersandparsons.com]
Sent: Wednesday, September 08, 2004 12:42 PM
To: Palmer, Steven; Goorland, Scott; Oven, Hamilton
Cc: Gus Cepero; James Meriwether; Ken Kosky; Bill Tarr
Subject: New Hope PPSA Project

Buck, Steve and Scott,
Attached for your review are two documents: (1) a draft notice of filing the site certification application (SCA) for the New Hope project; and (2) a draft distribution list, which identifies the people that will receive the SCA directly from NHPP.

Please let me know if either of these documents needs to be revised.

In the next day or two, I will send you a preliminary schedule for the PPSA proceedings for the New Hope project. Please let me know if you need the schedule sooner.

Thanks.

David Dee

NOTICE OF FILING OF APPLICATION FOR ELECTRICAL POWER PLANT SITE CERTIFICATION

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

On September 3, 2004, New Hope filed Application Number PA-_____ with the Florida Department of Environmental Protection for certification to authorize the construction and operation of a 65 MW expansion of the Okeelanta facility, which

will increase the total net generating capacity to 140 MW. The case is pending before the Division of Administrative Hearings, DOAH Case No. _____, prior to action by the Governor and Cabinet, pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes (F.S.).

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

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

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

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

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

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

State agencies and local governments will be studying the application and preparing reports and recommendations on the proposed facility for the certification hearing. Interested individuals should review the application and bring matters of

concern to the appropriate agency's attention as soon as possible. Information regarding the appropriate contact persons in the agencies may be obtained from Mr. Hamilton Oven, Jr., at the Department of Environmental Protection's Siting Coordination Office, Suite 649, 2600 Blair Stone Road, Tallahassee, Florida 32399, at (850) 487-0472.

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

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

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

> (b) Any party listed in paragraph [Section 403.508(4)(a)] other than the Department or the applicant may waive its right to participate in these proceedings. If such listed party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing, such party shall be deemed to have waived its right to be a party.
>
> (c) Upon the filing with the administrative law judge of a notice of intent to be a party at least 15 days prior to the date of the land use hearing, the following shall also be parties to the proceeding:
>
> 1. Any agency not listed in paragraph (a) [Section 403.508(4)(a)] as to matters within its jurisdiction.

2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located.

(d) Notwithstanding paragraph (e) [Section 403.408(4)(e)], failure of an agency described in subparagraph (c)(1) [Section 403.408(4)(c)1.] to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding.

(e) Other parties may include any person, including those persons enumerated in paragraph (c)[Section 403.408(4)(c)] who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to chapter 120 and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing.

(f) Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), shall be made a party upon the request of the department or the applicant.

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

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

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

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

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

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

In regard to variances or other relief, Section 403.511(2), F.S., requires that each party shall notify the applicant and other parties at least 60 days prior to the certification

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

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

> (1) Subject to the conditions set forth therein, any certification signed by the Governor shall constitute the sole license of the state and any agency as to the approval of the site and the construction and operation of the proposed electrical power plant, except for the issuance of department licenses required under any federally delegated or approved permit program and except as otherwise provided in subsection (4) [403.511(4)].
>
> (2)(a) The certification shall authorize the applicant named therein to construct and operate the proposed electrical power plant, subject only to the conditions of certification set forth in such certification, and except for the issuance of department licenses or permits required under any federally delegated or approved permit program.
>
> (b) Except as provided in subsection (4)

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

Issues relating to the applicant's use of, connection to, or the crossing of properties and works of agencies may be addressed in the certification proceeding. These issues may

involve Palm Beach County or the South Florida Water Management District.

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

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

APPLICATION DISTRIBUTION LIST

DEP - Tallahassee

1. Hamilton S. Oven, Jr., P.E.
   Administrator
   Office of Siting Coordination
   Department of Environmental Protection
   2600 Blair Stone Road, MS: 48
   Tallahassee, Florida 32399-3000
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2. Scott Goorland
   Assistant General Counsel
   Office of General Counsel
   Department of Environmental Protection
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   Tallahassee, Florida 32399-3000
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3. Al Linero
   Administrator of New Source Review
   Bureau of Air Regulation
   Department of Environmental Protection
   2600 Blair Stone Road, MS: 5500
   Tallahassee, Florida 32399-2400
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4. Cleve Holladay
   Engineer IV
   Bureau of Air Regulation
   Department of Environmental Protection
   2600 Blair Stone Road, MS: 5505
   Tallahassee, Florida 32399-2400
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DEP Ft. Myers

5. Jon Inglehart
   Acting Director
   Department of Environmental Protection
   2295 Victoria Ave., Suite 364
   Ft. Myers, Florida 33901
   (4 copies)

DOT

6. Sandra Whitmire
Intergovernmental Coordination &
Review Coordinator
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7. Sheauching Yu
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Department of Transportation
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FFWCC

8. Jim Antista
General Counsel
Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, Florida 32399-1600
(1 copy)

9. Brian Barnett
Florida Fish and Wildlife
Conservation Commission
2574 Seagate Drive, Suite 250
Tallahassee, Florida 32301
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DCA

10. David Jordan
General Counsel
Office of General Counsel
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100
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11. Paul Darst
Planner IV
Department of Community Affairs
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Sadowski Bldg.
Tallahassee, Florida 32399-2100
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PSC

12. Rick Melson
General Counsel
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399
(2 copies)

EPA

13. Beverly Bannister, Director
Division of Air, Pesticides and
Toxic Management
United States Environmental
Protection Agency
61 Forsyth Street, SW
Atlanta, Georgia 30303
(1 copy)

NPS

14. Ellen Porter
National Park Service
Air Quality Branch
12795 W. Alamdea Parkway, Room 450
Lakewood, Colorado 80225
(1 copy)

SFWMD

15. Susan Roeder Martin
Assistant General Counsel
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406
(1 copy)

16. Jim Golden
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406
(1 copy)

OTHERS

17. Pepe Menendez
Environmental Engineering Manager
Bureau of Water
Department of Health
4052 Bald Cypress Way
Tallahassee, Florida 32399-1742
(1 copy)

18. Jay Slack
Field Supervisor
United States Department of Interior
Fish & Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
(1 copy)

19. L. Earle Peterson, Director
Division of Forestry
Department of Agriculture & Consumer Services
3125 Conner Blvd.
Tallahassee, Florida 32399-1650
(1 copy)

20. Michael J. Busha
Executive Director
Treasure Coast Regional Planning Council
301 East Ocean Blvd., Suite 300
Stuart, Florida 34994
(1 copy)

21. Denise M. Nieman
Palm Beach County Attorney
301 N. Olive Avenue, Suite 601
West Palm Beach, Florida 33401
(1 copy)

22. Dr. Jean Malecki
Director
Palm Beach County Health Department
826 Evernia St.
West Palm Beach, Florida 33401
(1 copy)

23. Jane Craig
Palm Beach County Library
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West Palm Beach, Florida 33406
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Landers & Parsons, P.A.
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Tallahassee, Florida 32301
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25. James Meriwether
New Hope Power Partnership
8001 Highway 27 South
South Bay, Florida 33493
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26. Gus Cepero
Okeelanta Corporation
21250 U.S. Highway 27
South Bay, Florida 33493
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Colleen M. Castille
Secretary

September 28, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Wade A. Maye, General Manager
F. J. Gannon Station
Port Sutton Road
Tampa, FL 33619

Re: **Request for Additional Information No. 3**
Project No. 0570040-019-AC
Permit No. PSD-FL-301B
Bayside Unit 3 – Simple Cycle Operation Plus Distillate Oil

Dear Mr. Maye:

On August 31, 2004, the Department received your response to a request for additional information regarding this project. The application remains incomplete. In order to continue processing your application, the Department will need the additional information requested below. Should your response to any of the below items require new calculations, please submit the new calculations, assumptions, reference material and appropriate revised pages of the application form.

1. Your response indicates that you will proceed with firm plans for simple cycle operation for Bayside Units 3 and 4 to begin construction in Amy of 2005. Future conversion of Units 3 and 4 to combined cycle operation is uncertain and will require additional permitting. Therefore, the Department intends to modify the PSD permit to reflect only simple cycle operation of Units 3 and 4.

2. On July 2, 2004, TECO sent EPA Region 4 a letter describing the use of distillate oil for Bayside Units 3 and 4 simple cycle project. Please provide EPA Region 4's response.

The Department will resume processing your application after receipt of the requested information. Rule 62-4.050(3), F.A.C. requires that all applications for a Department permit must be certified by a professional engineer registered in the State of Florida. This requirement also applies to responses to Department requests for additional information of an engineering nature. For any material changes to the application, please include a new certification statement by the authorized representative or responsible official. You are reminded that Rule 62-4.055(1), F.A.C. now requires applicants to respond to requests for information within 90 days or provide a written request for an additional period of time to submit the information.

If you have any questions regarding this matter, please call me at 850/921-9536.

Sincerely,

Jeffery F. Koerner, Air Permitting South
DARM – Bureau of Air Regulation

cc: Ms. Karen Sheffield, TECO
Ms. Greer Briggs, TECO
Mr. Tom Davis, ECT
Mr. Jerry Kissel, SWD
Mr. Jerry Campbell, HEPC
Mr. Jim Little, EPA Region 4
Mr. John Bunyak, NPS

Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

October 5, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gus Cepero, Chief Executive Officer
New Hope Power Partnership
8001 U.S. Highway 27 South
South Bay, FL 33493

Re: **Request for Additional Information**
Project No. 0990332-017-AC (PSD-FL-196P)
New Hope Power Partnership – Increased Generating Capacity

Dear Mr. Williams:

On September 3, 2004, the Department received your site certification application regarding increased electrical generating capacity at the New Hope Power cogeneration plant. The application is incomplete. In order to continue processing your application, the Department will need the additional information requested below. Should your response to any of the below items require new calculations, please submit the new calculations, assumptions, reference material and appropriate revised pages of the application form.

1. PSD Air Permit Application: Submit Sections I and II of the Department's air permit application [Form DEP Form No. 62-210.900(1)], which includes the signature page for the Authorized Representative and the P.E. certification. Also submit any pages in Section III (Emissions Unit Information) that are different from the application submitted for the project to increase the cogeneration plant's heat input or that will change as a result of this project.

2. PSD Review: The previous PSD permit modification increased the plant's maximum heat input rate to full capacity (8760 hours per year). However, it may not be possible for the plant to fully utilize this additional capacity without the current project to add new electrical generating capacity. In essence, the new project could potentially "de-bottleneck" the plant to fully take advantage of the previous PSD modification. Provide a discussion of why the proposed project does not trigger PSD preconstruction review.

3. NESHAP Subpart DDDDD: Please discuss the impacts of the recently published NESHAP Subpart DDDDD requirements on the existing cogeneration boilers. With regard to this regulation, is the project considered a "modification"? With regard to this regulation, is the project considered a "reconstruction"?

4. Annual Capacity Factor:

   - Please estimate the maximum *expected* actual annual capacity factor (in terms of heat input rate) for the cogeneration plant. What factors typically influence the operating rates of the cogeneration units? Will the units operate a reduced capacity at night during the cane-milling season as well as during the off-season? Does the available biomass fuel supply limit operation of the facility at capacity? Describe *expected* operation during the cane-milling season and during the off-season.

   - How many hours are planned for regularly scheduled down times to perform maintenance and inspections? Historically, how many additional hours of down time were needed to perform unscheduled maintenance and repairs?

5. Additional Fuel: From where will the additional biomass fuels come? Identify any sugar mills that are potential sources of bagasse. Is New Hope Power working on any preliminary contracts to obtain bagasse from any of the sugar mills? Will new contractors be needed to secure additional amounts of woods chips? Identify any new sources for the wood chips. Describe the fuel management program that will be used to ensure that only bagasse and clean, dry wood is fired in the cogeneration boilers. Will changes be made to the existing fuel management plan to ensure that foreign materials are not introduced? Identify all reasonable precautions that will be taken to prevent fugitive emissions from the storage and handling of the additional volumes of biomass.

The Department will resume processing your application after receipt of the requested information. Rule 62-4.050(3), F.A.C. requires that all applications for a Department permit must be certified by a professional engineer registered in the State of Florida. This requirement also applies to responses to Department requests for additional information of an engineering nature. For any material changes to the application, please include a new certification statement by the authorized representative or responsible official. You are reminded that Rule 62-4.055(1), F.A.C. now requires applicants to respond to requests for information within 90 days or provide a written request for an additional period of time to submit the information.

If you have any questions regarding this matter, please call me at 850/921-9536.

Sincerely,

Jeffery F. Koerner
New Source Review Section

cc: Mr. James Meriwether, New Hope Power Partnership
Mr. David Buff, Golder Associates Inc.
Mr. Hamilton Oven, Siting Office
Mr. Ron Blackburn, SD
Mr. James Stormer, PBCHD
Ms. Jeanneane Gettle, EPA Region 4
Mr. John Bunyak, NPS

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
Gainesville, FL USA 32653
Telephone (352) 336-5600
Fax (352) 336-6603
www.golder.com

November 30, 2004

0337594

Florida Department of Environmental Protection
2600 Blair Stone Road, MS:48
Tallahassee, Florida 32399-30000

Attention: Mr. Hamilton S. Oven, Jr., P.E. Administrator, Siting Coordination Office

RE: New Hope Power Partnership Expansion Project
Okeelanta Cogeneration Facility
Power Plant Siting Application No. PA 04-46
DOAH Case No. 04-3209EPP; OGC Case No. 04-1594

Dear Mr. ~~Oven~~ Buck:

On behalf of New Hope Power Partnership (NHPP), please find enclosed responses to the insufficiency questions identified in FDEP's Notice of Insufficiency dated October 22, 2004. The responses address the questions asked by the FDEP Bureau of Air Regulation, New Source Review Section, the Florida Department of Transportation and the South Florida Water Management District. The sufficiency questions from each agency are included followed by the responses. Copies of these sufficiency responses are being distributed pursuant to the attached distribution list.

If you should be further questions regarding the SCA, please contact Mr. James Meriwether or myself. Mr. Meriwether is the Environmental and Safety Manager for NHPP and his contact information is on the Application Information page.

Sincerely,

GOLDER ASSOCIATES INC.

Kennard F. Kosky, P. E.
Principal

KFK/

Enclosures

cc: See Sufficiency Responses Distribution List

Y:\Projects\2003\0337594 New Hope Power\4\4.2\Sufficiency\Cover Letter.doc

TABLE OF CONTENTS

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8. Craid Varn, Esq.
   Department of Community Affairs
   22470 Centerville Drive.
   Tallahassee, Florida 32399-2100
   (1 copy)

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Palm Beach County

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Assistant General Counsel
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New Hope Power Partnership
8001 Highway 27 South
South Bay, Florida 33493
(1 copy)

18. Gus Cepero
Okeelanta Corporation
21250 U.S. Highway 27
South Bay, Florida 33493
(1 copy)

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Okeelanta Corporation
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South Bay, Florida 33493
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20. Bill Tarr
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West Palm Beach, Florida 33401
(1 copy)

Total copies: 23

October 5, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Gus Cepero, Chief Executive Officer
New Hope Power Partnership
8001 U.S. Highway 27 South
South Bay, FL 33493

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Sincerely,

Jeffery F. Koerner
New Source Review Section

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Mr. Hamilton Oven, Siting Office
Mr. Ron Blackburn, SD
Mr. James Stormer, PBCHD
Ms. Jeanneane Gettle, EPA Region 4
Mr. John Bunyak, NPS

RESPONSE TO FDEP

Response to Florida Department of Environmental Protection (FDEP), Bureau of Air Regulation New Source Review Section Sufficiency Questions
Project No. 0990332-017-AC (PSD-FL-196p)
New Hope Power Partnership
Application No. PA 04-46; DOAH Case No. 04-3209EPP; OGC Case No. 04-1594

FDEP Bureau of Air Regulation, New Source Review Section Questions: See attached letter from Golder Associates Inc. dated November 17, 2004.

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
Gainesville, FL USA 32653
Telephone (352) 336-5600
Fax (352) 336-6603
www.golder.com

November 17, 2004 0337594-0700

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

Attention: Mr. Jeffery F. Koerner, P.E., New Source Review Section

RE: NEW HOPE POWER PARTNERSHIP – INCREASED GENERATING CAPACITY
DEP FILE NO. 0990332-017-AC (PSD-FL-196P)
REQUEST FOR ADDITIONAL INFORMATION

Dear Jeff:

This correspondence provides the additional information requested by the Florida Department of Environmental Protection (Department or FDEP) concerning the Site Certification Application (Application) that was filed by New Hope Power Partnership (NHPP) pursuant to the Florida Electrical Power Plant Siting Act (Siting Act or PPSA). This information is presented in the same sequence as the requested information in the Department's letter dated October 5, 2004.

FDEP AIR RAI #1, PSD Air Permit Application: Submit Sections I and II of the Department's air permit application [Form FDEP Form No. 62-210.900(1)], which includes the signature page for the Authorized Representative and the P.E. certification. Also submit any pages in Section III (Emissions Unit Information) that are different from the application submitted for the project to increase the cogeneration plant's heat input or that will change as a result of this project.

Additional Information: Attached are Sections I and II of FDEP Form No. 62-210.900(1), including the signature pages for the Authorized Representative and the P.E. certification. These sections are being submitted to change the description of the potential electrical generating capacity of NHPP's cogeneration facility (Facility).

As explained in the Site Certification Application, NHPP's proposed project does not require, and NHPP is not requesting, any changes in the operation conditions contained in the Air Construction Permit and PSD approval that was recently issued for the Facility [Project No. 0990332-016-AC; Air Permit No. PSD FL-196(O) issued October 29, 2003], with one exception -- i.e., NHPP wishes to delete the provisions in Specific Condition III.1 that restrict the electrical generating capacity of the Facility. The electrical generating capacity of the Facility will be reviewed and approved by the Governor and Cabinet (Siting Board) under the Siting Act. Thereafter, the Site Certification issued under the Siting Act will be the appropriate mechanism for regulating the electrical output of the

Facility. The Air Construction Permit will continue to govern the Facility's heat input and emissions rates, but the Air Construction Permit should not be used to regulate the Facility's electrical output, because the FDEP's Air Construction Permit and PSD program are designed to regulate airborne emissions, not electrical generating capacity. The Air Construction Permit should only mention the Facility's electrical generating capacity as part of the general project description (e.g., "nominal net capacity of 140 MW"), consistent with other air permits issued in Florida for electrical power plants. NHPP is not proposing any changes in the air emissions requirements for the Facility, so the Emissions Unit Information is not being changed in FDEP Form No. 62-210.900(1), with one exception. Page 14 of the Emissions Unit Information for each of the Facility's three cogeneration boilers will be changed to show that the Facility has a nominal net electrical generating capacity of 140 megawatts (MW).

FDEP AIR RAI #2, PSD Review: The previous PSD permit modification increased the plant's maximum heat input rate to full capacity (8760 hours per year). However, it may not be possible for the plant to fully utilize this additional capacity without the current project to add new electrical generating capacity. In essence, the new project could potentially "de-bottleneck" the plant to fully take advantage of the previous PSD modification. Provide a discussion of why the proposed project does not trigger PSD preconstruction review.

Additional Information: As described in the Site Certification Application, NHPP's proposed project may increase the Facility's annual electrical generation by approximately 150,000 to 190,000 megawatt-hours (MWH). Most of this electricity will be available during the months of April through September, when the demand for steam at the adjacent Okeelanta sugar mill is reduced (see SCA Section 1.1.3). As noted in the responses to FDEP AIR RAI #4 and #5, below, additional biomass fuels will be used to generate the additional electricity. However, as explained in the response to FDEP AIR RAI #1, above, NHPP is not requesting any changes to the applicable requirements in the recently issued Air Construction Permit for the Facility. Any additional fuel usage is already addressed in the Air Construction permit. NHPP is not proposing any changes in the Facility's permitted operating hours, emission limits, heat input rates, or the amount of steam that can be generated from the Facility's boilers. The only physical changes that will be made to the Facility are the addition of a steam turbine-generator and an associated heat dissipation system.

In 2002, NHPP filed its application for a PSD permit modification to increase the heat input at the Facility and also allowed year-round operation at full capacity. The increase in the annual heat input capacity of the Facility was needed at the time because the Facility had actually operated close to the annual heat input limitation in its permit. Although year-around operation at full capacity was not envisioned at the time, from a permitting perspective it was prudent to request such operation because the Facility was going through the time and expense of PSD review, and there was no compelling reason not to request full operation as new permit limits. On a short-term basis, NHPP had found through operational experience that the boiler could achieve somewhat higher heat input at times, and again it was prudent to request such a change in the PSD permitting process. Therefore, an increase in maximum and annual heat input limits was needed regardless of the installation of the new steam turbine. This recent PSD permit modification involved a complete PSD review including a determination of Best Available Control Technology (BACT) and an analysis of air quality impacts. The air quality impact analysis evaluated compliance with ambient air quality standards (AAQS) and PSD increments.

Federal and Florida rule allow the presumption that allowable or potential emissions of an emissions unit are equivalent to the actual emissions of the emission unit. FDEP Rule 62-210.200(11)(b), F.A.C., allows the Department to presume that unit-specific allowable emissions are equivalent to

the actual emissions, provided such allowable emissions are federally enforceable. Under FDEP Rule 62-210.200(11)(c), F.A.C., for any emissions unit that has not yet begun normal operations, actual emissions shall equal the potential emissions, provided such allowable emissions are federally enforceable. Emissions from "normal operations" usually are determined by reviewing a 2-year operating history. In the instant case, however, normal operations cannot be readily determined because the PSD approval for the Facility's full-capacity operations was issued only one year ago (October 2003) and, consequently, the Facility does not have a 2-year operating history at full capacity. Given these circumstances, the Department may rely on FDEP Rules 62-210.200(11)(b) and (c) to presume that the Facility's actual emissions are equal to the Facility's allowable emissions. In such a case, PSD review would not apply, since there would be no net increase in annual emissions for the proposed project.

Given FDEP's recent PSD approval for the Facility's operations at full capacity and the fact that no changes are being proposed in the recent Air Construction Permit, a new PSD review process would serve no purpose in this case. The requirements of a PSD review such as BACT and air quality impact analyses have already been recently conducted. The only new emissions unit is a cooling tower, which is such a small source that it is exempt from the FDEP's permitting requirements. The maximum amount of PM and PM_{10} in the drift from the cooling tower will be so small that the cooling tower is exempt from permitting pursuant to FDEP Rule 62-210.300(3), F.A.C.

FDEP AIR RAI #3, NESHAP Subpart DDDDD: Please discuss the impacts of the recently published NESHAP Subpart DDDDD requirements on the existing cogeneration boilers. With regard to this regulation, is the project considered a "modification"? With regard to this regulation, is the project considered a "reconstruction"?

Additional Information: Under EPA's new NESHAP for industrial, commercial, and institutional boilers (40 CFR 60, Subpart DDDDD), the Facility's boilers will be regulated as "existing" units. Subpart DDDDD applies to new, reconstructed, and existing units. There is no separate category in Subpart DDDDD for a modification. See Section 63.7490(a).

Reconstruction is not defined in Subpart DDDDD. However, reconstruction is defined in 40 CFR 63.2 as follows:

> *Reconstruction,* unless otherwise defined in a relevant standard, means the replacement of components of an affected or a previously nonaffected source to such an extent that:
> (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and
> (2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

Stationary source also is defined in 40 CFR 63.2:

> *Stationary source* means any building, structure, facility, or installation which emits or may emit any air pollutant.

Since the source is defined as the building, structure, facility or installation that emits any air pollutant, it is clear that the industrial boilers at NHPP's Facility are the affected sources under Subpart DDDDD.

There will not be a reconstruction of the Subpart DDDDD sources at the Facility because NHPP is not proposing to replace any of the components of the Facility's boilers. The addition of a steam turbine-generator and associated heat dissipation system at the Facility is not reconstruction under 40 CFR 63.2 because this equipment is not part of the affected source.

Since the Facility's boilers are not new or reconstructed, as defined in Subpart DDDDD, the Facility's boilers are subject to the regulations for existing boilers. See Sections 63.7490(b), (c), and (d). NHPP must comply with the Subpart DDDDD requirements by September 13, 2007. See Section 63.7495(b). Among other things, the Facility must comply with the emission limits in Subpart DDDDD for particulate matter, hydrogen chloride and mercury. NHPP anticipates that it will be able to demonstrate compliance with these emissions limits without installing any new air pollution control equipment. In any event, NHPP will address all of the applicable Subpart DDDDD requirements in future submittals to the Department.

FDEP AIR RAI #4, Annual Capacity Factor:

- **Please estimate the maximum expected actual annual capacity factor (in terms of heat input rate) for the cogeneration plant. What factors typically influence the operating rates of the cogeneration units? Will the units operate a reduced capacity at night during the cane-milling season as well as during the off-season? Does the available biomass fuel supply limit operation of the facility at capacity? Describe expected operation during the cane-milling season and during the off-season.**
- **How many hours are planned for regularly scheduled down times to perform maintenance and inspections? Historically, how many additional hours of down time were needed to perform unscheduled maintenance and repairs?**

Additional Information: The NHPP Facility produces steam to generate electricity and to supply process steam to the Okeelanta sugar mill and refinery. The process steam demand is seasonal; it is higher in the fall and winter than in the spring and summer. Accordingly, during the spring and summer when the process steam demand is lower, the Facility has the capacity to generate additional non-process steam. The basic purpose of the current project is to add a steam turbine generator, plus related auxiliaries, to more effectively utilize the steam generating capacity of the Facility on a year-round basis. NHPP estimates that the net electrical output of the Facility will be increased approximately an additional 165,000 MWH/year, with most of this electrical energy produced during the spring and summer months when the additional steam capacity is available.

NHPP estimates that the maximum annual capacity factor for the Facility will range from 14.5×10^6 to 19×10^6 MMBtu per year after the second turbine generator is installed (73- to 95-capacity factor). This range is dependent upon several operational variables, including but not limited to process steam demand, plant availability, public demand for electricity, and electrical wholesale market conditions.

The major factors that typically influence the operating rates of the cogeneration units are the process steam demand of the sugar mill during the grinding season, which is usually October through March, and the general wholesale market conditions associated with the production and sale of electricity during the non-grinding season.

After the second turbine generator is installed, the cogeneration units are expected to operate year-round at full capacity, except during planned outages and unscheduled maintenance.

NHPP is confident that the available fuel supply is sufficient to accommodate the Facility's operational requirements.

Annually each cogeneration boiler is scheduled for three weeks (504 hours) of downtime to conduct maintenance and inspections. Historically, unscheduled maintenance has accounted for approximately 250 hours of total downtime per boiler.

FDEP AIR RAI #5 Additional Fuel: From where will the additional biomass fuels come? Identify any sugar mills that are potential sources of bagasse. Is New Hope Power working on any preliminary contracts to obtain bagasse from any of the sugar mills? Will new contractors be needed to secure additional amounts of woods chips? Identify any new sources for the wood chips. Describe the fuel management program that will be used to ensure that only bagasse and clean, dry wood is fired in the cogeneration boilers. Will changes be made to the existing fuel management plan to ensure that foreign materials are not introduced? Identify all reasonable precautions that will be taken to prevent fugitive emissions from the storage and handling of the additional volumes of biomass.

Additional Information: During 2003, NHPP used approximately 900,000 tons of bagasse and 700,000 tons of clean wood fuel to generate all the steam required to support the process steam requirements of the Okeelanta Corporation's sugar mill and refinery and to generate electricity for sale to the power grid. The addition of the second turbine generator and auxiliary equipment is expected to result in the consumption of an additional 250,000 tons per year of clean biomass fuels. This represents an increase in fuel use of approximately 16%. The additional biomass fuel needed for future operations will be provided by the same vendors that currently provide the Facility's fuel.

In the past, NHPP has received excess bagasse fuel from U.S. Sugar Corporation. There are no plans to secure any additional bagasse contracts at this time.

NHPP's existing "Wood, Bagasse and Ash Inspection and Testing Plan" (Plan) was designed to ensure that only clean biomass fuels are fired at NHPP's Facility. The Plan was revised on 9/14/04 for incorporation into the Facility's Title V permit. In addition, NHPP's fuel specifications are included as part of NHPP's contracts with its fuel suppliers. NHPP will continue to utilize its Plan and contractual requirements as management tools to ensure a clean fuel source for the facility. This approach has worked well in the past, as confirmed by the Department's site inspections and NHPP's fuel analyses.

As stated above, NHPP's proposed project will result in a 16% increase in the Facility's fuel consumption. NHPP will continue to employ best management practices to control fugitive emissions. For example, NHPP uses enclosed conveyors and conveyor transfer points, except in the stacker/reclaimer transfer areas, where enclosures are infeasible. NHPP also uses water sprays during dry periods and when otherwise necessary to control fugitive emissions.

CONCLUSION

NHPP wishes to resolve all of the Department's questions as expeditiously as possible so that NHPP can move forward in a timely manner under the Florida Electrical Power Plant Siting Act. Please call me or David Buff at (352) 336-5600 if you need any additional information.

Sincerely,

GOLDER ASSOCIATES INC.

David A. Buff

David A. Buff, P.E.
Principal

Principal

DAB/dmw

Enclosures

cc: James Meriwether, NHPP
Gus Cepero, NHPP
David Dee, Esq., Landers and Parsons
Hamilton S. Oven, Jr., P.E., FDEP Siting Office

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Department of Environmental Protection

Division of Air Resource Management

APPLICATION FOR AIR PERMIT - LONG FORM

I. APPLICATION INFORMATION

Air Construction Permit – Use this form to apply for an air construction permit for a proposed project:

- subject to prevention of significant deterioration (PSD) review, nonattainment area (NAA) new source review, or maximum achievable control technology (MACT) review; or
- where the applicant proposes to assume a restriction on the potential emissions of one or more pollutants to escape a federal program requirement such as PSD review, NAA new source review, Title V, or MACT; or
- at an existing federally enforceable state air operation permit (FESOP) or Title V permitted facility.

Air Operation Permit – Use this form to apply for:

- an initial federally enforceable state air operation permit (FESOP); or
- an initial/revised/renewal Title V air operation permit.

Air Construction Permit & Revised/Renewal Title V Air Operation Permit (Concurrent Processing Option) – Use this form to apply for both an air construction permit and a revised or renewal Title V air operation permit incorporating the proposed project.

To ensure accuracy, please see form instructions.

Identification of Facility

1. Facility Owner/Company Name: **New Hope Power Partnership**	
2. Site Name: **Okeelanta Cogeneration Plant**	
3. Facility Identification Number: **0990332**	
4. Facility Location...: Street Address or Other Locator: **8001 U.S. Highway 27 South** City: **South Bay** County: **Palm Beach** Zip Code: **33493**	
5. Relocatable Facility? ☐ Yes ☒ No	6. Existing Title V Permitted Facility? ☒ Yes ☐ No

Application Contact

1. Application Contact Name: **James Meriwether, Environmental and Safety Manager**
2. Application Contact Mailing Address... Organization/Firm: **New Hope Power Partnership** Street Address: **8001 U.S. Highway 27 South** City: **South Bay** State: **FL** Zip Code: **33493**
3. Application Contact Telephone Numbers... Telephone: (**561**) **993 -1003** ext. Fax: (**561**) **996-6596**
4. Application Contact Email Address:

Application Processing Information (DEP Use)

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

APPLICATION INFORMATION

Purpose of Application

This application for air permit is submitted to obtain: (Check one)

Air Construction Permit

☒ Air construction permit.

Air Operation Permit

☐ Initial Title V air operation permit.

☐ Title V air operation permit revision.

☐ Title V air operation permit renewal.

☐ Initial federally enforceable state air operation permit (FESOP) where professional engineer (PE) certification is required.

☐ Initial federally enforceable state air operation permit (FESOP) where professional engineer (PE) certification is not required.

Air Construction Permit and Revised/Renewal Title V Air Operation Permit (Concurrent Processing)

☐ Air construction permit and Title V permit revision, incorporating the proposed project.

☐ Air construction permit and Title V permit renewal, incorporating the proposed project.

Note: By checking one of the above two boxes, you, the applicant, are requesting concurrent processing pursuant to Rule 62-213.405, F.A.C. In such case, you must also check the following box:

☐ I hereby request that the department waive the processing time requirements of the air construction permit to accommodate the processing time frames of the Title V air operation permit.

Application Comment

Application to revise Construction Permit No. 0990332-016-AC to incorporate a description of the nominal amount of electric generation requested by NHPP under Florida's Power Plant Siting Act (PA 04-46) for the three (3) cogeneration boilers. There are no other changes to the requirements specified by Construction Permit No. 0990332-016-AC by this application. Emission Unit page No. 14 is being submitted.

APPLICATION INFORMATION

Scope of Application

Emissions Unit ID Number	Description of Emissions Unit	Air Permit Type	Air Permit Proc. Fee
001	Cogen Boiler A		
002	Cogen Boiler B		
003	Cogen Boiler C		

Application Processing Fee

Check one: ☐ Attached - Amount: $_____ ☒ Not Applicable

APPLICATION INFORMATION

Owner/Authorized Representative Statement

Complete if applying for an air construction permit or an initial FESOP.

1. Owner/Authorized Representative Name :

2. Owner/Authorized Representative Mailing Address...
   Organization/Firm:
   Street Address:
   City: State: Zip Code:

3. Owner/Authorized Representative Telephone Numbers...
   Telephone: ( ) - ext. Fax: ( ) -

4. Owner/Authorized Representative Email Address:

5. Owner/Authorized Representative Statement:

   I, the undersigned, am the owner or authorized representative of the facility addressed in this air permit application. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof and all other requirements identified in this application to which the facility is subject. I understand that a permit, if granted by the department, cannot be transferred without authorization from the department, and I will promptly notify the department upon sale or legal transfer of the facility or any permitted emissions unit.

   _____ _____
   Signature Date

APPLICATION INFORMATION

Application Responsible Official Certification

Complete if applying for an initial/revised/renewal Title V permit or concurrent processing of an air construction permit and a revised/renewal Title V permit. If there are multiple responsible officials, the "application responsible official" need not be the "primary responsible official."

1. Application Responsible Official Name:
   Rodney Williams - Plant Manager

2. Application Responsible Official Qualification (Check one or more of the following options, as applicable):
   - ☒ For a corporation, the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under Chapter 62-213, F.A.C.
   - ☐ For a partnership or sole proprietorship, a general partner or the proprietor, respectively.
   - ☐ For a municipality, county, state, federal, or other public agency, either a principal executive officer or ranking elected official.
   - ☐ The designated representative at an Acid Rain source.

3. Application Responsible Official Mailing Address...
   Organization/Firm: **New Hope Power Partnership**
   Street Address: **8001 U.S. Highway 27 South**
   City: **South Bay** State: **FL** Zip Code: **33493**

4. Application Responsible Official Telephone Numbers...
   Telephone: **(561) 993-1000** ext. Fax: **(561) 992-7744**

5. Application Responsible Official Email Address:

6. Application Responsible Official Certification:

   I, the undersigned, am a responsible official of the Title V source addressed in this air permit application. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof and all other applicable requirements identified in this application to which the Title V source is subject. I understand that a permit, if granted by the department, cannot be transferred without authorization from the department, and I will promptly notify the department upon sale or legal transfer of the facility or any permitted emissions unit. Finally, I certify that the facility and each emissions unit are in compliance with all applicable requirements to which they are subject, except as identified in compliance plan(s) submitted with this application.

Rodney Williams — Signature

11/01/04 — Date

APPLICATION INFORMATION

Professional Engineer Certification

1. Professional Engineer Name: **David A. Buff**
   Registration Number: **19011**
2. Professional Engineer Mailing Address...
   Organization/Firm: **Golder Associates Inc.****
   Street Address: **6241 NW 23rd Street, Suite 500**
   City: **Gainesville** State: **FL** Zip Code: **32653**
3. Professional Engineer Telephone Numbers...
   Telephone: **(352) 336-5600** ext.**545** Fax: **(352) 336-6603**
4. Professional Engineer Email Address: **dbuff@golder.com**
5. Professional Engineer Statement:

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

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

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

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

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

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

David A. Buff
Signature

11/17/04
Date

(seal)

* Attach any exception to certification statement.
** Board of Professional Engineers Certificate of Authorization #00001670

II. FACILITY INFORMATION

A. GENERAL FACILITY INFORMATION

Facility Location and Type

1. Facility UTM Coordinates... Zone **17** East (km) **524.90** North (km) **2940.10**		2. Facility Latitude/Longitude... Latitude (DD/MM/SS) Longitude (DD/MM/SS)	
3. Governmental Facility Code: **0**	4. Facility Status Code: **A**	5. Facility Major Group SIC Code: **49**	6. Facility SIC(s): **4911**
7. Facility Comment :			

Facility Contact

1. Facility Contact Name: **James Meriwether, Environmental and Safety Manager**
2. Facility Contact Mailing Address... Organization/Firm: **New Hope Power Partnership** Street Address: **8001 U.S. Highway 27 South** City: **South Bay** State: **FL** Zip Code: **33493**
3. Facility Contact Telephone Numbers: Telephone: **(561) 993-1003** ext. Fax: **(561) 996-6596**
4. Facility Contact Email Address:

Facility Primary Responsible Official

Complete if an "application responsible official" is identified in Section I. that is not the facility "primary responsible official."

1. Facility Primary Responsible Official Name:
2. Facility Primary Responsible Official Mailing Address... Organization/Firm: Street Address: City: State: Zip Code:
3. Facility Primary Responsible Official Telephone Numbers... Telephone: ( ) - ext. Fax: ( ) -
4. Facility Primary Responsible Official Email Address:

Facility Regulatory Classifications

Check all that would apply *following* completion of all projects and implementation of all other changes proposed in this application for air permit. Refer to instructions to distinguish between a "major source" and a "synthetic minor source."

1. ☐ Small Business Stationary Source	☐ Unknown
2. ☐ Synthetic Non-Title V Source	
3. ☒ Title V Source	
4. ☒ Major Source of Air Pollutants, Other than Hazardous Air Pollutants (HAPs)	
5. ☐ Synthetic Minor Source of Air Pollutants, Other than HAPs	
6. ☒ Major Source of Hazardous Air Pollutants (HAPs)	
7. ☐ Synthetic Minor Source of HAPs	
8. ☒ One or More Emissions Units Subject to NSPS (40 CFR Part 60)	
9. ☐ One or More Emissions Units Subject to Emission Guidelines (40 CFR Part 60)	
10. ☒ One or More Emissions Units Subject to NESHAP (40 CFR Part 61 or Part 63)	
11. ☐ Title V Source Solely by EPA Designation (40 CFR 70.3(a)(5))	
12. Facility Regulatory Classifications Comment:	

List of Pollutants Emitted by Facility

1. Pollutant Emitted	2. Pollutant Classification	3. Emissions Cap [Y or N]?
PM (Particulate Matter – Total)	A	N
PM_{10} (Particulate Matter – PM_{10})	A	N
SO_2 (Sulfur Dioxide)	A	N
NO_x (Nitrogen Oxides)	A	N
CO (Carbon Monoxide)	A	N
VOC (Volatile Organic Compounds)	A	N
Hydrogen Chloride (H106)	A	N
Mercury Compounds (H114)	B	N
HAPs (Total Hazardous Air Pollutants)	A	N

B. EMISSIONS CAPS

Facility-Wide or Multi-Unit Emissions Caps

1. Pollutant Subject to Emissions Cap	2. Facility Wide Cap [Y or N]? (all units)	3. Emissions Unit ID No.s Under Cap (if not all units)	4. Hourly Cap (lb/hr)	5. Annual Cap (ton/yr)	6. Basis for Emissions Cap

7. Facility-Wide or Multi-Unit Emissions Cap Comment:

C. FACILITY ADDITIONAL INFORMATION

Additional Requirements for All Applications, Except as Otherwise Stated

1. Facility Plot Plan: (Required for all permit applications, except Title V air operation permit revision applications if this information was submitted to the department within the previous five years and would not be altered as a result of the revision being sought) ☐ Attached, Document ID:____ ☒ Previously Submitted, Date: **August 2002**
2. Process Flow Diagram(s): (Required for all permit applications, except Title V air operation permit revision applications if this information was submitted to the department within the previous five years and would not be altered as a result of the revision being sought) ☐ Attached, Document ID:____ ☒ Previously Submitted, Date: **August 2002**
3. Precautions to Prevent Emissions of Unconfined Particulate Matter: (Required for all permit applications, except Title V air operation permit revision applications if this information was submitted to the department within the previous five years and would not be altered as a result of the revision being sought) ☐ Attached, Document ID:____ ☒ Previously Submitted, Date: **August 2002**

Additional Requirements for Air Construction Permit Applications

1. Area Map Showing Facility Location: ☐ Attached, Document ID:____ ☒ Not Applicable (existing permitted facility)
2. Description of Proposed Construction or Modification: ☐ Attached, Document ID:____
3. Rule Applicability Analysis: ☐ Attached, Document ID:____
4. List of Exempt Emissions Units (Rule 62-210.300(3)(a) or (b)1., F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable (no exempt units at facility)
5. Fugitive Emissions Identification (Rule 62-212.400(2), F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable
6. Preconstruction Air Quality Monitoring and Analysis (Rule 62-212.400(5)(f), F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable
7. Ambient Impact Analysis (Rule 62-212.400(5)(d), F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable
8. Air Quality Impact since 1977 (Rule 62-212.400(5)(h)5., F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable
9. Additional Impact Analyses (Rules 62-212.400(5)(e)1. and 62-212.500(4)(e), F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable
10. Alternative Analysis Requirement (Rule 62-212.500(4)(g), F.A.C.): ☐ Attached, Document ID:____ ☒ Not Applicable

Additional Requirements for FESOP Applications

1. List of Exempt Emissions Units (Rule 62-210.300(3)(a) or (b)1., F.A.C.):
   ☐ Attached, Document ID:____ ☒ Not Applicable (no exempt units at facility)

Additional Requirements for Title V Air Operation Permit Applications

1. List of Insignificant Activities (Required for initial/renewal applications only):
   ☐ Attached, Document ID:____ ☒ Not Applicable (revision application)

2. Identification of Applicable Requirements (Required for initial/renewal applications, and for revision applications if this information would be changed as a result of the revision being sought):
   ☐ Attached, Document ID:____
   ☒ Not Applicable (revision application with no change in applicable requirements)

3. Compliance Report and Plan (Required for all initial/revision/renewal applications):
   ☐ Attached, Document ID:____
   Note: A compliance plan must be submitted for each emissions unit that is not in compliance with all applicable requirements at the time of application and/or at any time during application processing. The department must be notified of any changes in compliance status during application processing.

4. List of Equipment/Activities Regulated under Title VI (If applicable, required for initial/renewal applications only):
   ☐ Attached, Document ID:____
   ☐ Equipment/Activities On site but Not Required to be Individually Listed
   ☒ Not Applicable

5. Verification of Risk Management Plan Submission to EPA (If applicable, required for initial/renewal applications only) :
   ☐ Attached, Document ID:____ ☒ Not Applicable

6. Requested Changes to Current Title V Air Operation Permit:
   ☐ Attached, Document ID:____ ☒ Not Applicable

Additional Requirements Comment

A. GENERAL EMISSIONS UNIT INFORMATION

Title V Air Operation Permit Emissions Unit Classification

1. Regulated or Unregulated Emissions Unit? (Check one, if applying for an initial, revised or renewal Title V air operation permit. Skip this item if applying for an air construction permit or FESOP only.)

☒ The emissions unit addressed in this Emissions Unit Information Section is a regulated emissions unit.

☐ The emissions unit addressed in this Emissions Unit Information Section is an unregulated emissions unit.

Emissions Unit Description and Status

1. Type of Emissions Unit Addressed in this Section: (Check one)

☒ This Emissions Unit Information Section addresses, as a single emissions unit, a single process or production unit, or activity, which produces one or more air pollutants and which has at least one definable emission point (stack or vent).

☐ This Emissions Unit Information Section addresses, as a single emissions unit, a group of process or production units and activities which has at least one definable emission point (stack or vent) but may also produce fugitive emissions.

☐ This Emissions Unit Information Section addresses, as a single emissions unit, one or more process or production units and activities which produce fugitive emissions only.

2. Description of Emissions Unit Addressed in this Section:
Cogen Boiler A fired by Biomass/No. 2 Fuel Oil/Natural Gas

3. Emissions Unit Identification Number: **001**

4. Emissions Unit Status Code:	5. Commence Construction Date:	6. Initial Startup Date:	7. Emissions Unit Major Group SIC Code:	8. Acid Rain Unit?
A			**49**	☐ Yes ☒ No

9. Package Unit:
Manufacturer: Model Number:

10. Generator Nameplate Rating: MW

11. Emissions Unit Comment: **140 MW nominal net generating capacity for entire facility.**

A. GENERAL EMISSIONS UNIT INFORMATION

Title V Air Operation Permit Emissions Unit Classification

1. Regulated or Unregulated Emissions Unit? (Check one, if applying for an initial, revised or renewal Title V air operation permit. Skip this item if applying for an air construction permit or FESOP only.)

☒ The emissions unit addressed in this Emissions Unit Information Section is a regulated emissions unit.

☐ The emissions unit addressed in this Emissions Unit Information Section is an unregulated emissions unit.

Emissions Unit Description and Status

1. Type of Emissions Unit Addressed in this Section: (Check one)

☒ This Emissions Unit Information Section addresses, as a single emissions unit, a single process or production unit, or activity, which produces one or more air pollutants and which has at least one definable emission point (stack or vent).

☐ This Emissions Unit Information Section addresses, as a single emissions unit, a group of process or production units and activities which has at least one definable emission point (stack or vent) but may also produce fugitive emissions.

☐ This Emissions Unit Information Section addresses, as a single emissions unit, one or more process or production units and activities which produce fugitive emissions only.

2. Description of Emissions Unit Addressed in this Section:
Cogen Boiler B fired by Biomass/No. 2 Fuel Oil/Natural Gas

3. Emissions Unit Identification Number: **002**

4. Emissions Unit Status Code:	5. Commence Construction Date:	6. Initial Startup Date:	7. Emissions Unit Major Group SIC Code:	8. Acid Rain Unit?
A			**49**	☐ Yes ☒ No

9. Package Unit:
Manufacturer: Model Number:

10. Generator Nameplate Rating: MW

11. Emissions Unit Comment: **140 MW nominal net generating capacity for entire facility.**

A. GENERAL EMISSIONS UNIT INFORMATION

Title V Air Operation Permit Emissions Unit Classification

1. Regulated or Unregulated Emissions Unit? (Check one, if applying for an initial, revised or renewal Title V air operation permit. Skip this item if applying for an air construction permit or FESOP only.)

☒ The emissions unit addressed in this Emissions Unit Information Section is a regulated emissions unit.

☐ The emissions unit addressed in this Emissions Unit Information Section is an unregulated emissions unit.

Emissions Unit Description and Status

1. Type of Emissions Unit Addressed in this Section: (Check one)

☒ This Emissions Unit Information Section addresses, as a single emissions unit, a single process or production unit, or activity, which produces one or more air pollutants and which has at least one definable emission point (stack or vent).

☐ This Emissions Unit Information Section addresses, as a single emissions unit, a group of process or production units and activities which has at least one definable emission point (stack or vent) but may also produce fugitive emissions.

☐ This Emissions Unit Information Section addresses, as a single emissions unit, one or more process or production units and activities which produce fugitive emissions only.

2. Description of Emissions Unit Addressed in this Section:
Cogen Boiler C fired by Biomass/No. 2 Fuel Oil/Natural Gas

3. Emissions Unit Identification Number: **003**

4. Emissions Unit Status Code:	5. Commence Construction Date:	6. Initial Startup Date:	7. Emissions Unit Major Group SIC Code:	8. Acid Rain Unit?
A			**49**	☐ Yes ☒ No

9. Package Unit:
Manufacturer: Model Number:

10. Generator Nameplate Rating: MW

11. Emissions Unit Comment: **140 MW nominal net generating capacity for entire facility.**

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

LAN 04-06

October 15, 2004

Mr. Hamilton S. Oven, Jr., P.E.
Administrator, Siting Coordination Office
Florida Department of Environmental Protection, MS 48
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Dear ~~Mr. Oven~~:

Subject: New Hope Power Partnership Expansion Project, PA 04-46
Site Certification Application
First Sufficiency Review

South Florida Water Management District (SFWMD) staff has reviewed the application submitted by the New Hope Power Partnership for their proposed expansion project, as required by Sections 403.501-539, F.S., and Chapter 62-17, F.A.C. As a result of that review, we have identified the following outstanding issues/sufficiency questions which must be addressed in order for the SFWMD to complete its review of this project. Please include the following questions/comments in your sufficiency letter on this project.

(1) Pursuant to Section 2.1.1, of the Basis of Review (BOR) For Water Use Permit Applications Within the SFWMD, an applicant must demonstrate the legal right to conduct the water use on the project lands or site through property ownership or other property interest, such as a leasehold, in the project site and must provide copies of legal documents demonstrating ownership or control of property. Please submit documentation of ownership in the form of a deed, a lease agreement, a current tax record, or notarized affidavit of ownership. SFWMD-1

(2) Pursuant to Section 2.1.3, of the BOR, an applicant proposing to supply water to another entity must establish need for a water allocation through demonstration of the legal right and obligation to supply the requested allocation. This legal control can be established through service area designations, water sale or delivery contracts, or other proof of such legal obligation. Please submit a legal agreement or delivery contract from the Okeelanta Corporation indicating that they will provide 2.0 MGD to the New Hope Power Partnership to serve the proposed power plant expansion project. SFWMD-2

(3) Pursuant to Section 2.2 of the BOR, an applicant must identify the quantities needed for each component of demand in order to justify the quantities requested in the permit application. An applicant shall request quantities in gallons per day for each component of demand. If the use of water is from multiple supply sources, each source should be identified as a primary, secondary or back-up source. The applicant shall provide a breakdown of how the water will be distributed among the multiple sources as part of the application review process. Please submit a total demand table indicating: (1) The source of water (Miami Canal, North New River Canal, Surficial Aquifer, Floridan Aquifer, water supplied by the Okeelanta Corporation sugar mill); (2) the water use (potable water, general service water, cooling water, steam cycle water, etc.; and (3) the amounts for each in gallons per day. Please refer to Exhibit 7 of Water Use Permit No. 50-01035-W (Okeelanta Corporation) as an example of how to prepare the requested table. SFWMD-3

(4) Pursuant to Section 2.2.4, of the BOR, users that derive water supply from multiple withdrawal facilities shall submit a wellfield operating plan. The plan may include more than one configuration of withdrawals provided each configuration meets the conditions of permit issuance, the total withdrawals of each configuration do not exceed the allocation and each withdrawal configuration represents a normal operation protocol of the use. Please submit a wellfield operating plan for review by SFWMD staff. SFWMD-4

(5) Pursuant to 2.4.1, of the BOR, all individual permit applicants for a commercial or industrial water use permit must submit a water conservation plan at the time of permit application. Please submit a revised water conservation plan that addresses the proposed expansion project. SFWMD-5

(6) Pursuant to Rule 40E-2.101, F.A.C., please submit a detailed map of the New Hope property and the Okeelanta property that shows each component source and withdrawal facility. SFWMD-6

(7) Pursuant to Section 2.5, of the BOR, please submit detailed dewatering plans and provide reasonable assurances that the proposed dewatering activities will not cause harm to the resource, existing legal uses, offsite land uses, and wetland environments, or cause harmful saline water intrusion or movement of pollutants. SFWMD-7

(8) Please be advised that Appendix 10.4.3 of the Site Certification application contained only the odd number pages of Water Use Permit No. 50-03146-W. SFWMD-8

(9) Please be advised that the Okeelanta Corporation has submitted an application (No. 040811-4) for renewal of their Water Use Permit (Permit No. 50-01035-W). The SFWMD issued a letter requesting additional information on September 10, 2004. Additional information beyond that requested in the SFWMD's September 10, 2004 letter may be required as part of the review of Application No. 040811-4 in order for the SFWMD to recommend approval of the Site Certification application (please refer to item #2 above). SFWMD-9

If any of the above requires additional clarification, please do not hesitate to contact me at (561) 682-6862.

Sincerely,

James J. Golden, AICP
Senior Planner
Environmental Resource Regulation

/jjg

c: See Attached Distribution List

Scott A. Goorland
Assistant General Counsel
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000

James V. Antista
General Counsel
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

David Jordan
General Counsel
Office of General Counsel
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Sheauching Yu, Esquire
Florida Department of Transportation
Haydon Burns Building
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Tallahassee, FL 32399-0450

Rick Melson
General Counsel
Florida Public Service Commission
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Tallahassee, FL 32399

Jon Iglehart
Acting Director
Florida Department of Environmental Protection
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Ft. Myers, FL 33901

Michael J. Busha
Executive Director
Treasure Coast Regional Planning Council
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Denise M. Nieman
Palm Beach County Attorney
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West Palm Beach, FL 33401

David S. Dee
Landers & Parsons, P.A.
310 West College Avenue
Tallahassee, FL 32301

James Merriwether
New Hope Power Partnership
8001 Highway 27 South
South Bay, FL 33493

Gus Ceparo
Okeelanta Corporation
21250 U.S. Highway 27
South Bay, FL 33493

Sarah Nall Worsham
9341 S.E. Mystic Cove Terrace
Hobe Sound, FL 33455

RESPONSE TO SFWMD-1

Response to South Florida Water Management District (SFWMD) Sufficiency Questions
New Hope Power Partnership
Application No. PA 04-46; DOAH Case No. 04-3209EPP; OGC Case No. 04-1594

SFWMD Question (1): Pursuant to Section 2.1.1, of the Basis of Review (BOR) For Water Use Permit Applications Within the SFWMD, an applicant must demonstrate the legal right to conduct the water use on the project lands or site through property ownership or other property interest, such as a leasehold, in the project site and must provide copies of legal documents demonstrating ownership or control of property. Please submit documentation of ownership in the form of a deed, a lease agreement, a current tax record, or notarized affidavit of ownership.

Response: The ground lease agreement between New Hope Power Partnership and Okeelanta Corporation is attached.

GROUND LEASE AGREEMENT

Between

OKEELANTA CORPORATION,
as Okeelanta or Landlord,

and

NEW HOPE POWER PARTNERSHIP,
as New Hope or Tenant

Dated as of March 31, 2001

GROUND LEASE AGREEMENT

This GROUND LEASE AGREEMENT, dated as of March 31, 2001 (this "Lease"), is between OKEELANTA CORPORATION, a Delaware Corporation, as landlord ("Okeelanta"), and New Hope Power Partnership, a Florida partnership, as tenant ("New Hope").

In consideration of the mutual agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, agree as follows:

ARTICLE I
PREMISES AND FACILITY

SECTION 1.1. Okeelanta is the owner of that certain parcel of land in Palm Beach County, Florida, more particularly described in Exhibit A attached hereto, containing approximately 65 acres (the "Leased Premises").

SECTION 1.2. New Hope is the owner of the 75MW solid waste disposal and electric and steam generating facility which is sited on the Leased Premises together with such ancillary facilities necessary for the effective and efficient operation thereof (the Facility or Facilities).

SECTION 1.3. It is the intent of the parties that Okeelanta shall lease the Leased Premises, and grant (and cause certain of its affiliates to grant) certain easements, rights and privileges with respect to certain lands controlled by Okeelanta or its affiliates, to New Hope upon and subject to the conditions and limitations hereinafter expressed.

ARTICLE II
LEASE OF THE LEASED PREMISES;

SECTION 2.1. Lease of the Leased Premises. Okeelanta, upon the terms and conditions of this Lease, hereby leases the Leased Premises to New Hope, and New Hope hereby leases the Leased Premises from Okeelanta, for the Term.

SECTION 2.2. Assignment of Related Rights. Okeelanta hereby assigns to New Hope, effective as of the commencement of the Lease and for the remainder of the Term, all of Okeelanta's right, title and interest in the Leased Premises and certain easements necessary for New Hope to operate the Facility.

ARTICLE III
RENT; LANDLORD'S PAYMENT OBLIGATION

SECTION 3.1. Rent. The rent for the Term shall be $65,000 per year, the prepayment of which is hereby acknowledged by Landlord. Rent shall be payable on each anniversary date of the Lease.

ARTICLE IV
TERM

SECTION 4.1. Effective Date; Term. The term of this Lease shall commence upon execution of this Lease and shall expire in ten (10) years. Subject to 90 days notice, New Hope shall have the option to renew this Lease for up to two (2) subsequent ten (10) year terms.

ARTICLE V
INTERESTS OF NEW HOPE

SECTION 5.1. New Hope's Interest; Quiet Enjoyment. Okeelanta covenants that New Hope shall have the right to peacefully and quietly enjoy use and possession of the Leased Premises and all rights pertaining thereto.

SECTION 5.2. Assignment and Sublease by New Hope. New Hope may not assign this Lease or sublease the Leased Premises or any part of its interests and rights hereunder without the prior written consent of Okeelanta; provided, however, that New Hope may, without consideration, assign all of its right, title and interest hereunder to an affiliate without the consent of Okeelanta by giving Okeelanta written notice thereof, and such assignment shall release New Hope from its obligations under this Lease; provided, further, however, that the assignee shall be thereupon liable for all of the obligations of New Hope hereunder.

ARTICLE VI
INSURANCE

SECTION 6.1. New Hope, at it's sole cost and expense, shall keep and maintain policies of:

(i) "all risk" casualty insurance on the Facility against loss or damage by fire and against loss or damage by other risks now insured against by "extended coverage" provisions of policies generally in force on independent power projects in Florida, in amounts sufficient to provide coverage for the full replacement cost value of the Facility, the policy for which insurance shall have a replacement cost endorsement or similar provision.

(ii) Such other insurance on the Facility or any replacements or substitutions therefor and in such amounts as may from time to time be reasonably required by Okeelanta against other insurable hazards which at the time are commonly insured against in the case of premises similarly situated.

SECTION 6.2. The insurance policies shall be secured and maintained with a company or companies reasonably satisfactory to Okeelanta, which company (or companies) shall have an A.M. Best rating of no less than A-, Class VII, and shall be carried in the name of both Okeelanta and New Hope, as their respective interests appear.

ARTICLE VII
SURRENDER

SECTION 7.1. Surrender. At the termination of this Lease, New Hope shall (i) peaceably and quietly yield up, surrender and deliver the Leased Premises, including the Facility and any other improvements, to Okeelanta in good condition and with no material or structural flaws, reasonable wear and tear excepted; (ii) return the Leased Premises in compliance in all material respects with all federal, state and local laws affecting the Leased Premises.

SECTION 7.2. Warranty of Title. New Hope agrees that except as otherwise provided herein, New Hope shall not directly or indirectly create or allow to remain, and shall promptly discharge at its sole cost and expense, any lien, defect, attachment, levy, title retention agreement or claim upon the Leased Premises or any lien, attachment, levy or claim with respect to the Rent, which in each case is created by New Hope. New Hope shall promptly notify Okeelanta in the event it receives actual knowledge that a lien created by it exists with respect to the Leased Premises.

ARTICLE VIII
EVENTS OF DEFAULT; REMEDIES

SECTION 8.1. Events of Default. An "Event of Default" shall be deemed to have occurred and be continuing if any of the following shall occur and be continuing:

(a) failure by either party to perform or observe any covenant or agreement to be performed or observed by it under this Lease for more than 30 days after it receives written notice of such failure from the other party; provided, however, that if (i) such failure cannot be remedied within such 30-day period, (ii) such failure is susceptible of being remedied, and (iii) the defaulting party is diligently attempting to remedy such failure, then such 30-day period shall be extended to such date as shall be necessary for the party in default diligently to remedy such failure.

SECTION 8.2. Remedies. Upon the occurrence and during the continuance of any Event of Default by either party, the non-defaulting party may (by notice to the defaulting party) declare the defaulting party to be in default. At any time after such declaration, upon thirty (30) days' notice to the defaulting party, the non-defaulting party may, in its sole discretion, do one or more of the following to the extent permitted by, and subject to compliance with any mandatory requirements of, applicable Laws then in effect:

(i) terminate this Lease, but each party's rights and obligations under this section shall survive such termination (together with such other rights and obligations under this Lease expressly stated to survive the termination of this Lease); and

(ii) exercise any other right or remedy, in law or at equity (including specific performance), consecutively and concurrently, that may be available to it under

applicable Laws or proceed by appropriate court action to enforce the terms hereof or to recover damages for the breach hereof.

In addition to and without limiting any of the provisions of this section, the defaulting party agrees to reimburse the non-defaulting party for all reasonable out-of-pocket costs and expenses incurred by such non-defaulting party in connection with any Event of Default by the defaulting party.

SECTION 8.3. Survival of Obligations. Except as specifically provided in this Lease or by applicable laws, no termination of this Lease, in whole or in part, or exercised by a party of any remedy provided for herein shall relieve the other party of any of its liabilities and obligations hereunder arising prior to such termination, or exercise of remedies, which remain unpaid or unperformed at such time.

SECTION 8.4. Remedies Cumulative. Except as specifically provided in this Lese or by applicable Laws, each party's rights, powers and remedies given under this Lease and at law are cumulative and in addition to each other right, power or remedy. No delay or omission by a party shall impair any right, power or remedy or be construed to be a waiver of or acquiescence in any default. No express or implied waiver by either party of any Event of Default shall in any way be, or be construed to be, a waiver of any future or subsequent Event of Default.

SECTION 8.5. Right To Perform for Other Party. If either party shall default in the performance of its agreements contained herein, the non-defaulting party may perform or comply with such agreement and the defaulting party shall pay without duplication to the non-defaulting party, on demand, the amount of the reasonable expenses of the non-defaulting party incurred in connection with compliance with such agreement (including any payments made n connection with such compliance), together with interest thereon at the rate of twelve percent (12%) per annum from the date the non-defaulting party made any such payment or incurred any such expense to the date of payment by the defaulting party.

ARTICLE IX
REPRESENTATIONS, WARRANTIES AND CONVENANTS

SECTION 9.1. a) Okeelanta represents and warrants to New Hope that it is a corporation duly organized, validly existing and in good standing under the laws of the State of Delaware, with full corporate power and authority to enter into this Lease

b) Okeelanta represents and warrants to New Hope that the person executing and delivering this Lease on Okeelanta's behalf is acting pursuant to proper authorization and that this Lease is the valid, binding and enforceable obligation of Okeelanta.

c) New Hope represents and warrants to Okeelanta that it is a general partnership duly organized, validly existing and in good standing under the laws of the State of Florida, with full partnership power and authority to enter into this Lease.

d) New Hope represents and warrants to Okeelanta that the person executing and delivering this Lease on New Hope's behalf is acting pursuant to proper authorization and that this Lease is the valid, binding and enforceable obligation of New Hope.

ARTICLE X
INDEMNIFICATION AND LIMITATION OF LIABILITY

SECTION 10.1 New Hope shall indemnify, defend and hold harmless Okeelanta, any of its' Affiliates and their respective agents, employees and successors, from all losses, claims, suits, actions, expenses, liabilities and proceedings whatsoever which may be brought or instituted on account of or growing out of (i) any and all injuries or damages, including death, to persons or property relating to actions or omissions, by New Hope, its employees, agents, representatives, contractors, subcontractors, sublessees, invitees, licensees, guests or visitors.

ARTICLE XI
MISCELLANEOUS

SECTION 11.1. Notices. Except as otherwise provided herein, whenever this lease provides that any notice, demand, request, consent, approval, declaration, or other communication shall or may be given to or served upon any of the parties by the other, or whenever any of the parties desires to give or serve upon another any communication with respect to this Lese, each such notice, demand, request, consent, approval, declaration or other communication shall be in writing and either shall be delivered in person with receipt acknowledged or by registered or certified mail, return receipt requested, postage prepaid, or telecopied and confirmed by telecopy answerback addressed as follows:

(a) If to Okeelanta, at the following address:

General Manager
21250 U.S. Highway 27
South Bay, FL 33493

(b) If to the New Hope, at the following address:

General Manager
340 Royal Poinciana Plaza
Suite 316
Palm Beach, FL 33480

or at such other address as may be substituted by notice given as herein provided. The giving of any notice required hereunder may be waived in writing by the party entitled to receive such notice. Every notice, demand, request, consent, approval, declaration, or other communication hereunder shall be deemed to have been duly given or served on the date on which personally delivered, with receipt acknowledged, telecopied and confirmed by telecopy answerback, or three (3) days (exclusive of Saturdays, Sundays and holidays observed by banks in the State of Florida) after the same shall have been deposited in the United States mail. Failure or delay in

delivering copies of any notice, demand, request, consent, approval, declaration, or other communication to the persons designated above to receive copies shall in no way adversely affect the effectiveness of such notice, demand, request, consent, approval, declaration or other communication.

SECTION 11.2. Severability. If any provision of this Lease shall be invalid, illegal or unenforceable in any jurisdiction, the remaining provisions hereof shall continue to be valid and enforceable and such provision shall continue to be valid and enforceable in any other jurisdiction. To the extent permitted by applicable Laws, each party hereby waives any provision of law which renders any provision hereof prohibited or unenforceable in any respect.

SECTION 11.3. Amendment. Neither party hereto shall be bound by any termination, amendment, supplement, waiver or modification of any term hereof unless such party against which enforcement of such termination, amendment, supplement, waiver or modification is sought shall have consented thereto in writing, and this Lease may not be amended, modified, supplemented or terminated except as provided herein.

SECTION 11.4. Headings. The headings of the Articles, Sections and subsections hereof are for convenience only and shall not affect the meaning of this Lease.

SECTION 11.5. Successors and Assigns. The rights and obligations of Okeelanta and New Hope hereunder shall inure to the benefit of, and be binding upon, their successors and permitted assigns, and no others.

SECTION 11.6. Counterparts. The parties may execute this Lease in any number of counterparts and on separate counterparts.

SECTION 11.7. Governing Law. This Lease shall be governed by and construed in accordance with the laws of the State of Florida.

SECTION 11.8. Schedules, Appendices and Exhibits. All Exhibits hereto are hereby incorporated by reference herein and made a part hereof.

SECTION 11.9. Survival. Notwithstanding any termination of this Lease in accordance with the terms hereof, any unfulfilled obligation of Okeelanta or New Hope arising prior to such termination but unpaid or unperformed at the time of such termination shall survive such termination.

SECTION 11.10. Intention of the Parties. It is the intention of the parties hereto that the relationship established by this Lease be solely that of lessor and lessee and no other relationship (whether of partnership, joint venture or otherwise) is intended to be created between the parties hereto.

SECTION 11.11. Nonrecourse Liability. The parties hereto mutually agree that (a) in an action to collect any amounts due hereunder, or the performance of all covenants, agreements and obligations and for the breach of representations, warranties and covenants

hereunder, no partner, director, officer, controlling person, servant, employee or agent of either party or any affiliate thereof will be personally liable for any amount due or any other such liability, and no deficiency or personal judgment will be sought against such partner, director, officer, controlling person, servant, employee or agent of either party or any affiliate thereof for payment of the obligations evidenced by this Lease and (b) no property or assets of any such partner, director, officer, controlling person, servant, employee or agent of either party or any affiliate thereof shall be sold, levied upon or otherwise used to satisfy any judgement rendered in connection with any action brought with respect to this Lease; provided, however, nothing contained in this section shall impair the validity of the obligations evidenced by this Lease, prevent the taking of or any action permitted by law against either party or the assets of either party or the proceeds of such assets.

IN WITNESS WHEREOF, the undersigned have each caused this Lease to be duly executed and delivered as of the day and year first above written.

OKEELANTA CORPORATION

By: _____
Name: Luis J. Fernandez
Title: Vice President

NEW HOPE POWER PARTNERSHIP

By: _____
Name: Armando A. Tabernilla
Title: Vice President of Flo-Power Corp. and
Sol-Power Corp., its general partners

EXHIBIT A

PARCEL NO. 1

LEGAL DESCRIPTION OF LEASED PREMISES

A tract of land lying in the Northeast Quarter of Section 16, Township 45 South, Range 36 East, Palm Beach County, Florida, as follows:

Commencing at the Northeast corner of said Northeast Quarter, said corner being the same as the Northeast corner of said Section 16; thence South 0 degrees 51 minutes 19 seconds East 793.03 feet along the East line of the Northeast Quarter of Section 16; thence South 89 degrees 36 minutes 38 seconds West 50.00 feet to the point of beginning of the hereinafter described parcel; thence South 0 degrees 51 minutes 19 seconds East 1170.01 feet along a line parallel with and 50 feet West of the East line of the Northeast Quarter of said Section 16; thence South 89 degrees 36 minutes 38 seconds West 2508.51 feet to a point which is 84.28 feet East of the North-South Quarter line of Section 16; thence North 0 degrees 56 minutes 16 seconds West 1078.02 feet to a point which is 82.85 feet East of the North-South Quarter line of said Section 16, thence North 89 degrees 36 minutes 38 seconds East 402.64 feet; thence North 42 degrees 05 minutes 52 seconds East 124.65 feet; thence North 89 degrees 36 minutes 38 seconds East 2022.43 feet to the point of beginning.

LESS AND NOT INCLUDING THE FOLLOWING 2 PARCELS:

(A)

Commencing at the Southwest corner of the hereinabove described parcel, said point being 84.28 feet East of the North-South Quarter line of said Section 16; thence North 0 degrees 56 minutes 16 seconds West 274 feet along the West line of the previously described parcel of land, to the point of beginning of the hereinafter described parcel; thence North 89 degrees 36 minutes 38 seconds East 163.00 feet along a line parallel with the South line of the previously described parcel; thence North 0 degrees 56 minutes 16 seconds West 150.00 feet parallel with the West line of the previously described parcel; thence South 89 degrees 36 minutes 38 seconds West 63.00 feet; thence North 56 degrees 44 minutes 16 seconds West 120.90 feet to a point on the West line of the previously described parcel; thence South 0 degrees 56 minutes 16 seconds East 217.00 feet to the point of beginning.

PARCEL NO. 1 (Continued)

(B)

Commencing at the Northeast corner of said Section 16; thence South 0 degrees 51 minutes 19 seconds East 793.03 feet, along the East line of said Section 16; thence South 89 degrees 36 minutes 38 seconds West 50.00 feet; thence South 89 degrees 36 minutes 38 seconds West 2022.43 feet; thence South 42 degrees 05 minutes 52 seconds West 124.65 feet; thence South 89 degrees 36 minutes 38 seconds West 402.64 feet; thence South 0 degrees 56 minutes 16 seconds East 75.00 feet; thence North 89 degrees 36 minutes 38 seconds East 145.00 feet to the point of beginning of the hereinafter described parcel; thence South 0 degrees 56 minutes 16 seconds East 148.00 feet; thence North 89 degrees 36 minutes 38 seconds East 248.00 feet; thence North 0 degrees 56 minutes 16 seconds West 148.00 feet; thence South 89 degrees 36 minutes 38 seconds West 248.00 feet to the point of beginning.

AMENDMENT TO GROUND LEASE AGREEMENT

And

AMENDMENT TO OPTION TO ADD LAND
UNDER GROUND LEASE AGREEMENT

Between

OKEELANTA CORPORATION,
As Okeelanta or Landlord

And

NEW HOPE POWER PARTNERSHIP,
As New Hope or Tenant

Dated as of November 17th, 2004

AMENDMENT TO GROUND LEASE
AND AMENDMENT TO OPTION TO ADD LAND
UNDER GROUND LEASE AGREEMENT

THIS AMENDMENT TO GROUND LEASE AGREEMENT is made and entered into this 17th day of November, 2004, by and between OKEELANTA CORPORATION, a Delaware corporation, as Landlord ("Okeelanta"), and NEW HOPE POWER PARTNERSHIP, a Florida partnership, as Tenant ("New Hope") collectively, the "Parties".

WHEREAS, the Parties entered into that certain unrecorded Ground Lease Agreement dated March 31, 2001 ("Ground Lease") under which Okeelanta leased a parcel of land, more particularly described on the attached Exhibit "A" to New Hope;

WHEREAS, the term of the Ground Lease commenced March 31, 2001 and shall expire March 31, 2011, provided that New hope on 90 days notice, shall have the option to renew the Ground Lease for up to two (2) subsequent ten (10) year terms.

WHEREAS, the Parties executed a Memorandum of Ground Lease Agreement ("Memorandum") dated March 31, 2001, recorded in the Official Records of Palm Beach County at ORB 12865, Page 1259;

WHEREAS, the Parties executed an Option to Add Land Under Ground Lease Agreement ("Option") effective as of September 5, 2003, under which Okeelanta granted New Hope the option to add approximately fifteen (15) acres of land ("Additional Land") to the Leased Premises, so that, upon exercise of the Option, the legal description of the Leased Premises is amended to read in its entirety as set forth on Exhibit "B" attached hereto;

WHEREAS, the period within which New Hope may exercise the Option to add the Additional land under the Ground Lease Agreement ("Option Term") expired on September 5, 2004, and the Parties desire to extend such Option Term;

NOW THEREFORE, in consideration the sum of Ten and no/100 Dollars ($10.00) and other valuable consideration in hand paid, receipt of which is hereby acknowledged, the Parties covenant and agree as follows:

Okeelanta hereby extends for two years, from September 6, 2004 through September 5, 2006, the Option Term during which New Hope may exercise its option to add the Additional Land to the land currently leased by New Hope.

Upon the date of the Notice of Exercise of Option, the advance Rent under the Lease shall be increased from $65,000.00/year to $86,000.00/year, payable on each anniversary date of the Lease. In the event the date of the Notice of Exercise of Option

does not fall on April 1st, then the prorated amount of rent for the period from the Notice of Exercise of Option to the next March 31st shall be paid, and then annual payments of $86,000/year shall be paid in advance each April 1st during the term of the Ground Lease Agreement.

All other terms and conditions set forth in the Ground Lease Agreement and the Option to Add Land Under Ground Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals the date first above written.

OKEELANTA CORPORATION

By:_____
Luis J. Fernandez
Executive Vice President

REVIEWED LEGAL DEPT.

NEW HOPE POWER PARTNERSHIP

By:_____
Armando A. Tabernilla
Vice President of Flo-Power Corp. and Sol-Power Corp., its general partners

EXHIBIT A

PARCEL NO. 1

A tract of land lying in the Northeast Quarter of Section 16, Township 45 South, Range 36 East, Palm Beach County, Florida, as follows:

Commencing at the Northeast corner of said Northeast Quarter, said corner being the same as the Northeast corner of said Section 16; thence South 0 degrees 51 minutes 19 seconds East 793.03 feet along the East line of the Northeast Quarter of Section 16; thence South 89 degrees 36 minutes 38 seconds West 50.00 feet to the point of beginning of the hereinafter described parcel; thence South 0 degrees 51 minutes 19 seconds East 1170.01 feet along a line parallel with and 50 feet West of the East line of the Northeast Quarter of said Section 16; thence South 89 degrees 36 minutes 38 seconds West 2508.51 feet to a point which is 84.28 feet East of the North-South Quarter line of Section 16; thence North 0 degrees 56 minutes 16 seconds West 1078.02 feet to a point which is 82.85 feet East of the North-South Quarter line of said Section 16, thence North 89 degrees 36 minutes 38 seconds East 402.64 feet; thence North 42 degrees 05 minutes 52 seconds East 124.65 feet; thence North 89 degrees 36 minutes 38 seconds East 2022.43 feet to the point of beginning.

LESS AND NOT INCLUDING THE FOLLOWING 2 PARCELS:
(A)
Commencing at the Southwest corner of the hereinabove described parcel, said point being 84.28 feet East of the North-South Quarter line of said Section 16; thence North 0 degrees 56 minutes 16 seconds West 274 feet along the West line of the previously described parcel of land, to the point of beginning of the hereinafter described parcel; thence North 89 degrees 36 minutes 38 seconds East 163.00 feet along a line parallel with the South line of the previously described parcel; thence North 0 degrees 56 minutes 16 seconds West 150.00 feet parallel with the West line of the previously described parcel; thence South 89 degrees 36 minutes 38 seconds West 63.00 feet; thence North 56 degrees 44 minutes 16 seconds West 120.90 feet to a point on the West line of the previously described parcel; thence South 0 degrees 56 minutes 16 seconds East 217.00 feet to the point of beginning.

PARCEL NO. 1 (Continued)

(B)
Commencing at the Northeast corner of said Section 16; thence South 0 degrees 51 minutes 19 seconds East 793.03 feet, along the East line of said Section 16; thence South 89 degrees 36 minutes 38 seconds West 50.00 feet; thence South 89 degrees 36 minutes 38 seconds West 2022.43 feet; thence South 42 degrees 05 minutes 52 seconds West 124.65 feet; thence South 89 degrees 36 minutes 38 seconds West 402.64 feet; thence South 0 degrees 56 minutes 16 seconds East 75.00 feet; thence North 89 degrees 36 minutes 38 seconds East 145.00 feet to the point of beginning of the hereinafter described parcel; thence South 0 degrees 56 minutes 16 seconds East 148.00 feet; thence North 89 degrees 36 minutes 38 seconds East 248.00 feet; thence North 0 degrees 56 minutes 16 seconds West 148.00 feet; thence South 89 degrees 36 minutes 38 seconds West 248.00 feet to the point of beginning.

EXHIBIT B (legal description of 81 acres)

A parcel of land in the Northeast Quarter of Section 16, Township 45 South, Range 36 East, Palm Beach County, Florida, described as follows:
Commencing at the Northeast corner of the Northeast Quarter of Section 16, Township 45 South, Range 36 East, said corner being the same as the Northeast corner of Section 16, Township 45 South, Range 36 East;
Thence South 0°51'19" East 793.03 feet along the East line the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 50.00 feet to the point of beginning of the hereinafter described parcel:
Thence South 0°51'19" East 1170.01 feet along a line parallel with and 50 feet West of the East line of the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 1700.00 feet;
Thence South 0°51'19" East 680.26 feet along a line parallel with the East line of the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 864.13 feet;
Thence North 0°40'35" West 1809.16 feet along the West edge of a paved road;
Thence North 89°36'38" East 130.00 feet;
Thence North 0°51'19" West 41.00 feet along a line parallel with the East line of the Northeast Quarter of said Section 16;
Thence North 89°36'38" East 2428.43 feet to the point of Beginning.
Containing: 82.12 Acres (3577, 008 square feet)

DESCRIPTION FOR THE NOT INCLUDED FLORIDA POWER & LIGHT SUBSTATION PARCEL.

Commencing at the Northeast corner of Section 16, Township 45 South, Range 36 East,
Thence South 0°51'19" East 793.03 feet along the East line of said Section 16;
Thence South 89°36'38" West 50.00 feet
Thence South 89°36'38" West 2022.43 feet
Thence South 42°05'52" West 124.65 feet;
Thence South 89°36'38" West 402.64 feet;
Thence South 0°56'16" East 75.00 feet
Thence North 89°36'38" East 145.00 feet; to the point of beginning of the hereinafter described parcel, thence South 0°56'16" East 148.00 feet;
Thence North 89°36'38" East 248.00 feet;
Thence North 0°56'16" West 148.00 feet
Thence South 89°36'38" West 248.00 feet to the point of beginning.
Containing 0.84 Acre (36704 square feet)

NOTE: Bearings shown on these descriptions are Grid Bearings of the Florida State Plane Coordinate System, East Zone, on the 1927 North American Datum, 1972 Free Adjustment.
NOTE: Parcel A as shown in the original Cogeneration Plant Description, will not be lessed out of the proposed Cogeneration Expansion description.

RESPONSE TO SFWMD-2

Response to South Florida Water Management District (SFWMD) Sufficiency Questions
New Hope Power Partnership
Application No. PA 04-46; DOAH Case No. 04-3209EPP; OGC Case No. 04-1594

SFWMD Question (2): Pursuant to Section 2.1.3, of the BOR, an applicant proposing to supply water to another entity must establish need for a water allocation through demonstration of the legal right and obligation to supply the requested allocation. This legal control can be established through service area designations, water sale or delivery contracts, or other proof of such legal obligation. Please submit a legal agreement or delivery contract from the Okeelanta Corporation indicating that they will provide 2.0 MGD to the New Hope Power Partnership to serve the proposed power plant expansion project.

Response: The water use agreement between New Hope Power Partnership and Okeelanta Corporation is attached.

AGREEMENT

This Agreement between Okeelanta Corporation, a Delaware corporation ("Okeelanta") and New Hope Power Partnership, a Florida general partnership ("New Hope") is entered into this 16 day of November, 2004.

WITNESSETH

WHEREAS, Okeelanta owns and operates a sugar mill and refinery in Palm Beach County, Florida; and,

WHEREAS, Okeelanta is the permittee of South Florida Water Management District ("SFWMD") permit #50-01035-W for the use of groundwater from the surficial aquifer and surface water from the Miami Canal (C-6) and the North New River Canal for industrial and public water supply with an annual allocation of 2,619 million gallons; and,

WHEREAS, New Hope operates a cogeneration facility at the Okeelanta industrial complex, and currently receives .4 MGD of canal surface water from Okeelanta for its operations authorized by the above-mentioned permit; and,

WHEREAS, New Hope proposed to expand its cogeneration facility and requires an additional 1.6 MGD of canal water for operational purposes; and,

WHEREAS, on October 8, 2003, SFWMD authorized redirection of an additional 1.6 MGD from Okeelanta to the New Hope cogeneration facility,

NOW THEREFORE, for good and valuable consideration receipt of which the parties hereby acknowledged, it is agreed:

1. The recitals listed in the Whereas clauses above are incorporated by reference herein.

2. Okeelanta agrees to provide New Hope a total of 2 MGD of canal surface water to New Hope. This 2 MGD consists of the existing .4 MGD now supplied to New Hope and the additional 1.6 MGD authorized for reallocation to New Hope by SFWMD on October 8, 2003.

3. The canal surface water shall be made available within 3 days of a request for same by New Hope. The water shall be made available from the location at the site known as the Rock Pit. New Hope will be responsible for withdrawing the water from the Rock Pit at its own expense. Water volumes will be measured by a flow measuring device to be installed by New Hope.

4. This Agreement may be terminated by either party upon 90 days written notice.

5. This Agreement is governed by the laws of the state of Florida.

OKEELANTA CORPORATION

By: _____

Ricardo Lima

Its: _____

NEW HOPE POWER PARTNERSHIP

By: _____

Rodney Williams

Its: _____

RESPONSE TO SFWMD-3 THROUGH 7

Response to South Florida Water Management District (SFWMD) Sufficiency Questions
New Hope Power Partnership
Application No. PA 04-46; DOAH Case No. 04-3209EPP; OGC Case No. 04-1594

SFWMD Questions (3) through (7): See attached letter from Miller Engineering.

MILLER ENGINEERING
A DIVISION OF G. A. MILLER, INC.
ENGINEERING & ENVIRONMENTAL SERVICES

November 18, 2004

Mr. Hamilton S. Oven, Jr., P.E.
Administrator, Siting Coordination Office
Florida Department of Environmental Protection, MS 48
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Subject: **New Hope Power Partnership Expansion Project, PA 04-46**
Site Certification Application
First Sufficiency Review

Re: Response to SFWMD RAI letter dated 10/15/04 – Questions 3 through 7

Dear Mr. Oven:

On behalf of the Applicant, this letter and attachments are submitted in response to questions 3 through 7 of the above referenced RAI letter. We have included the question followed by our response.

(3) *Pursuant to Section 2.2 of the BOR, an applicant must identify the quantities needed for each component of demand in order to justify the quantities requested in the permit application. An applicant shall request quantities in gallons per day for each component of demand. If the use of water is from multiple supply sources, each source should be identified as a primary, secondary or back-up source. The applicant shall provide a breakdown of how the water will be distributed among the multiple sources as part of the application review process. Please submit a total demand table indicating: (1) The source of water (Miami Canal, North New River Canal, Surficial Aquifer, Floridan Aquifer, water supplied by the Okeelanta Corporation sugar mill); (2) the water use (potable water, general service water, cooling water, steam cycle water, etc.; and (3) the amounts for each in gallons per day. Please refer to Exhibit 7 of Water Use Permit No. 50-01035-W (Okeelanta Corporation) as an example of how to prepare the requested table.*

Response:

New Hope Power Partnership (NHPP) has a current water use permit (50-03146-W) which permits the use of groundwater and surface water for the property. NHPP is in the process of preparing an application for renewal of this permit. NHPP will request that the water use allocations in the current permit be continued but not increased. Additional information can be obtained by reviewing this existing water use permit.

The current industrial water use summary is presented on Table A for the New Hope Co-Generation Power Plant. This Table indicates the existing sources as: Floridan Aquifer; Surficial Aquifer and Canal Surface Water. Also shown is a proposed surface

water source from an area termed the "Rock Pit" (located at the Okeelanta Mill site). The water from the "Rock Pit" area will be used for makeup water to the proposed Cooling Tower No. 2. A pump station will be constructed adjacent to the Rock pit to pump this canal water. The water use for this "Rock pit" source is allocated under the Okeelanta Corp. Sugar Mill Water Use Permit and is not part of the New Hope water use allocation.

Table A also indicates the total number of wells and pumps for each source. The primary, secondary and backup water sources are labeled. Also a description of water use for each source is shown in the Table.

Table A – New Hope Cogeneration Plant Water Sources and Uses

Source	Type	No. Wells	No. Pumps	Use	MGD
Floridan Aquifer	Primary	1	1 @ 300 gpm	Industrial – Boiler Feedwater	0.315[1]
Surficial Aquifer	Primary	3	3 @ 250 gpm	Industrial – Boiler Feedwater	0.340[1]
Canal Surface Water (ex. Canal pump sta.)	Primary	NA	3 @ 450 gpm	Industrial – Cooling Tower 1 makeup, firewater	0.987[1]
Rockpit (proposed pump sta)	Primary	NA	NA	Industrial – Cooling Tower 2 makeup (proposed)	NA[2]
Total					1.642

(4) *Pursuant to Section 2.2.4, of the BOR, users that derive water supply from multiple withdrawal facilities shall submit a wellfield operating plan. The plan may include more than one configuration of withdrawals provided each configuration meets the conditions of permit issuance, the total withdrawals of each configuration do not exceed the allocation and each withdrawal configuration represents a normal operation protocol of the use. Please submit a wellfield operating plan for review by SFWMD staff.*

Response:

New Hope Power Partnership (NHPP) has a current water use permit (50-03146-W) which permits the use of surficial and Floridan aquifer groundwater and well pumps for the property. Under this permit, NHPP has a surficial aquifer Wellfield consisting of 3 wells, each with a 250 gpm well pump. In addition, there is a deep, Floridan aquifer well. The location of these wells is shown on exhibit 2. These four wells supply water to a water plant which uses reverse osmosis treatment to produce a non-potable industrial product water mainly used for Boiler Feedwater. The well water can also be directed to fill the firewater storage tank (no water treatment).

[1] Average Annual Daily flow, million gallons per day.
[2] Surface water use out of the "Rockpit" by NHPP is not part of the NHPP water use allocation but is included in the Okeelanta Mill water use permit (50-01035-W). This source and use is proposed. The estimated average daily volume from this source is 2.0 mgd.

A Wellfield Operating Plan is attached (exhibit 1). This Plan describes how the wells are utilized and shows the current estimated average annual withdrawals from the Surficial (Shallow Aquifer) and Floridan Aquifer with allocations.

(5) *Pursuant to 2.4.1, of the BOR, all individual permit applicants for a commercial or industrial water use permit must submit a water conservation plan at the time of permit application. Please submit a revised water conservation plan that addresses the proposed expansion project.*

Response:

The Applicant is not applying for a new or revised water use permit. The Applicant has a current water use permit (50-03146-W) and complied with water conservation plan requirements at time of permitting.

(6) *Pursuant to Rule 40E-2.101, F.A.C., please submit a detailed map of the New Hope property and the Okeelanta property that shows each component source and withdrawal facility.*

Response:

See attached Aerial Site Plan (exhibit 2).

(7) *Pursuant to Section 2.5, of the BOR, please submit detailed dewatering plans and provide reasonable assurances that the proposed dewatering activities will not cause harm to the resource, existing legal uses, offsite land uses, and wetland environments, or cause harmful saline water intrusion or movement of pollutants.*

Response:

Construction of the proposed improvements included with this Site Certification Application will not require dewatering of groundwater during construction.

This completes our response to questions 3 through 7 of your letter. If you have any questions, please call.

Respectfully submitted,

Glen A Miller, P.E.
Engineer

cc: Mr. James Meriwether/ NHPP

EXHIBIT 1

Glen A Miller, PE
11/17/04 Fl lic 39242

Wellfield Operating Plan

Permittee: **New Hope Power Partnership (NHPP)**
Water use Permit: **50-03146-W**

Date: **November 2004**

Overview

This Wellfield Operating Plan has been prepared to present information on the function and use of the groundwater wells for the above referenced Water Use Permit. The Permittee has a total Annual Allocation of 879 million gallons in this permit which includes groundwater as well as surface water use. The maximum annual allocation from the Surficial aquifer system is 137 million gallons with a maximum daily withdrawal of 0.60 mgd. There are no withdrawal limits on the Floridan aquifer system.

NHPP is in the process of preparing an application for renewal of this permit which expires on December 9, 2004. NHPP will request that the water use allocations in the current permit be continued but not increased.

Groundwater Sources

The following summarizes the existing groundwater sources:

Floridan Aquifer

Source type: Primary

No. Wells: 1

Well pump: 1 @ 300 gpm; submersible (100 ft setting depth)

Well construction: 1,300' total depth; 9-inch diameter casing., cased to 870 feet bls.

Well capacity: 300 gpm.

Well location: This well is located immediately east of the water plant building. The well is piped directly into R.O. plant and is pumped to the treatment system. A totalizing flow meter is located at the plant. Valving at the plant can throttle the flowrate from this well.

Shallow Aquifer

Source type: Primary

No. Wells: 3 (FW-1, FW-2, FW-3)

Well construction: 80' total depth, 10" diameter casings, cased to 50 feet bls.

Well pump: Each well – 250 gpm pump.

Well operation:

No. Wells in-service: 2

No. Backup wells: 1

The wells in-service are rotated on a periodic basis.

Well location: The three wells are located in an east-west orientation, about 1250 feet apart, approximately 50 feet south of the center canal and about 1 mile east of the water plant. The well piping is manifolded with one well pipe transporting well water from this Wellfield to the water plant.

Flow metering: At the water plant there is a totalizing flowmeter on the well pipe measuring the total surficial aquifer water entering the plant, in accordance with the permit. Withdrawals are reported in accordance with the permit conditions.

Normal Wellfield Operations

The well water flows from the surficial wells and the Floridan well are blended at the water plant and the treated water used for Boiler feedwater. Valving at the water plant allows for precise throttling of each water source flowrate to achieve the desired finish water quality. The facility currently manages the water flows from the combined shallow wells and Floridan well independently to feed water into the Reverse Osmosis Plant onsite. All treated water is non-potable and is used primarily for makeup water for the steam boilers at the cogeneration plant. There are provisions to divert untreated, blended wellwater into the firewater storage tank, if necessary.

The Wellfields are normally operated with two wells in service from the Surficial Wellfield plus use of the Floridan well. These flows are blended together at the water plant for the raw plant feedwater. Normally, the blended flow is made up of about 52% shallow aquifer water and 48% Floridan Aquifer water. The current average annual daily withdrawal from the surficial and the Floridan wells are about 0.346 mgd and 0.315 mgd, respectively. The surficial withdrawal is about 58% of the max daily allocation and about 92% of the annual surficial allocation.

The minimum Floridan well flow must be set to insure that the max daily surficial withdrawal of 0.60 mgd is not exceeded. The Floridan well should be utilized to the maximum extent possible to achieve the required finished water quality. The following water pumpage data reflects the average daily operation of these three (3) water pumps and flow meters on site. The following table 1 shows a summary of the groundwater sources and uses.

TABLE 1 – GROUNDWATER SOURCES AND USES[1]

Groundwater Source	Usage (MGD)	Source Type	Water Usage
Floridan Aquifer	0.315	Primary	Industrial-Boiler Feedwater[2]
Surficial Aquifer	0.340	Primary	Industrial-Boiler Feedwater[2]
Total Groundwater Flow	0.655		

[1] Usage volumes are average annual daily flows of well withdrawals, expressed in mgd.
[2] After water treatment. Untreated source water is also piped to permit filling of firewater storage tank. Volume is included in usage totals.

RESPONSE TO SFWMD-8

Response to South Florida Water Management District (SFWMD) Sufficiency Questions
New Hope Power Partnership
Application No. PA 04-46; DOAH Case No. 04-3209EPP; OGC Case No. 04-1594

SFWMD Question (8): Please be advised that Appendix 10.4.3 of the Site Certification application contained only the odd number pages of Water Use Permit No. 50-03146-W.

Response: The complete water use permit is attached.

APPENDIX 10.4.3

NEW HOPE POWER PARTNERSHIP SFWMD CONSUMPTIVE USE AND WELL CONSTRUCTION PERMITS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

CON 24

Permit No. 50-03146-W

JAN 27 2000

January 25, 2000

OKEELANTA POWER LIMITED PARTNERSHIP
(OKELANTA COGENERATION PLANT)
PO BOX 8
SOUTH BAY, FL 33493

Dear Permittee:

Enclosed is your **CORRECTED** Permit as authorized by the Governing Board of the South Florida Water Management District at its meeting on DECEMBER 9, 1999. Please replace the permit previously mailed to you with this corrected permit.

It is requested that you read your Permit thoroughly and understand its contents and conditions. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Vern Kaiser
Deputy Clerk
Environmental Resource Regulation Department

Enclosures

cc: Blasland, Bouck & Lee Inc.

Form #0299
Rev. 5/93

CORRECTED PERMIT

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT NO. RE-ISSUE 50-03146-W

(NON - ASSIGNABLE)

Date Issued: DECEMBER 9, 1999 Expiration Date: December 9, 2004

Authorizing: THE CONTINUATION OF AN EXISTING USE OF GROUNDWATER FROM THE FLORIDAN AQUIFER SYSTEM AND THE SURFICIAL AQUIFER SYSTEM AND SURFACE WATER FROM THE MIAMI CANAL/NORTH NEW RIVER CANAL FOR INDUSTRIAL AND PUBLIC WATER SUPPLY USE WITH AN ANNUAL ALLOCATION OF 879 MILLION GALLONS.

Located In: Palm Beach County, S15,16/T45S/R36E

Issued To: OKEELANTA POWER LIMITED PARTNERSHIP
(OKEELANTA COGENERATION PLANT)
PO BOX 8
SOUTH BAY, FL 33493

This Permit is issued pursuant to Application No. 990527-7 , dated May 27, 1999, for the Use of Water as specified above and subject to the Special Conditions set forth below. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of activities authorized by this permit. Said application, including all plan and specifications attached thereto, is by reference made a part hereof.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Ch. 373, Fla. Statutes, and applicable rules and regulations of the South Florida Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder.

This Permit does not convey to the permittee any property rights nor any privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies.

Special Conditions are as follows:

SEE PAGES 2-4 OF 4 (22 LIMITING CONDITIONS).

Filed with the Clerk of the South
Florida Water Management District

On 1/25/00

By _____
Deputy Clerk

South Florida Water Management
District, by its Governing Board

By _____
Assistant Secretary

LIMITING CONDITIONS

1. IN THE EVENT OF A DECLARED WATER SHORTAGE, WATER WITHDRAWAL REDUCTIONS WILL BE ORDERED BY THE DISTRICT IN ACCORDANCE WITH THE WATER SHORTAGE PLAN, CHAPTER 40E-21, FLORIDA ADMINISTRATIVE CODE. THE APPLICANT IS ADVISED THAT DURING A WATER SHORTAGE PUMPAGE REPORTS SHALL BE SUBMITTED AS REQUIRED BY CHAPTER 40E-21, FLORIDA ADMINISTRATIVE CODE.

2. SOURCE CLASSIFICATION IS:

   GROUNDWATER FROM THE FLORIDAN AQUIFER SYSTEM
   GROUNDWATER FROM THE SURFICIAL AQUIFER SYSTEM
   SURFACE WATER FROM THE MIAMI CANAL/NORTH NEW RIVER CANAL

3. PERMITTEE SHALL MITIGATE ANY ADVERSE IMPACT ON EXISTING LEGAL USES CAUSED BY WITHDRAWALS. WHEN ADVERSE IMPACTS OCCUR, OR ARE IMMINENT, THE DISTRICT RESERVES THE RIGHT TO CURTAIL WITHDRAWAL RATES. ADVERSE IMPACTS ARE:

   A) REDUCTION IN WELL WATER LEVELS THAT IMPAIRS THE ABILITY OF AN ADJACENT WELL, INCLUDING A DOMESTIC WELL, LAWN IRRIGATION WELL, OR PUBLIC WATER SUPPLY WELL, TO PRODUCE WATER BY 10% OR GREATER.
   B) SIGNIFICANT REDUCTION IN LEVELS IN AN ADJACENT WATER BODY SUCH AS A LAKE, POND, OR A CANAL SYSTEM THAT IMPAIRS THE ABILITY TO PRODUCE WATER BY 10% OR GREATER.
   C) SALINE WATER INTRUSION OR INDUCED MOVEMENT OF POLLUTANTS INTO THE WATER SUPPLY OF AN ADJACENT WATER USE, RESULTING IN A SIGNIFICANT REDUCTION IN WATER QUALITY, AND
   D) CHANGE IN WATER QUALITY CAUSED BY THE PERMITTEE THAT RESULTS IN SIGNIFICANT IMPAIRMENT OR LOSS OF USE OF A WELL OR WATER BODY.

4. PERMITTEE SHALL MITIGATE ANY ADVERSE IMPACT ON EXISTING OFF-SITE LAND USE AS A CONSEQUENCE OF WITHDRAWALS PERMITTED HEREIN. IF INCREASED WITHDRAWALS CAUSE AN ADVERSE IMPACT ON EXISTING LAND USE, THE DISTRICT RESERVES THE RIGHT TO CURTAIL FUTURE WITHDRAWAL RATES. ADVERSE IMPACTS ARE:

   A) SIGNIFICANT REDUCTION IN WATER LEVELS IN AN ADJACENT SURFACE WATER BODY, INCLUDING IMPOUNDMENTS, TO THE EXTENT THAT THE DESIGNED FUNCTION OF THE WATER BODY IS IMPAIRED.
   B) LAND COLLAPSE OR SUBSIDENCE CAUSED BY REDUCTION IN WATER LEVELS; AND
   C) DAMAGE TO CROPS AND OTHER TYPES OF VEGETATION.

5. AUTHORIZED REPRESENTATIVES OF THE DISTRICT SHALL BE PERMITTED TO ENTER, INSPECT, AND OBSERVE THE PERMITTED SYSTEM TO DETERMINE COMPLIANCE WITH SPECIAL CONDITIONS.

6. IF ANY CONDITION OF THE PERMIT IS VIOLATED, THE PERMIT SHALL BE SUBJECT TO REVIEW AND POSSIBLE MODIFICATION, ENFORCEMENT ACTION, OR REVOCATION.

7 . APPLICATION FOR A PERMIT MODIFICATION MAY BE MADE AT ANY TIME.

8 . WITHDRAWAL FACILITIES ARE:

GROUNDWATER - EXISTING:

1 - 9" X 1300' X 600 GPM WELL CASED TO 870 FEET
3 - 10" X 80' X 250 GPM WELLS CASED TO 50 FEET

SURFACE WATER - EXISTING:

3 - " X HP X 450 GPM PUMPS

9 . THIS PERMIT SHALL EXPIRE ON DECEMBER 09, 2004.

10. ANNUAL ALLOCATION SHALL NOT EXCEED 879 MG.

MAXIMUM ANNUAL WITHDRAWAL FROM THE SURFICIAL AQUIFER SYSTEM SHALL NOT EXCEED 137 MG.

MAXIMUM DAILY ALLOCATION SHALL NOT EXCEED 3.00 MG.

MAXIMUM DAILY WITHDRAWAL FROM THE SURFICIAL AQUIFER SYSTEM SHALL NOT EXCEED .60 MG.

11. USE CLASSIFICATION IS INDUSTRIAL AND PUBLIC WATER SUPPLY.

12. THE PERMITTEE IS ADVISED THAT THIS PERMIT DOES NOT RELIEVE ANY PERSON FROM THE REQUIREMENT TO OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS.

13. THE PERMIT DOES NOT CONVEY ANY PROPERTY RIGHT TO THE PERMITTEE, NOR ANY RIGHTS AND PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-2, F.A.C.

14. IF ADVERSE IMPACTS OCCUR TO NATURAL RESOURCES AS A RESULT OF THE PERMITTEE'S WATER WITHDRAWALS, THE PERMITTEE SHALL MITIGATE FOR SUCH IMPACTS. WHEN ADVERSE IMPACTS OCCUR, OR ARE IMMINENT, DISTRICT RESERVES THE RIGHT TO CURTAIL WITHDRAWAL RATES. EXAMPLES OF ADVERSE IMPACTS ARE:

A) REDUCTION IN GROUND WATER LEVELS THAT RESULTS IN SIGNIFICANT LATERAL MOVEMENT OF THE FRESH WATER/SALT WATER INTERFACE,
B) REDUCTION IN WATER LEVELS THAT ADVERSELY IMPACT THE HYDROPERIOD OF PROTECTED WETLAND ENVIRONMENTS,
C) SIGNIFICANT REDUCTION IN WATER LEVELS OR HYDROPERIOD IN A NATURALLY OCCURING WATER BODY SUCH AS A LAKE OR POND,
D) INDUCED MOVEMENT OR INDUCTION OF POLLUTANTS INTO THE WATER SUPPLY RESULTING IN A SIGNIFICANT REDUCTION IN WATER QUALITY, AND

E) SIGNIFICANT HARM TO THE NATURAL SYSTEM INCLUDING DAMAGE TO HABITAT FOR RARE OR ENDANGERED SPECIES.

15. PRIOR TO JUNE 09, 2000, PERMITTEE SHALL PROVIDE THE RESULTS OF THE CALIBRATION TESTING OF THE IDENTIFIED WATER ACCOUNTING METHOD(S) AND EQUIP ALL EXISTING AND PROPOSED WITHDRAWAL FACILITIES WITH APPROVED WATER USE ACCOUNTING METHOD(S) PURSUANT TO SECTION 4.1 OF THE WATER USE BASIS OF REVIEW.

16. PERMITTEE SHALL SUBMIT ALL DATA AS REQUIRED BY THE IMPLEMENTATION SCHEDULE FOR EACH OF THE LIMITING CONDITIONS TO: S.F.W.M.D., SUPERVISING PROFESSIONAL - P.P.C., WATER USE DIVISION (4040), P.O. BOX 24680, WEST PALM BEACH, FL 33416-4680.

17. THE PERMITTEE SHALL MAINTAIN RECORDS OF THE CALIBRATED DAILY WITHDRAWALS FROM EACH PUMP. THESE RECORDS SHALL BE AVAILABLE FOR REVIEW UPON REQUEST BY DISTRICT STAFF. MONTHLY WITHDRAWALS FOR EACH PUMP SHALL BE SUBMITTED TO THE DISTRICT QUARTERLY. MAXIMUM DAILY WITHDRAWALS FOR EACH MONTH FOR THE ENTIRE SYSTEM SHALL BE SUBMITTED TO THE DISTRICT QUARTERLY. THE WATER ACCOUNTING METHOD AND MEANS OF CALIBRATION SHALL BE STATED ON EACH REPORT.

18. THE WATER CONSERVATION PLAN REQUIRED BY CRITERIA 2.4.1 OF THE BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - FEBRUARY 1997, MUST BE IMPLEMENTED IN ACCORDANCE WITH THE IMPLEMENTATION SCHEDULE CONTAINED THEREIN.

19. EVERY TWO YEARS FROM THE DATE OF PERMIT ISSUANCE, THE PERMITTEE SHALL SUBMIT RE-CALIBRATION DATA ON EACH WATER PUMPING ACCOUNTING FACILITY, FOR THOSE PERMITTEES WHOSE ACCOUNTING METHOD(S) REQUIRE RE-CALIBRATION.

20. IF AT ANY TIME THERE IS AN INDICATION THAT THE WELL CASING, VALVES, OR CONTROLS LEAK OR HAVE BECOME INOPERATIVE, REPAIRS OR REPLACEMENT SHALL BE MADE TO RESTORE THE SYSTEM TO AN OPERATING CONDITION. FAILURE TO MAKE SUCH REPAIRS SHALL BE CAUSE FOR FILLING AND ABANDONING THE WELL, IN ACCORDANCE WITH PROCEDURES OUTLINED IN CHAPTERS 40E-3 AND 40E-30, F.A.C.

21. PERMITTEE SHALL SECURE A WELL CONSTRUCTION PERMIT PRIOR TO CONSTRUCTION, REPAIR, OR ABANDONMENT OF ALL WELLS, AS DESCRIBED IN CHAPTERS 40E-3 AND 40E-30, F.A.C.

22. THIS IS AN EXISTING PROJECT. A SURFACE WATER MANAGEMENT PERMIT SHALL BE REQUIRED PRIOR TO ANY CHANGE IN LAND USE OR MODIFICATION OF THE DRAINAGE SYSTEM.

LAST DATE FOR GOVERNING BOARD ACTION:
December 9, 1999

CORRECTED COPY

WATER USE STAFF REVIEW SUMMARY

APPLICATION NUMBER: 990527-7

PERMIT NUMBER: 50-03146-W

PROJECT NAME: OKEELANTA COGENERATION PLANT

WATER USE STATUS: MODIFICATION/RENEWAL

SURFACE WATER MANAGEMENT STATUS: NOT APPLICABLE AT THIS TIME (SEE LIMITING CONDITION NO. 22).

RIGHT OF WAY STATUS: NOT APPLICABLE.

LOCATION: PALM BEACH COUNTY,S15,16/T45S/R36E

APPLICANT'S NAME AND ADDRESS: OKEELANTA POWER LIMITED PARTNERSHIP
PO BOX 8
SOUTH BAY, FL 33493

OWNER'S NAME AND ADDRESS: OKEELANTA POWER LIMITED PARTNERSHIP
PO BOX 8
SOUTH BAY, FL 33493

PURPOSE:

The purpose of this application is to modify/renew existing Water Use Permit No. 50-03146-W by adding the Floridan Aquifer as a source, adding one Floridan aquifer well, increasing the annual allocation from 564 MGY to 879 MGY, and increasing the maximum daily allocation from 2 MGD to 3 MGD.

STAFF RECOMMENDATIONS

DATE OF ISSUANCE: December 9, 1999
PERMIT DURATION: 5.00 YEARS
EXPIRATION DATE: December 9, 2004

USE CLASS(ES): INDUSTRIAL
PUBLIC WATER SUPPLY

GROUNDWATER FROM THE FLORIDAN AQUIFER SYSTEM

GROUNDWATER FROM THE SURFICIAL AQUIFER SYSTEM

SURFACE WATER FROM THE MIAMI CANAL/NORTH NEW RIVER CANAL

RECOMMENDED ALLOCATION:

ANNUAL ALLOCATION: 879 MILLION GALLONS (MG)

MAXIMUM DAILY ALLOCATION: 3.00 MILLION GALLONS (MG)

SPECIFIC SOURCE LIMITATIONS - GROUNDWATER:

	MGD	MGM	MGY
SURFICIAL AQUIFER SYSTEM	.60	.0	137

EXISTING WITHDRAWAL FACILITIES - GROUNDWATER:

GW SOURCE: FLORIDAN AQUIFER SYSTEM

1 - 9" X 1300' X 600 GPM WELL CASED TO 870 FEET

GW SOURCE: SURFICIAL AQUIFER SYSTEM

3 - 10" X 80' X 250 GPM WELLS CASED TO 50 FEET

EXISTING WITHDRAWAL FACILITIES - SURFACE WATER:

SW SOURCE: MIAMI CANAL/NORTH NEW RIVER CANAL

3 - " X HP X 450 GPM PUMPS

TOTAL RATED CAPACITY:

		GPM	MGD	MGM	MGY
FLORIDAN AQUIFER SYSTEM	E	600	.86	25.9	315
SURFICIAL AQUIFER SYSTEM	E	750	1.08	32.4	394
MIAMI CANAL/NORTH NEW RIVER CANAL	E	1350	1.94	58.3	710

TOTALS	2700	3.89	116.6	1419

PROJECT DESCRIPTION FOR INDUSTRIAL:

The Okeelanta Power Limited Partnership (OPLP) is located adjacent to the existing Okeelanta Corporation sugar mill and ultimately plans to replace the mill's existing steam production system for the processing of sugarcane. The cogeneration facility uses biomass fuels and coal to generate steam and electricity and currently withdraws water from the North New River and Miami Canals via an internal canal system, as well as from the Surficial Aquifer. The applicant proposes to add the Floridan Aquifer as an additional supply source, with a proposed allocation of 315 MGY (.86 MGD) to supplement the ground water allocation from the Surficial Aquifer and increase steam production. The three original Surficial Aquifer wells (FW-1, FW-2, and FW-3) have had poorer-than-expected water quality due to high concentrations of organics, hydrogen sulfide, and total dissolved solids. This has resulted in a greater volume of reject water from the RO plant used to treat the water. Water from the Floridan Aquifer will be used as makeup for the boilers, after being treated through the RO plant.

The Okeelanta Cogeneration Plant's make-up water pre-treatment facility is capable of treating up to 1.3 MGD by reverse osmosis and demineralization, of which approximately 400,000 gallons can be stored. Average annual in-plant losses consist primarily of evaporation from the cooling tower (934,000 gpd), loss in the steam system (141,000 gpd), and losses in the steam cycle (22,000 gpd). Firewater reserve at the facility is 300,000 gallons. The potable water use is estimated to be 2,000 gallons per day for use of sinks and showers.

IMPACT EVALUATION SUMMARY

RESOURCE SAFE YIELD:

The allocations from the Surficial Aquifer and the surface water canal system were evaluated during the last permit issuance. The recommended allocations from these sources have not changed and the continued withdrawals are not expected to result in any adverse impacts. The impact evaluation in this staff report addresses the proposed Floridan Aquifer withdrawals.

The applicant evaluated the proposed Floridan Aquifer withdrawals using the USGS three-dimensional finite difference MODFLOW ground water flow model. The model simulated the withdrawal of the requested maximum daily withdrawal of Floridan Aquifer groundwater, .864 MGD, for 90 days with no recharge. The estimated drawdown at the Floridan Aquifer well is 20 feet (Exhibit 6). The potentiometric head of the on-site Floridan Aquifer test well, which will become the production well, is approximately 42 feet NGVD. The top of the Floridan Aquifer in this location occurs at approximately -1,000 feet below land surface.

The sustained yield of the Floridan Aquifer is not expected to be exceeded as a result of the withdrawal of the recommended allocation.

EXISTING LEGAL USERS:

The nearest existing legal user is Okeelanta Corporation (Water Use Permit No. 50-01035-W), for use of surface water from the Miami Canal for industrial use by the sugar mill. The water use for the sugar mill should decrease once the cogeneration facility is fully operational and provides the sugar mill with steam. The Floridan Aquifer is hydraulically separated from the Surficial Aquifer and the surface water canal system by low permability confining beds in the Hawthorn Formation. Therefore, the proposed Floridan Aquifer withdrawals are not expected to affect water levels in the Surficial Aquifer or surface water canals.

The potential for adverse impacts to occur to existing legal users as a result of the withdrawal of the recommended allocation is considered minimal.

LEGAL DOMESTIC USERS:

An aerial map indicates that there are no residential homes located within one mile of the project's proposed withdrawal facilities. Domestic users, if present, would use the Surficial Aquifer for water supply rather than the Floridan Aquifer. Due to the hydraulic separation between the Floridan and Surficial aquifers, the proposed Floridan withdrawals are not expected to result in any drawdown in the Surficial Aquifer.

The potential for adverse impacts to occur to existing legal domestic users as a result of the withdrawal of the recommended allocation is considered minimal.

SALINE WATER INTRUSION:

Data from an on-site Surficial Aquifer well (total depth approximately 60 feet) indicate the chloride concentration of the shallow groundwater to be approximately 280 mg/L. Chloride concentrations from the Floridan Aquifer well were 410 mg/L. Therefore, this project is considered to be the use of saline water and the withdrawals are not expected to adversely affect other users or the water resource.

The groundwater withdrawn from both aquifers is treated by a reverse osmosis (RO) system. Reject water from the RO system is sent to an on-site 600 acre percolation pond, as permitted by the Department of Environmental Protection.

PROTECTED WETLANDS ENVIRONMENT:

There are no wetlands located in the vicinity of the project. Due to the hydraulic separation between the Floridan and Surficial aquifers, the proposed Floridan withdrawals are not expected to result in any drawdown in the Surficial Aquifer.

The potential for adverse impacts to occur to protected wetland environments as a result of the withdrawal of the recommended allocation is considered minimal.

SOURCES OF POLLUTION:

Volatile organic compounds have been detected in the groundwater at the sugar mill, approximately 1,500 feet northwest of the proposed well. Okeelanta Corporation has remediated the groundwater contamination (Water Use Permit No. 50-01963-W) and the current status of the site is "monitoring only". Due to the hydraulic separation between the Floridan and Surficial aquifers, the proposed Floridan withdrawals are not expected to result in any drawdown in the Surficial Aquifer.

The potential for the induced movement of contaminants from known sources of pollution is considered to be minimal as a result of the withdrawal of the recommended allocation.

CONSERVATION PLAN

Pursuant to Section 2.4.1 of the Basis of Review for Water Use Permit Applications, applicants are required to prepare and implement a Water Conservation Plan for new facilities within two years of permit issuance (Limiting Condition No. 16). The applicant has indicated compliance with the following mandatory components:

1. An audit of the amount of water used in the various operational processes.

All processes at the facility are metered and a summary of the water budget is presented in Exhibit 4.

2. Implementation of programs to decrease water consumption at the facility,

if determined to be cost-effective as a result of the analysis of the audit results.

The water uses at the Okeelanta Cogeneration Plant replaces less efficient processes used by the adjacent sugar mill. Approximately 90,000 gallons per day of boiler blowdown and other liquid waste streams are reused as cooling tower makeup water annually. The wastewater reuse flow will vary depending on the operating status of the mill (i.e.,grinding or off season) and are summarized in Exhibit 5.

3. Employee awareness and consumer education programs on water conservation.

The applicant has developed a water conservation awareness program for its employees.

ADDITIONAL DESCRIPTIVE INFORMATION:

CONSERVATION PLAN

RECOMMENDATIONS

APPLICATION NUMBER: 990527-7

PERMIT NUMBER: 50-03146-W

DATE OF ISSUANCE: December 9, 1999

RECOMMENDATION SUMMARY:

Staff recommends modification/renewal of Water Use Permit No. 50-03146-W for industrial water supply and for public water supply. Withdrawals are from the Floridan Aquifer System via 1 existing withdrawal facility, from Surficial Aquifer System via 3 existing withdrawal facilities and from the Miami Canal/North New River Canal via 3 existing withdrawal facilities. The use is reasonable-beneficial, will not adversely impact presently existing legal uses and is consistent with the public interest. The use is further subject to 22 limiting conditions.

APPLICATION REVIEWER: Donna L. Moscone DATE: 11/22/99
Donna Moscone, P.G.

SUPERVISOR: Jeffrey Rosenfeld DATE: 11/22/99
Jeffrey Rosenfeld, P.G.

WATER USE DIVISION APPROVAL: Wm. Scott Burns DATE: 12/2/99
Wm. Scott Burns, P.G.

LIMITING CONDITIONS

1. IN THE EVENT OF A DECLARED WATER SHORTAGE, WATER WITHDRAWAL REDUCTIONS WILL BE ORDERED BY THE DISTRICT IN ACCORDANCE WITH THE WATER SHORTAGE PLAN, CHAPTER 40E-21, FLORIDA ADMINISTRATIVE CODE. THE APPLICANT IS ADVISED THAT DURING A WATER SHORTAGE PUMPAGE REPORTS SHALL BE SUBMITTED AS REQUIRED BY CHAPTER 40E-21, FLORIDA ADMINISTRATIVE CODE.

2. SOURCE CLASSIFICATION IS:

   GROUNDWATER FROM THE FLORIDAN AQUIFER SYSTEM
   GROUNDWATER FROM THE SURFICIAL AQUIFER SYSTEM
   SURFACE WATER FROM THE MIAMI CANAL/NORTH NEW RIVER CANAL

3. PERMITTEE SHALL MITIGATE ANY ADVERSE IMPACT ON EXISTING LEGAL USES CAUSED BY WITHDRAWALS. WHEN ADVERSE IMPACTS OCCUR, OR ARE IMMINENT, THE DISTRICT RESERVES THE RIGHT TO CURTAIL WITHDRAWAL RATES. ADVERSE IMPACTS ARE:

   A) REDUCTION IN WELL WATER LEVELS THAT IMPAIRS THE ABILITY OF AN ADJACENT WELL, INCLUDING A DOMESTIC WELL, LAWN IRRIGATION WELL, OR PUBLIC WATER SUPPLY WELL, TO PRODUCE WATER BY 10% OR GREATER.
   B) SIGNIFICANT REDUCTION IN LEVELS IN AN ADJACENT WATER BODY SUCH AS A LAKE, POND, OR A CANAL SYSTEM THAT IMPAIRS THE ABILITY TO PRODUCE WATER BY 10% OR GREATER.
   C) SALINE WATER INTRUSION OR INDUCED MOVEMENT OF POLLUTANTS INTO THE WATER SUPPLY OF AN ADJACENT WATER USE, RESULTING IN A SIGNIFICANT REDUCTION IN WATER QUALITY, AND
   D) CHANGE IN WATER QUALITY CAUSED BY THE PERMITTEE THAT RESULTS IN SIGNIFICANT IMPAIRMENT OR LOSS OF USE OF A WELL OR WATER BODY.

4. PERMITTEE SHALL MITIGATE ANY ADVERSE IMPACT ON EXISTING OFF-SITE LAND USE AS A CONSEQUENCE OF WITHDRAWALS PERMITTED HEREIN. IF INCREASED WITHDRAWALS CAUSE AN ADVERSE IMPACT ON EXISTING LAND USE, THE DISTRICT RESERVES THE RIGHT TO CURTAIL FUTURE WITHDRAWAL RATES. ADVERSE IMPACTS ARE:

   A) SIGNIFICANT REDUCTION IN WATER LEVELS IN AN ADJACENT SURFACE WATER BODY, INCLUDING IMPOUNDMENTS, TO THE EXTENT THAT THE DESIGNED FUNCTION OF THE WATER BODY IS IMPAIRED.
   B) LAND COLLAPSE OR SUBSIDENCE CAUSED BY REDUCTION IN WATER LEVELS; AND
   C) DAMAGE TO CROPS AND OTHER TYPES OF VEGETATION.

5. AUTHORIZED REPRESENTATIVES OF THE DISTRICT SHALL BE PERMITTED TO ENTER, INSPECT, AND OBSERVE THE PERMITTED SYSTEM TO DETERMINE COMPLIANCE WITH SPECIAL CONDITIONS.

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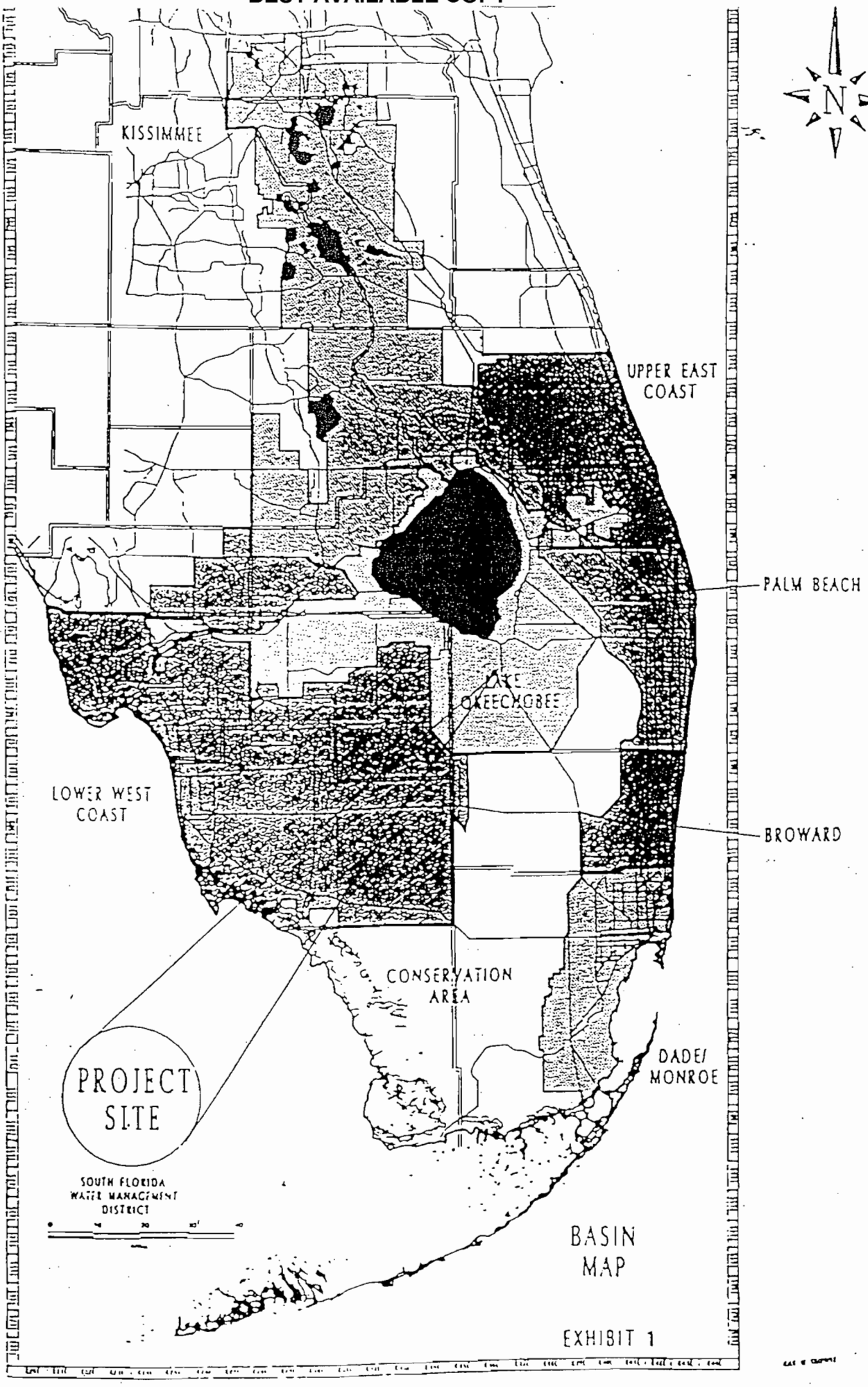

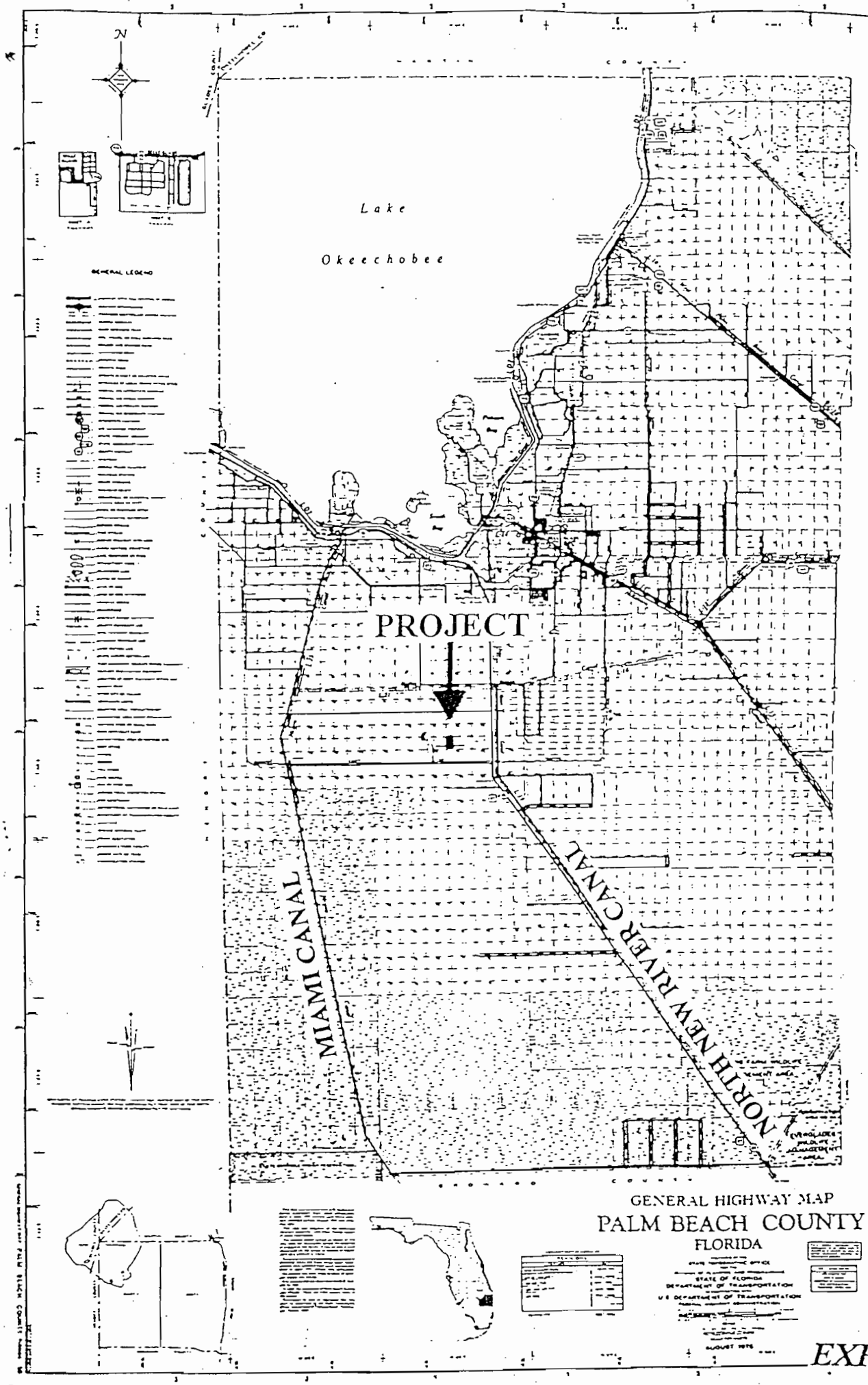

EXHIBIT 2

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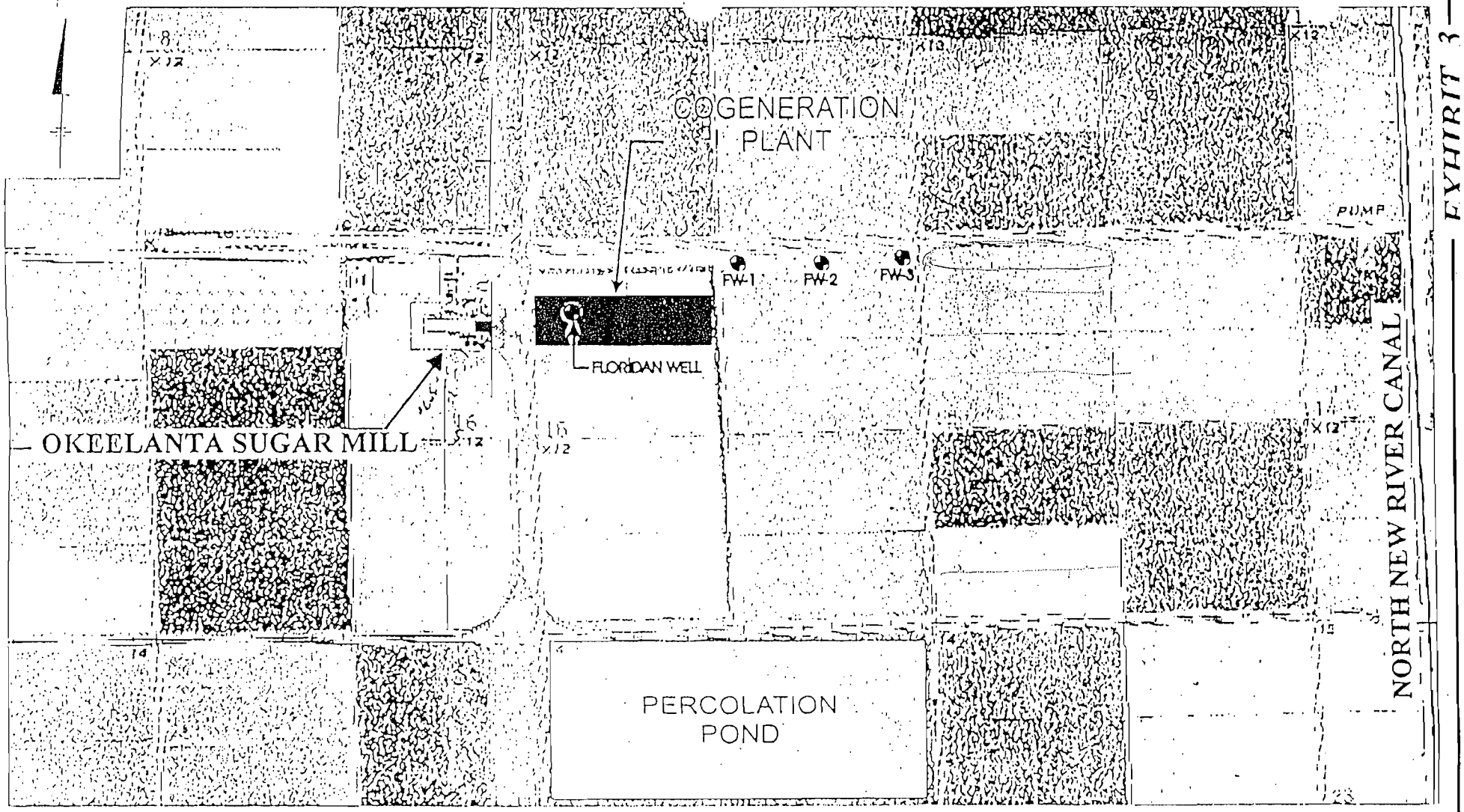
EXHIBIT 3



MAP SOURCE:
UNITED STATES GEOLOGIC SURVEY
TOPOGRAPHIC QUADRANGLE, 7.5 MIN.
SERIES, OKEELANTA, FLORIDA
photo-revised 1984.

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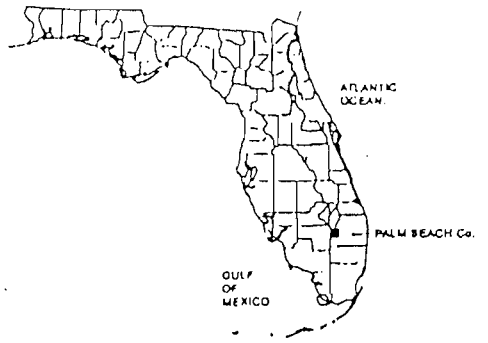
APPROXIMATE SCALE IN FEET

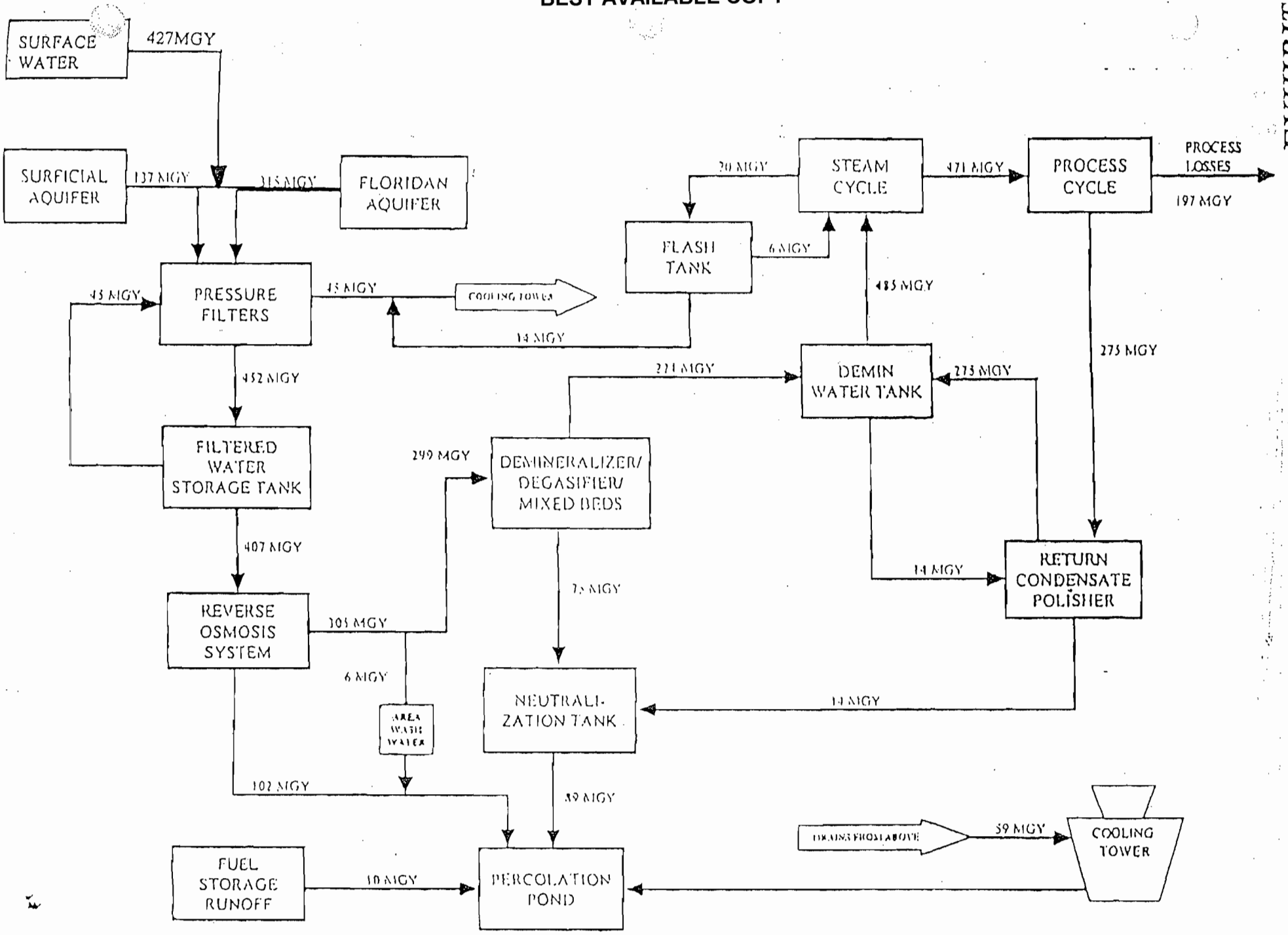


OKEELANTA COGENERATION PLANT
SOUTH BAY, FLORIDA
WATER USE PERMIT

BBL BLASLAND, BOUCK & LEE, INC.
engineers & scientists

ITEM VI-6

1/26/99 BOC-54 MJS
01420001/01420005.cdr



OKEELANTA COGENERATION PLANT
WATER BALANCE 10/13/99

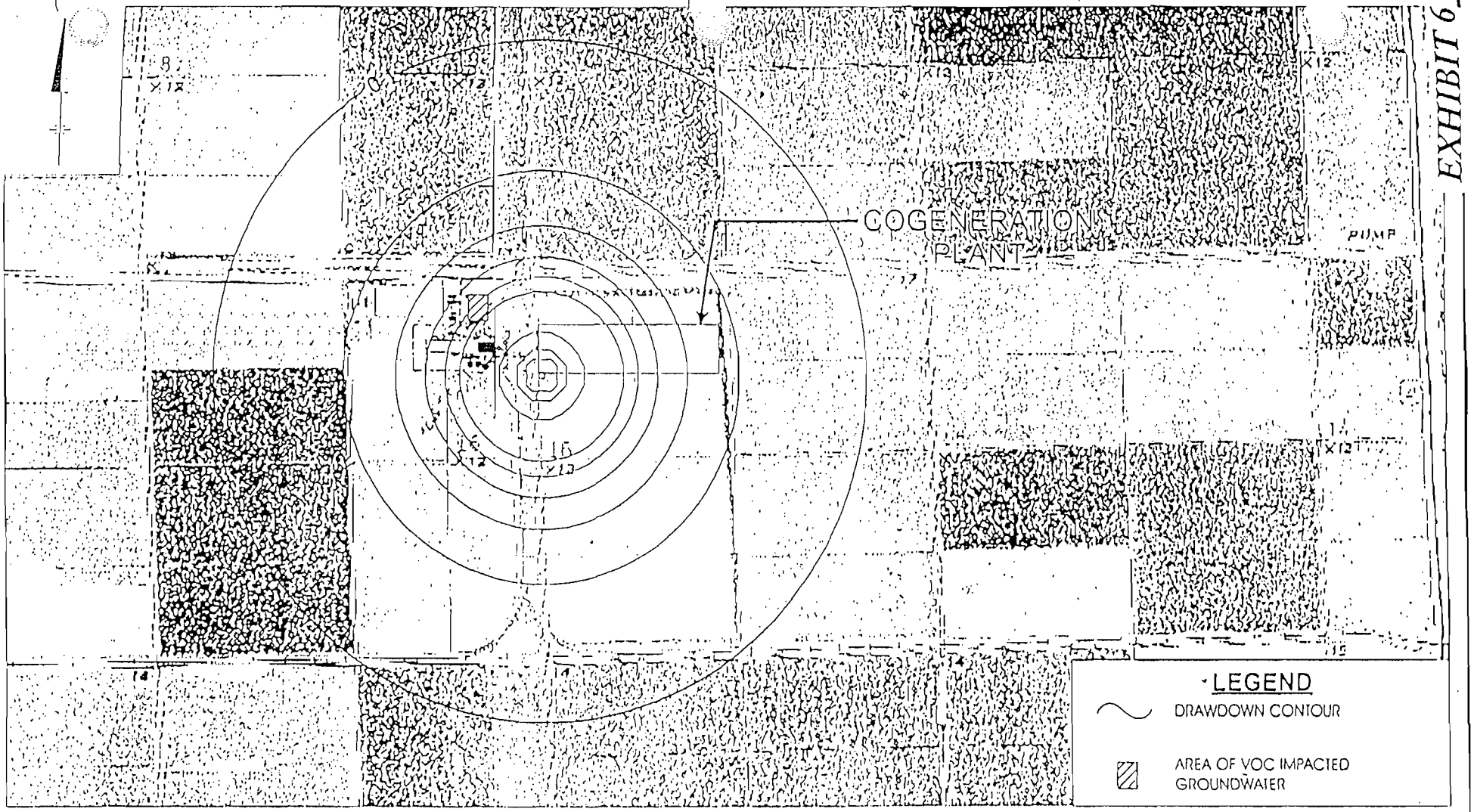
WASTEWATER REUSE FLOW

Waste Stream	Grinding Season (gpd)	Off-Season (gpd)
Boiler Blowdown	37,000	37,000
Polisher Effluent	20,000	70,000
Treated Effluent	2,000	2,000
Ash Conditioning Water	10,000	7,000
Total	69,000	116,000

Note:
gpd - Gallons per Day

EXHIBIT 5

EXHIBIT 6



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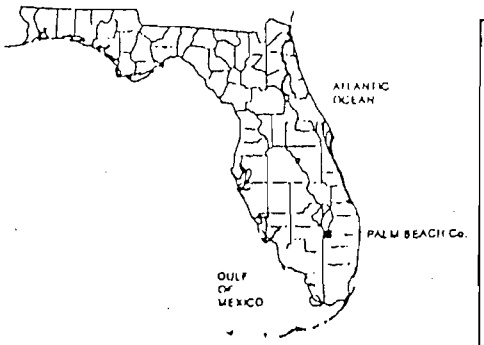

1/28/99 BOC-54 MJS
01420001/01420006.cdr

OKEELANTA COGENERATION PLANT
SOUTH BAY, FLORIDA
WATER USE PERMIT

EXTENT OF DRAWDOWN FLORIDAN AQUIFER WELL

BBL BLASLAND, BOUCK & LEE, INC.
engineers & scientists

ITEM 1

Application No 990527-7

MODELING SUMMARY

MODEL NAME: MODFLOW

MODEL SCENARIO: APPLICANT - 90 DAYS NO RECHARGE

NO. OF ROWS: 60

NO. OF COLUMNS: 100

NO. OF LAYERS: 1

NODAL SPACING: 200

PUMPING DURATION: 90

	LAYER 1	LAYER 2	LAYER 3	LAYER 4	DATA SOURCE
TRANSMISSIVITY (GPD/FT):	24400				USGS 1403-G
STORAGE FACTOR (/):	.2				
PERMEABILITY (GPD/SQ FT):					
EFFEC. POROSITY (/):					
THICKNESS (FT):					
LEAKANCE (GPD/CU FT):					
TOTAL PUMPAGE (MGD):	.860				

PRODUCTION ZONE: FLORIDAN AQUIFER SYSTEM

WELL NO.	ROW	COLUMN	PUMPING RATE	UNITS
1			.86	MGD

EXHIBIT

TABLE A
DESCRIPTION OF WELLS

APPLICATION NUMBER: 990527-7

WELL NUMBER	1	1	2	3
MAP DESIGNATOR	FW-1	4	FW-2	FW-3
EXISTING/PROPOSED	E	E	E	E
DIAMETER (INCHES)	10	9	10	10
TOTAL DEPTH (FT)	80	1300	80	80
CASED DEPTH (FT)	50	870	50	50
SCREENED - INTERVAL	30		30	30
PUMPED/FLOWING	P		P	P
WORKING VALVE -	N	N	N	N
PUMP MANUF	DEMPSTER		DEMPSTER	
PUMP TYPE	CENTRIFUGAL	CENTRIFUGAL	CENTRIFUGAL	CENTRIFUGAL
INTAKE DEPTH (FT. NGVD)	-38		-38	
PUMP CAPACITY (GPM)	250	600	250	250
YEAR DRILLED	1994	1998	1994	1998
PLANAR SOURCE COORDINATES	E	E	E	E
ACCOUNTING METHOD				
USE STATUS	STANDBY	PRIMARY	PRIMARY	PRIMARY
WELL CONST PERMIT NO				

EXHIBIT 8

TABLE B
DESCRIPTION OF SURFACE WATER PUMPS

Application Number: 990527-7

PUMP NO	1	2	3
MAP DESIGNATOR	1	2	3
SURFACE WATER BODY	MIAMI CANAL/NORTH NEW RIVER CA	MIAMI CANAL/NORTH NEW RIVER CA	MIAMI CANAL/NORTH NEW RIVER CA
EXISTING/ PROPOSED	E	E	E
PUMP MANUF.			
PUMP TYPE			
CAPACITY (GPM)	450	450	450
HORSEPOWER			
DIAMETER (IN.)			
ELEV OF INTAKE (FT. NGVD)			
TWO WAY PUMP?	N	N	N
PLANAR SOURCE			
PLANAR COORDINATE			
ACCT METHOD			
USE STATUS			

EXHIBIT 9

STAFF REPORT DISTRIBUTION LIST

PROJECT: OKEELANTA COGENERATION PLANT
APPLICANT: OKEELANTA POWER LIMITED PARTNERSHIP

APPLICATION NO. 990527-7
PERMIT NO. 50-03146-W

INTERNAL DISTRIBUTION
Reviewer:
X Donna Moscone, P.G.

X J. Giddings - LEC
X F. Lund - LEC
X B. Mills, LEC
X R Mireau
B. Pratt - FTM
X P. Walker - GPA
A. Waterhouse - REG
L. Werst - FTM
X Director, Big Cypress Basin
X WU Compliance
Well Construction Permitting
X Office of Counsel
X Permit File

GOVERNING BOARD MEMBERS
Mr. Mitchell W. Berger
Ms. Vera Carter
Mr. Michael Collins
Mr. Gerardo B. Fernandez
Dr. Patrick J. Gleason
Mr. Nicolas Gutierrez
Mr. Michael Minton
Mr. Harkley R. Thornton
Ms. Trudi K. Williams

DEPT. OF ENVIRONMENTAL PROTECTION
X West Palm Beach

EXTERNAL DISTRIBUTION
X Applicant's Consultant:
BLASLAND BOUCK & LEE INC

X Engineer, County of:
Palm Beach

Engineer, City of:

Local Drainage District:

Building Dept., County of:

Building Dept., City of:

COUNTY
X Palm Beach-Environmental Res Mgmt
-Health Dept
-Land Development Div
-School Board Growth Mgt
-Zoning Division

BUILDING AND ZONING

OTHER
X David Sinclair
X FDEP
X Florida Fish & Wildlife Conservation Com
Mr. Ed Dailey, President
Patrick Martin, District Engineer

EXHIBIT 10

South Florida Water Management District
Pumpage Report

This report must be completed and submitted to the South Florida Water Management District as required by your Permit.

PLEASE COMPLETE ITEMS 1 THRU 9

1. Permit Number:	50-03146-W
2. Issued to:	Okeelanta Power LP
Address:	P.O. Box 8
City, State, Zip:	South Bay, FL 33493
Phone Number:	
3. Recording Period:	AS REQUIRED BY YOUR PERMIT
4. Report Due:	AS REQUIRED BY YOUR PERMIT

5. Month _____ Year _____

1	Gallons	16	Gallons
2	Gallons	17	Gallons
3	Gallons	18	Gallons
4	Gallons	19	Gallons
5	Gallons	20	Gallons
6	Gallons	21	Gallons
7	Gallons	22	Gallons
8	Gallons	23	Gallons
9	Gallons	24	Gallons
10	Gallons	25	Gallons
11	Gallons	26	Gallons
12	Gallons	27	Gallons
13	Gallons	28	Gallons
14	Gallons	29	Gallons
15	Gallons	30	Gallons
		31	Gallons

TOTAL MONTHLY PUMPAGE _____ GALLONS

6. ACCOUNTING METHOD

_____FLOW METER _____TIME CLOCK_____FUEL_____OTHER _____

7. DATE OF LAST CALIBRATION _____

8. Name of Person Completing Form: (print or type)_____

9. Signature:_____Date:_____

RETURN TO: South Florida Water Management District
ATTENTION: Regulation Department/Water Use Division
PO Box 24680
West Palm Beach, FL 33416-4680

South Florida Water Management District

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045
TDD (561) 697-2574

CON 24-06

July 10, 1998

PERMITTEE
FLORIDA CRYSTALS CORP/OKEELANTA COGEN.
P.O. BOX 9, 6 MILES SOUTH OF SOUTH BAY
SOUTH BAY, FL 33493

CONTRACTOR
CROCCO, LEONARD
5695 NORTH U.S. 1
VERO BEACH, FL 32967
LICENSE NO:7210

WATER WELL CONSTRUCTION PERMIT # SF070298A
EXPIRATION DATE: January 10, 1999

PROJECT: OKEELANTA COGENERATION PLANT TEST WELL
TYPE OF USE: TEST
COUNTY: PALM BEACH SEC: 16 TWP: 45 RGE: 36

WELL CONSTRUCTION SPECIFICATIONS:	INNER	OUTER
CASING DIAMETER:	10"	18"
CASING DEPTH:	950.00'	250.00'
SCREENED INTERVAL:	-	
OPEN HOLE INTERVAL:	950' - 1400'	
TOTAL DEPTH OF WELL:	1400.00'	
GROUT REQUIREMENT:		

Outer casing shall be grouted bottom to top.

See additional conditions of permit on attached sheet.

We appreciate your assistance and cooperation in better managing the water resources of the District. If you have any questions on this matter, please call Ann-Marie Superchi at extension 6929.

Sincerely,

Jeffrey Rosenfeld, P.G., Supervising Professional
Water Use Division, Regulation Department

Attachment: Additional Conditions of Permit
c:

WELL COMPLETION REPORT **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

Owner Okeelanta Power Limited Partnership
P.O. Box 86
South Bay, FL 33494

Permit No SF062094A
DER
Completed 07/06/94
Well Use Industrial
Well ID FW-1
Casing Depth 50 Ft
Well Depth 82 Ft
Type of work Construct
Method Rotary Mud

DRILLING SERVICES, INC.
Driller Len Crocco
Contractor David E. Webb Licence No. DER 2145

Contractor's Signature

MATERIALS

	Casing Diam.	Type	From (Ft)	To
Outer				
Inner	10	PVC	0	50
Screen	10	PVC	50	80

GROUT

Annulus	From (Ft)	To	Bags	
2.5	0	40	39	Portland
Slot size .030				

DRILL CUTTINGS LOG

Depth (Ft)	Type	Color	Grain Size
0.0	See Attached		

WATER
Static Water Level 6.9 ft. below top of casing. Water: Clear
Pumping Water Level 46 ft. after 2 hrs. at 250 gpm
Pump Size 7.5 h.p. Capacity 300 gpm Conductivity
Pump Type Sub Intake Depth 50 ft. Chlorides mg/l
Flowing gpm

WELL LOCATION
Okeelanta, south side of entrance roadway
t - Okeelanta 1 mile west of garded gate
vision Lot Block
County Palm Beach
1/4 of the 1/4 of Section 16 Twp. 45 Range 36
Lat. 80-44-38W Long. 26-34-6N

Cuttings sent to the District? No

WELL COMPLETION REPORT — SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Owner: Okeelanta Power Limited Partnership
P.O. Box 86
South Bay, FL 33494

DRILLING SERVICES, INC.
Driller: Len Crocco
Contractor: David E. Webb Licence No. WER 2145

Contractor's Signature

Permit No: SF062094B
WER
Completed: 07/11/94
Well Use: Industrial
Well ID: FW-2
Casing Depth: 50 Ft
Well Depth: 82 Ft
Type of work: Construct
Method: Rotary Mud

MATERIALS

Casing	Diam.	Type	From (Ft)	To	GROUT Annulus	From (Ft)	To	Bags	
Outer									
Inner	10	PVC	0	50	2.5	0	40	41	Portland
Screen	10	PVC	50	80	Slot size .030				

DRILL CUTTINGS LOG

Depth (Ft)	Type	Color	Grain Size
0.0	See Attached		

WATER
Static Water Level 6.5 ft. below top of casing. Water: Clear
Pumping Water Level 40.2 ft. after 2 hrs. at 266 gpm
Pump Size 7.5 h.p. Capacity 300 gpm Conductivity
Pump Type Sub Intake Depth 50 ft. Chlorides mg/l
Flowing gpm

WELL LOCATION
Okeelanta, south side of entrance roadway
to Okeelanta 1 mile west of garded gate
Division Lot Block
City Palm Beach
1/4 of the 1/4 of Section 16 Twp. 45 Range 36
Lat. 80-44-38W Long. 26-34-6N

Cuttings sent to the District? No

WELL COMPLETION REPORT — SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Owner: Okeelanta Power Limited Partnership
P.O. Box 86
South Bay, FL 33494

DRILLING SERVICES, INC.
Driller: Len Crocco
Contractor: David E. Webb Licence No. DER 2145

Contractor's Signature

Permit No: SF062094C
DER
Completed: 07/15/94
Well Use: Industrial
Well ID: FW-3
Casing Depth: 50 Ft
Well Depth: 82 Ft
Type of work: Construct
Method: Rotary Mud

MATERIALS					GROUT				
Casing	Diam.	Type	From (Ft)	To	Annulus	From (Ft)	To	Bags	
Outer									
Inner	10	PVC	0	50	2.5	0	40	41	Portland
Screen	10	PVC	50	80	Slot size .040				

DRILL CUTTINGS LOG			
Depth (Ft)	Type	Color	Grain Size
0.0	See Attached		

WATER
Static Water Level 7.5 ft. below top of casing. Water: Clear
Pumping Water Level 33.3 ft. after 2 hrs. at 269 gpm
Pump Size 7.5 h.p. Capacity 300 gpm Conductivity
Pump Type Sub Intake Depth 50 ft. Chlorides mg/l
Flowing gpm

WELL LOCATION
Okeelanta, south side of entrance roadway
Okeelanta 1 mile west of garded gate
Division Lot Block
County Palm Beach
1/4 of the 1/4 of Section 16 Twp. 45 Range 36
Lat. 80-44-38W Long. 26-34-6N

Cuttings sent to the District? No

RESPONSE TO SFWMD-9

Response to South Florida Water Management District (SFWMD) Sufficiency Questions
New Hope Power Partnership
Application No. PA 04-46; DOAH Case No. 04-3209EPP; OGC Case No. 04-1594

SFWMD Question (9): Please be advised that the Okeelanta Corporation has submitted an application (No. 040811-4) for renewal of their Water Use Permit (Permit No. 50-01035-W). The SFWMD issued a letter requesting additional information on September 10, 2004. Additional information beyond that requested in the SFWMD's September 10, 2004 letter may be required as part of the review of Application No. 040811-4 in order for the SFWMD to recommend approval of the Site Certification application (please refer to item #2 above).

Response: Comment acknowledged.

Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

October 18, 2004

Mr. Hamilton S. Oven, P.E., Administrator
Siting Coordination Office
Division of Air Resources Management
Department of Environmental Protection
2600 Blair Stone Road, MS 48
Tallahassee, Florida 32399-2400

Subject: New Hope Power Partnership Okeelanta Cogeneration Facility Power Plant Siting Application No. PA 04-46
DOAH Case No. 04-3209EPP
OGC Case No. 04-1594

Dear Mr. Oven:

The Florida Department of Transportation (FDOT) has reviewed the subject application for site certification and found the following issues need to be clarified during the sufficiency phase of the evaluation process:

- In Section 4.6.1, the application states that construction and worker traffic could be up to 135 trips in the peak hour. Further it is stated that the distribution of these trips would be coming from and going to the north on US 27. Does this include the delivery of all equipment, materials, and supplies? If there will be deliveries from the south, how many trips by type will be associated with these deliveries? FDOT-1

- The maximum vertical height of all facilities associated with this project. FDOT-2

If there are any questions, please call either me at (850) 414-5386 or Sandra Whitmire, Siting Coordinator, at (850) 414-4812. Thank you

Sincerely,

Sheauching Yu
Assistant General Counsel

SY/sw

cc: Sandra Whitmire, Larry Hymowitz, District 4

RESPONSE TO FDOT-1

Response to Florida Department of Transportation (FDOT) Sufficiency Questions
New Hope Power Partnership
Application No. PA 04-46; DOAH Case No. 04-3209EPP; OGC Case No. 04-1594

Question FDOT 1: In Section 4.6.1, the application states that construction and worker traffic could be up to 135 trips in the peak hour. Further, it states that the distribution of these trips would be coming from and going to the north on US 27. Does this include the delivery of all equipment, materials, and supplies? If there are deliveries from the south, how many trips will be associated with these deliveries?

Response: Yes. The analysis conducted in the SCA accounts for 10 trip ends during the peak hour for material, equipment, and construction vehicle deliveries. The remaining 125 trip ends were for construction workers. The analysis directed trip generation to the north on US 27 to represent a worst-case condition. Some trips could arrive and depart from the south depending on final selection of contractors. Any trips to the south would not, however, significantly change the analysis presented in SCA section 4.6.1. The roadway segments in the vicinity of the New Hope Power Partnership (NHPP) facility are expected to operate at a level-of-service (LOS) of C or better during construction.

RESPONSE TO FDOT-2

Response to Florida Department of Transportation (FDOT) Sufficiency Questions
New Hope Power Partnership
Application No. PA 04-46; DOAH Case No. 04-3209EPP; OGC Case No. 04-1594

Question FDOT 2: The maximum vertical height of all facilities associated with this project.

Response: There will be two principal structures constructed within the existing facility. These are a steam turbine/condenser and a cooling tower. SCA Figure 3.2-2 presents the location of these structures within the existing NHPP facility. The anticipated height of these structures is approximately 50 and 32 feet, respectively. The steam turbine/condenser will be similar to the existing steam turbine/electric generator shown in Figure 3.2-3d of the SCA. The dimensions for the cooling tower were presented in Table 3.4-4. The transformers' electric room will have heights that will be much lower than the cooling tower (generally less than 20 feet). Existing structures at the NHPP site associated with steam generation include the three boilers, three electrostatic precipitator buildings, and three stacks. The three existing boilers have a height of 139 feet above grade, the three existing electrostatic precipitator buildings have a height of 107 feet above grade, and three existing stacks have a height of 199 feet above grade. The existing boilers and stacks were shown in SCA Figure 3.2-3c and the existing electrostatic precipitators were shown in SCA Figure 3.2-3e.

7000 1670 0013 2110 3223

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

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

Postmark Here

Sent To: Mr. Gus Cepero, Chief Executive Officer
New Hope Power Partnership

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

City, State, ZIP+4 South Bay, Florida 33493

PS Form 3800, May 2000 — See Reverse for Instructions

7000 1670 0013 3110 3691

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

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

Postmark Here

Sent To: Mr. Wade A. Maye, General Manager

Street, Apt. No.; or PO Box No.: F.J. Gannon Station
Port Sutton Road

City, State, ZIP+4: Tampa, Florida 33619

PS Form 3800, May 2000 — See Reverse for Instructions

SITE CERTIFICATION APPLICATION
NEW HOPE POWER PARTNERSHIP
EXPANSION PROJECT

SUFFICIENCY RESPONSES

Submitted by:

New Hope Power Partnership
8001 U.S. Highway 27 South
South Bay, FL 33493

November 2004
0337594

0990332-017 (1)

NO.	DATE	REVISION	BY

Designed GAM
Drawn
Checked GAM

APPROVED BY: GLEN A. MILLER, P.E.
DATE 11/17/04
REGISTERED ENGINEER NO. 39242
CORPORATE NO. 6935 ©2004 G. A. MILLER, INC.

MILLER ENGINEERING
ENGINEERING AND ENVIRONMENTAL SERVICES
12773 WEST FOREST HILL BLVD., SUITE 200
WELLINGTON, FLORIDA 33414
PHONE:(561)793-5656 FAX:(561)793-0089

NEW HOPE POWER PARTNERSHIP

COGEN WATER SOURCES

OKEELANTA COGEN FACILITY

SCALE 1"=400'

PROJECT NUMBER 24215.02

SHEET NO. 1 OF 1

EXHIBIT 2

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Mr. David Dee
Landers & Parsons
310 W. College Avenue
PO Box 271
Tallahassee, FL 32302

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Lauren Labasky ☑ Agent ☐ Address

B. Received by (Printed Name) Lauren Labasky | C. Date of Deliv. 12/27/04

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

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7000 1670 0013 3110 2172

PS Form 3811, August 2001 Domestic Return Receipt 102

7000 1670 0013 3110 2172

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

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark Here

Mr. David Dee
Landers & Parsons
310 W. College Avenue
PO Box 271
Tallahassee, FL 32302

PS Form 3800, May 2000 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:
Mr. Rodney Williams, Plant Manager
New Hope Power Partnership
Okeelanta Cogeneration Plant
8001 U.S. Highway 27 South
South Bay, Florida 33493
PO BOX 9

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Kathleen Yerkes ☐ Agent ☐ Addressee

B. Received by (Printed Name) Kathleen Yerkes
C. Date of Delivery 1-3-05

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

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

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7000 1670 0013 3110 2042

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

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

OFFICIAL USE

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

Postmark Here

Sent To
Mr. Rodney Williams, Plant Manager
Street, Apt. No.; or PO Box No.
New Hope Power Partnership
Okeelanta Cogeneration Plant
City, State, ZIP+4
8001 U.S. Highway 27 South

PS Form 3800, May 2000 See Reverse for Instructions

7000 1670 0013 3110 2042

SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:

Mr. Rodney Williams, Plant Manager
New Hope Power Partnership
8001 U.S. Highway 27, South
South Bay, Florida 33483

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) JAMES M. MERIWETHER
C. Date of Delivery 6/23/05

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No
PO Box 9
South Bay, FL 33493-0009

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

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7001 0320 0001 3692 3036

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

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

7001 0320 0001 3692 3036

OFFICIAL USE

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Postmark Here

Total Posta
Sent To Mr. Rodney Williams, Plant Manager
Street, Apt. N or PO Box Nc New Hope Power Partnership
8001 U.S. Highway 27, South
City, State, Zl South Bay, Florida 33483

PS Form 3800, January 2001 See Reverse for Instructions

LANDERS & PARSONS, P.A.
ATTORNEYS AT LAW

DAVID S. DEE
RONALD A. LABASKY
JOSEPH W. LANDERS, JR.
JOHN T. LaVIA, III
FRED A. McCORMACK
PHILIP S. PARSONS
ROBERT SCHEFFEL WRIGHT

310 WEST COLLEGE AVENUE
TALLAHASSEE, FL 32301

MAILING ADDRESS:
POST OFFICE BOX 271
TALLAHASSEE, FL 32302-0271

TELEPHONE (850) 681-0311
TELECOPY (850) 224-5595
www.landersandparsons.com

January 13, 2005

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

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

Dear Ms. Vielhauer:

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

Please call me if you have any questions.

Sincerely,

David S. Dee

Enclosure
cc: Jeff Koerner
Hamilton Oven
James Meriwether

THE PALM BEACH POST

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

RECEIVED
JAN 18 2005
BUREAU OF AIR REGULATION

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

Kristi Morrow

Sworn to and subscribed before 5th day of January, A.D. 2005

Personally known XX or Produced Identification_____
Type of Identification Produced_____

NOTARY PUBLIC STATE OF FLORIDA
Karen M. McLinton
Commission # DD359566
Expires: NOV. 15, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

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

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

Facility Location: The New Hope Power Partnership operates the existing Okeelanta Cogeneration Plant located off of U.S. Highway 27 approximately six miles south of South Bay in Palm Beach County, Florida.

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

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

a violation of any PSD Class I or Class II increments.

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

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

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

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

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

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be postmarked, and all e-mail or facsimile comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at http://tlhora6.dep.state.fl.us/onw and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the attached Public Notice or within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a

period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation: Mediation is not available in this proceeding.

PUB: The Palm Beach Post
January 5, 2005