

Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

October 31, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Gus Cepero, Authorized Representative  
Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493

Re: Project No. 0990332-011-AC  
Permit No. PSD-FL-196K  
Okeelanta Power L.P. - Cogeneration Plant  
Request to Extend Operation of Sugar Mill Boilers as Standby Units

Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. Based on the applicant's request, the initial PSD permit required permanent shutdown of the existing sugar mill boilers (except for refinery Boiler No. 16) to offset emissions from the new cogeneration boilers. This federally enforceable permit condition allowed emissions of carbon monoxide, lead, nitrogen oxides, and particulate matter to escape PSD applicability. It also allowed emissions of volatile organic compounds to escape a LAER determination. During the first 12 months of commercial operation, the permit allowed limited simultaneous operation and operation of the sugar mill boilers as standby units if all cogeneration boilers were shutdown. The Department has previously issued several modifications to these conditions related to establishing commercial operation of the cogeneration boilers as well as the ability to provide a reliable source of steam to the sugar mill.

On September 28, 1999, Okeelanta Power L.P. applied to the Department for a modification of Permit No. PSD-FL-196, which would extend the operation of the sugar mill boilers as standby units for the existing sugar mill. The Department has reviewed the modification request, the compliance history, the permitting history, and other additional information provided by Okeelanta Power L.P. The Department approves the request to operate the sugar mill boilers as standby units, but only for electrical or mechanical failure of all three cogeneration boilers. The Department denies the request for any simultaneous operation of the sugar mill boilers (except for refinery Boiler No. 16) with the cogeneration boilers. This modification also includes the addition of mechanical dust collectors that were previously approved by the Department on December 22, 1999. As summarized in the attached Final Determination, only minor changes were made to the Draft Permit. The referenced permit is hereby modified as follows:

**Add the following text to the emissions unit description:**

"Mechanical dust collectors are installed prior to each electrostatic precipitator to remove large particulate matter."

*"More Protection, Less Process"*

*Printed on recycled paper.*

**Revise specific condition No. 5 as follows:**

- “5. Each boiler shall be equipped with a(n):
- 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);
  - Electrostatic precipitator (ESP) designed for at least 98 percent removal of particulate matter;
  - Selective non-catalytic reduction (SNCR) system designed for at least 40 percent removal of NO<sub>x</sub>; and
  - Carbon injection system (or equivalent) for mercury emissions control.”

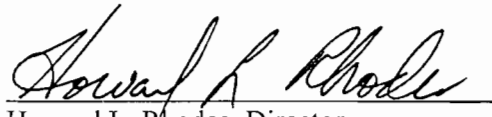
**Replace specific condition Nos. 17 and 18 with the following revised conditions:**

- “17. Standby Operation: The sugar mill boilers shall comply with the following requirements as well as Specific Condition No. 18.
- a. Sugar Mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 may be retained for emergency standby operation until April 1, 2002. These boilers shall only operate in the event of electrical or mechanical failure of all three of the cogeneration boilers. Simultaneous operation of any of these sugar mill boilers with any of the cogeneration boilers is prohibited. Sugar Mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 shall be permanently shutdown and rendered incapable of operation no later than October 1, 2002.
  - b. Sugar Mill Boiler No. 16 shall be retained as a standby boiler for the cogeneration plant and shall operate only when one or more of the cogeneration boilers are shut down, or in the process of immediately shutting down. For each incident of standby use, the permittee shall record the hours of operation and which of the cogeneration boilers was shutdown.
  - c. Each sugar mill boiler shall comply with its most recent air construction and operation permit, including all emissions performance, testing, and monitoring requirements as well as any applicable Alternate Sampling Procedures approved by the Department. The sugar mill boilers shall only fire fuels approved in the most recent permits.
18. Notification of Standby Operation:
- a. Within 24 hours of any electrical or mechanical failure that prevents operation of all three cogeneration boilers, the permittee shall notify Department’s South District Office and the Palm Beach County Health Department. The notification shall include a description of the problems, the planned corrective actions, and an estimate of the time the cogeneration boilers will be down.
  - b. Within 24 hours of restarting any sugar mill boiler (other than Boiler No. 16), the permittee shall notify the Department’s South District Office and the Palm Beach County Health Department. The notification shall include an estimate of the time the sugar mill boiler will be operated and the corrective actions being taken to restore operation of the cogeneration boilers.
  - c. For any sugar mill boiler operated or intended to be operated more than 400 hours, the permittee shall schedule and perform all required emissions performance tests. The permittee shall provide at least 48 hours advance notice for any test to the Department’s South District Office and the Palm Beach County Health Department.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permit modification is issued pursuant to Chapter 403, Florida Statutes.

Any party to this order (permit modification) has the right to seek judicial review of it under Section 120.68, F.S., 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 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Howard L. Rhodes, Director  
Division of Air Resources Management

#### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this permit modification (including the Final Determination) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 11/6/00 to the person(s) listed:

Mr. Gus Cepero, Okeelanta Power L.P.\*  
Mr. James Meriwether, Okeelanta Power L.P.  
Mr. Ricardo Lima, Okeelanta Corporation  
Mr. David Dee, Landers & Parsons  
Mr. David Buff, Golder Associates

Mr. James Stormer, PBCHD  
Mr. Ray Blackburn, SD  
Mr. Gregg Worley, EPA  
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.

Charlotte J. Hayes 11/6/00  
(Clerk) (Date)

6666 2542 0000 004E 6602 7099 3400 0000 1452 9993

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
Article Sent To: Mr. Gus Cepero	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Name (Please Print Clearly) (to be completed by mailer) Mr. Gus Cepero	
Street, Apt. No., or PO Box No. PO Box 9	
City, State, ZIP+4 South Bay, FL 33493	
PS Form 3800, July 1999 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. Gus Cepero  
Okeelanta Power Limited Partnership  
PO Box 9  
South Bay, FL 33493

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) *Kathy Yorkes* B. Date of Delivery *11/9/00*

C. Signature *Kathy Yorkes*  Agent  Addressee

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

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

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Copy from service label)  
7099 3400 0000 1452 9993

**FINAL DETERMINATION**  
Okeelanta Power L.P. - Cogeneration Plant  
Request to Extend Operation of Sugar Mill Boilers as Standby Units

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**PUBLICATION**

The Department distributed a public notice package on September 26, 2000 to Okeelanta Power L.P. for the biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. The permit authorizes a two-year extension to operate the existing sugar mill boilers as emergency standby units for the cogeneration boilers. The applicant published the Public Notice of Intent to Issue in The Palm Beach Post on September 30, 2000.

**COMMENTS AND CHANGES**

The Department received no comments from the applicant, the public, the National Park Service, EPA Region 4, the South District Office, or the Palm Beach County Health Department.

**CONCLUSION**

The final action of the Department is to issue the final permit with only changes to correct minor typographical errors.

# Florida Department of Environmental Protection

## Memorandum

TO: Howard Rhodes  
THROUGH Clair Fancy *CTF*  
Al Linero *AL* 10/31  
FROM: *JJK* Jeff Koerner, Project Engineer  
DATE: October 30, 2000  
SUBJECT: Project No. 0990332-011-AC  
Permit No. PSD-FL-196K  
Okeelanta Power L.P. – Cogeneration Plant  
Extension of Emergency Standby Operation for Sugar Mill Boilers  
Final Permit

BAR

Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's PSD preconstruction review and Title V operating permit programs, the two plants are considered to be a single facility. The original PSD permit for the cogeneration plant allowed very limited simultaneous operation of the existing sugar mill boilers with the new units in order to demonstrate commercial operation. The original PSD permit also required permanent shutdown of the sugar mill boilers by January 1, 1999, which was later extended to April 1, 2001.

A Final Permit is attached for your approval and signature for a project that authorizes a two year extension to operate the existing sugar mill boilers as emergency standby units for the cogeneration boilers. The draft permit prohibits simultaneous operation of any of these sugar mill boilers with any of the cogeneration boilers. In addition, the mill boilers must be shut down and rendered incapable of operation no later than October 1, 2002. Because simultaneous operation of the sugar mill boilers with the cogeneration boilers is restricted, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The additional two years should provide enough time for the permittee to determine whether or not there is sufficient need to "re-permit" any sugar mill boilers for further standby and/or simultaneous operation.

The Public Notice of Intent to Issue was published in The Palm Beach Post on September 30, 2000. No comments were received from the applicant, the public, the National Park Service, EPA Region 4, the South District Office, or the Palm Beach County Health Department. Only minor changes to typographical errors were made to the Draft Permit modification.

Day 90 of the permit processing time clock is December 7, 2000. I recommend your approval and signature.

jfk

Attachments

LANDERS & PARSONS, P.A.

ATTORNEYS AT LAW

DAVID S. DEE  
DIANE K. KIESLING  
JOSEPH W. LANDERS, JR.  
JOHN T. LAVIA, III  
FRED A. McCORMACK  
PHILIP S. PARSONS  
LESLIE J. PAUGH  
ROBERT SCHEFFEL WRIGHT

VICTORIA J. TSCHINKEL  
SENIOR CONSULTANT  
(NOT A MEMBER OF THE FLORIDA BAR)

MAILING ADDRESS:  
POST OFFICE BOX 271  
TALLAHASSEE, FL 32302-0271

310 WEST COLLEGE AVENUE  
TALLAHASSEE, FL 32301

TELEPHONE (850) 681-0311  
TELECOPY (850) 224-5595  
www.landersonparsons.com

October 6, 2000

Jeff Koerner  
Department of Environmental Protection  
Division of Air Resources Management  
2600 Blair Stone Road, MS 5505  
Tallahassee, Florida 32399-2400

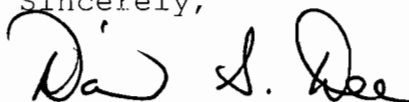
Re: Okeelanta Power Limited Partnership  
DEP Draft Permit No. PSD-FL-196K

Dear Jeff:

On September 30, 2000, Okeelanta Power Limited Partnership published notice in The Palm Beach Post concerning DEP's intent to issue an air construction permit modification to Okeelanta Power L.P. A copy of the newspaper notice, and the Proof of Publication from The Palm Beach Post, are enclosed for the Department's files.

Please call me if you have any questions.

Sincerely,



David S. Dee

Enclosures

cc: Bill Tarr (w/enc.)  
James Meriwether (w/enc.)

*4. Koerner*  
*D. Knowles, SD*  
*9. Starnes, PBCHD*  
*B. Wiley EPA*  
*9. Bumpah, NPS*

RECEIVED

OCT 06 2000

BUREAU OF AIR REGULATION

# THE PALM BEACH POST

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

## PROOF OF PUBLICATION

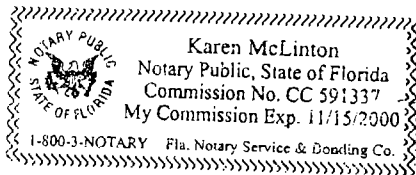
STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Tyler Dixon** who on oath says that she is **Classified Advertising Manager, Inside Sales** of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being a **Notice** in the matter of **Intent to Issue Air Construction Permit Modification** -- in the Court, was published in said newspaper in the issues of **September 30, 2000**.

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.

Sworn to and subscribed before this 1 day of **October** A.D. 2000.

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



NO. 746787  
PUBLIC NOTICE OF INTENT  
TO ISSUE AIR CONSTRUCTION  
PERMIT MODIFICATION  
STATE OF FLORIDA  
DEPARTMENT  
OF ENVIRONMENTAL  
PROTECTION  
Project No. 0990332-011-AC  
Draft Permit No. PSD-FL-196K  
Okeelanta Power L.P.  
Palm Beach County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Okeelanta Power Limited Partnership to extend emergency standby operation of the sugar mill boilers. Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 8 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. The original PSD permit for the cogeneration plant allowed very limited simultaneous operation of the existing sugar mill boilers with the new units in order to achieve commercial operation. The PSD permit also required permanent shutdown of the sugar mill boilers by January 1, 1999, which was later extended to April 1, 2001. The applicant requested an additional two-year extension with the capability of simultaneous operation of the sugar mill boilers with the cogeneration boilers. The proposed draft permit extends emergency standby operation of sugar mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 for an additional two years, but only for the case of electrical or mechanical failure of all three cogeneration boilers. The draft permit prohibits simultaneous operation of any of these sugar mill boilers with any of the cogeneration boilers. In addition, these boilers must be shut down and rendered incapable of operation no later than October 1, 2002. In accordance with the original PSD permit, the draft permit allows sugar mill Boiler No. 16 to operate as a standby unit if one or more of the cogeneration boilers is shutdown. The authorized representative of Okeelanta Power Limited Partnership, Mr. Gus Cepero, can be reached at the following mailing address: P.O. Box 9, South Bay, FL 33493.

Because simultaneous operation of the sugar mill boilers with the cogeneration boilers is restricted, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice. The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding. A person whose substantial in-

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida, 32301 Telephone: 850/488-0114 Fax: 850/922-6979 Department of Environmental Protection South District Office - Air Resources 2295 Victoria Avenue, Suite 364 Ft. Myers, FL 33901-3361 Telephone: 407/894-7555 Fax: 407/897-5963 Palm Beach County Health Department EHE - Air Pollution Control Section 901 Evernia Street West Palm Beach, FL 33401 Telephone: 561/355-3136 Fax: 561/355-2442

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Al Linero, Administrator of the New Source Review Section, or the Department's reviewing engineer for this project, Jeff Koerner, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. PUB: The Palm Beach Post September 30, 2000

Interested persons may contact Al Linero, Administrator of the New Source Review Section, or the Department's reviewing engineer for this project, Jeff Koerner, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. PUB: The Palm Beach Post September 30, 2000



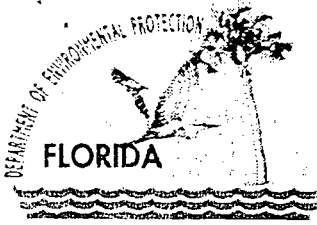
Interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mall Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petition filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

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

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

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





# Department of Environmental Protection

Jeb Bush  
Governor

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

David B. Struhs  
Secretary

September 21, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Gus Cepero, Vice President  
Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493

Re: Project No. 0990332-011-AC  
Draft Permit No. PSD-FL-196K  
Okeelanta Power L.P. – Cogeneration Plant  
Requested Standby Operation – Revised Draft Permit

Dear Mr. Cepero:

Enclosed is one copy of the revised Draft PSD Permit Modification to extend emergency standby operation of the sugar mill boilers for the cogeneration plant located in Palm Beach County, Florida. The Department's Technical Evaluation and Preliminary Determination, the Intent to Issue Air Construction Permit Modification and the Public Notice of Intent to Issue Air Construction Permit Modification are also included.

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

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Jeff Koerner at 850/414-7268.

Sincerely,

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

CHF/jfk

Enclosures

962T 179A  
 144T 1453  
 0000 0000  
 004E 3400  
 660Z

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

**Article Sent To:**  
*Gus Cepeda, Vice President*  
*Atlanta Power*  
*Partner*

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

Postmark Here

Name (Please Print Clearly) (to be completed by mailer)  
*Gus Cepeda,*  
 Street, Apt. No., or P.O. Box No.  
*P.O. Box 9*  
 City, State, ZIP+4  
*South Bay, FL 33493*


PS Form 3800, July 1999 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Received by (Please Print Clearly) <i>K. Yerkos</i></p> <p>B. Date of Delivery <i>10-3</i></p> <p>C. Signature  <input checked="" type="checkbox"/> <i>K. Yerkos</i>      <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes      If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:  <i>Gus Cepeda, V.P.</i>  <i>Atlanta Power Limited</i>  <i>Partnership</i>  <i>P.O. Box 9</i>  <i>South Bay, FL 33493</i></p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail      <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered      <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Copy from service label)  <i>7099 3400 0000 1453 1798</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

# Florida Department of Environmental Protection

## Memorandum

TO: Clair Fancy, Chief – Bureau of Air Regulation

THROUGH Al Linero, Administrator - New Source Review Section  9/22

FROM: Jeff Koerner, Project Engineer - New Source Review Section

DATE: September 21, 2000

SUBJECT: Okeelanta Power L.P. – Cogeneration Plant  
Extension of Emergency Standby Operation for Sugar Mill Boilers  
Revised Draft Permit

Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. The original PSD permit for the cogeneration plant allowed very limited simultaneous operation of the existing sugar mill boilers with the new units in order to demonstrate commercial operation. The original PSD permit also required permanent shutdown of the sugar mill boilers by January 1, 1999, which was later extended to April 1, 2001.

The applicant requested an additional two-year extension with the capability of simultaneous operation of the sugar mill boilers with the cogeneration boilers. The proposed draft permit extends emergency standby operation of the sugar mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 for an additional two years, but only for electrical or mechanical failure of all three cogeneration boilers. The draft permit prohibits simultaneous operation of any of these sugar mill boilers with any of the cogeneration boilers. In addition, these boilers must be shut down and rendered incapable of operation no later than October 1, 2002. In accordance with the original PSD permit, the draft permit allows sugar mill Boiler No. 16 to operate as a standby unit only if one or more of the cogeneration boilers is shutdown. Because simultaneous operation of the sugar mill boilers with the cogeneration boilers is restricted, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The additional two years should provide enough time for the permittee to decide on whether or not there is sufficient need to "re-permit" any sugar mill boilers for further standby and/or simultaneous operation.

An initial Draft Permit was issued on April 11, 2000. The permitting time clock has been tolled since this date because the applicant has not yet published the required Public Notice and had filed extensions of time to file for an administrative hearing. There are 51 days remaining of the 90-day permitting time clock. I recommend your approval of the attached Intent to Issue package for this project.

JFK

Attachments



# Department of Environmental Protection

Jeb Bush  
Governor

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

David B. Struhs  
Secretary

## P.E. CERTIFICATION STATEMENT

### PERMITTEE

Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493  
*Authorized Representative:*  
Mr. Gus Cepero

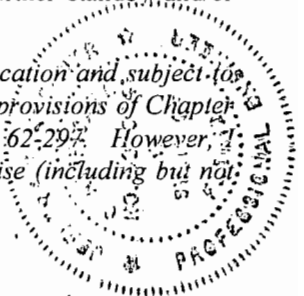
Project No.	0990332-011-AC
Draft Permit No.	PSD-FL-196K
SIC No.	4911
Emissions Units:	001, 002, and 003

### PROJECT DESCRIPTION

Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. The original PSD permit for the cogeneration plant allowed very limited simultaneous operation of the existing sugar mill boilers with the new units in order to demonstrate commercial operation. The original PSD permit also required permanent shutdown of the sugar mill boilers by January 1, 1999, which was later extended to April 1, 2001.

The applicant requested an additional two-year extension with the capability of simultaneous operation of the sugar mill boilers with the cogeneration boilers. The proposed draft permit extends emergency standby operation of the sugar mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 for an additional two years, but only for electrical or mechanical failure of all three cogeneration boilers. The draft permit prohibits simultaneous operation of any of these sugar mill boilers with any of the cogeneration boilers. In addition, these boilers must be shut down and rendered incapable of operation no later than October 1, 2002. In accordance with the original PSD permit, the draft permit allows sugar mill Boiler No. 16 to operate as a standby unit if one or more of the cogeneration boilers is shutdown. Because simultaneous operation of the sugar mill boilers with the cogeneration boilers is so restricted, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The additional two years should provide enough time for the permittee to decide whether or not there is sufficient need to "re-permit" any sugar mill boilers for further standby and/or simultaneous operation.

*I HEREBY CERTIFY that the 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, and geological features).*



*Jeffery J. Koerner*  
Jeffery F. Koerner, P.E.  
Registration Number: 49441

9-21-00  
Date

Department of Environmental Protection  
Bureau of Air Regulation, New Source Review Section  
111 South Magnolia Drive, Suite 4  
Tallahassee, Florida 32301

"More Protection, Less Process"



# Department of Environmental Protection

Jeb Bush  
Governor

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

David B. Struhs  
Secretary

## P.E. CERTIFICATION STATEMENT

### PERMITTEE

Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493  
*Authorized Representative:*  
Mr. Gus Cepero

Project No.	0990332-011-AC
Draft Permit No.	PSD-FL-196K
SIC No.	4911
Emissions Units:	001, 002, and 003

### PROJECT DESCRIPTION

Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. The original PSD permit for the cogeneration plant allowed very limited simultaneous operation of the existing sugar mill boilers with the new units in order to demonstrate commercial operation. The original PSD permit also required permanent shutdown of the sugar mill boilers by January 1, 1999, which was later extended to April 1, 2001.

The applicant requested an additional two-year extension with the capability of simultaneous operation of the sugar mill boilers with the cogeneration boilers. The proposed draft permit extends emergency standby operation of the sugar mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 for an additional two years, but only for electrical or mechanical failure of all three cogeneration boilers. The draft permit prohibits simultaneous operation of any of these sugar mill boilers with any of the cogeneration boilers. In addition, these boilers must be shut down and rendered incapable of operation no later than October 1, 2002. In accordance with the original PSD permit, the draft permit allows sugar mill Boiler No. 16 to operate as a standby unit if one or more of the cogeneration boilers is shutdown. Because simultaneous operation of the sugar mill boilers with the cogeneration boilers is so restricted, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The additional two years should provide enough time for the permittee to decide whether or not there is sufficient need to "re-permit" any sugar mill boilers for further standby and/or simultaneous operation.

*I HEREBY CERTIFY that the 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, and geological features).*

Jeffery F. Koerner, P.E.  
Registration Number: 49441

9-28-00  
Date

Department of Environmental Protection  
Bureau of Air Regulation, New Source Review Section  
111 South Magnolia Drive, Suite 4  
Tallahassee, Florida 32301

"More Protection, Less Process"

In the Matter of an  
Application for Permit by:

Gus Cepero, Vice President  
Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493

Air Permit No. 0990332-011-AC  
PSD Permit No. PSD-FL-196K  
Emergency Standby Operation  
Palm Beach County

### INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

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

The applicant, Okeelanta Power L.P., applied on September 28, 1999 to the Department for an air construction permit modification to extend standby operation of the sugar mill boilers. Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. The original PSD permit allowed limited simultaneous operation of the sugar mill boilers with the cogeneration boilers to achieve commercial operation of the new units and then permanent shutdown of the sugar mill boilers. The proposed Draft Permit extends emergency standby operation of the sugar mill boilers for an additional two years only for electrical or mechanical failure of all three cogeneration boilers. This revised Draft Permit is a minor revision of a previous draft version issued on April 11, 2000.

The Department has permitting jurisdiction under 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 above actions are not exempt from permitting procedures. The Department has determined that an air construction permit is required to perform proposed work. The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Construction Permit Modification. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

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

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of Public Notice of Intent to Issue Air Permit Modification. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

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

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

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

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

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

Mediation is not available in this proceeding.

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

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

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





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

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Project No. 0990332-011-AC  
Draft Permit No. PSD-FL-196K

Okeelanta Power L.P.  
Palm Beach County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Okeelanta Power Limited Partnership to extend emergency standby operation of the sugar mill boilers. Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. The original PSD permit for the cogeneration plant allowed very limited simultaneous operation of the existing sugar mill boilers with the new units in order to achieve commercial operation. The PSD permit also required permanent shutdown of the sugar mill boilers by January 1, 1999, which was later extended to April 1, 2001.

The applicant requested an additional two-year extension with the capability of simultaneous operation of the sugar mill boilers with the cogeneration boilers. The proposed draft permit extends emergency standby operation of sugar mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 for an additional two years, but only for the case of electrical or mechanical failure of all three cogeneration boilers. The draft permit prohibits simultaneous operation of any of these sugar mill boilers with any of the cogeneration boilers. In addition, these boilers must be shut down and rendered incapable of operation no later than October 1, 2002. In accordance with the original PSD permit, the draft permit allows sugar mill Boiler No. 16 to operate as a standby unit if one or more of the cogeneration boilers is shutdown. The authorized representative of Okeelanta Power Limited Partnership, Mr. Gus Cepero, can be reached at the following mailing address: P.O. Box 9, South Bay, FL 33493.

Because simultaneous operation of the sugar mill boilers with the cogeneration boilers is restricted, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

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

Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

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

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

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

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

Department of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida, 32301  
Telephone: 850/488-0114  
Fax: 850/922-6979

Department of Environmental Protection  
South District Office – Air Resources  
2295 Victoria Avenue, Suite 364  
Ft. Myers, FL 33901-3381  
Telephone: 407/894-7555  
Fax: 407/897-5963

Palm Beach County Health Department  
EHE – Air Pollution Control Section  
901 Evernia Street  
West Palm Beach, FL 33401  
Telephone: 561/355-3136  
Fax: 561/355-2442

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Al Linero, Administrator of the New Source Review Section, or the Department's reviewing engineer for this project, Jeff Koerner, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

(DRAFT)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Gus Cepero, Authorized Representative  
Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493

Re: DEP File No. 0990332-011-AC (PSD-FL-196K)  
Okeelanta Power L.P. - Cogeneration Plant  
Request to Extend Operation of Sugar Mill Boilers as Standby Units

Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. Based on the applicant's request, the initial PSD permit required permanent shutdown of the existing sugar mill boilers (except for refinery Boiler No. 16) to offset emissions from the new cogeneration boilers. This federally enforceable permit condition allowed emissions of carbon monoxide, lead, nitrogen oxides, and particulate matter to escape PSD applicability. It also allowed emissions of volatile organic compounds to escape a LAER determination. The permit allowed limited simultaneous operation during the first 12 months of commercial operation, and operation of the sugar mill boilers as standby units if all cogeneration boilers were shutdown. The Department has previously issued several modifications to these conditions related to establishing commercial operation of the cogeneration boilers as well as the ability to provide a reliable source of steam to the sugar mill.

On September 28, 1999, Okeelanta Power L.P. applied to the Department for a modification of Permit No. PSD-FL-196, which would extend the operation of the sugar mill boilers as standby units for the existing sugar mill. The Department has reviewed the modification request, the compliance history, the permitting history, and other additional information provided by Okeelanta Power L.P. The Department approves the request to operate the sugar mill boilers as standby units, but only for electrical or mechanical failure of all three cogeneration boilers. The Department denies the request for any simultaneous operation of the sugar mill boilers (except for refinery Boiler No. 16) with the cogeneration boilers. This modification also includes the addition of mechanical dust collectors that were previously approved by the Department on December 22, 1999. The referenced permit is hereby modified as follows:

**Add the following text to the emissions unit description:**

“Mechanical dust collectors are installed prior to each electrostatic precipitator to remove large particulate matter.”

**Revise specific condition No. 5 as follows:**

- “5. Each boiler shall be equipped with a(n):
- 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);
  - Electrostatic precipitator (ESP) designed for at least 98 percent removal of particulate matter;
  - Selective non-catalytic reduction (SNCR) system designed for at least 40 percent removal of NO<sub>x</sub>; and
  - Carbon injection system (or equivalent) for mercury emissions control.”

**Replace specific condition Nos. 17 and 18 with the following revised conditions:**

- “17. Standby Operation: The sugar mill boilers shall comply with the following requirements and Specific Condition No. 18:
- a. Sugar Mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 may be retained for emergency standby operation until April 1, 2002. These boilers shall only operate in the event of electrical or mechanical failure of all three of the cogeneration boilers. Simultaneous operation of any of these sugar mill boilers with any of the cogeneration boilers is prohibited. Sugar Mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 shall be permanently shutdown and rendered incapable of operation no later than October 1, 2002.
  - b. Sugar Mill Boiler No. 16 shall be retained as a standby boiler for the cogeneration plant and shall operate only when one or more of the cogeneration boilers are shut down, or in the process of immediately shutting down. For each incident of standby use, the permittee shall record the hours of operation and which of the cogeneration boilers was shutdown.
  - c. Each sugar mill boiler shall comply with its most recent air construction and operation permit, including all emissions performance, testing, and monitoring requirements as well as any applicable Alternate Sampling Procedures approved by the Department. The sugar mill boilers shall only fire fuels approved in the most recent permits.
18. Notification of Standby Operation:
- a. Within 24 hours of any electrical or mechanical failure that prevents operation of all three cogeneration boilers, the permittee shall notify Department’s South District Office and the Palm Beach County Health Department. The notification shall include a description of the problems, the planned corrective actions, and an estimate of the time the cogeneration boilers will be down.
  - b. Within 24 hours of restarting any sugar mill boiler (other than Boiler No. 16), the permittee shall notify the Department’s South District Office and the Palm Beach County Health Department. The notification shall include an estimate of the time the sugar mill boiler will be operated and the corrective actions being taken to restore operation of the cogeneration boilers.
  - c. For any sugar mill boiler operated or intended to be operated more than 400 hours, the permittee shall schedule and perform all required emissions performance tests. The permittee shall provide at least 48 hours advance notice for any test to the Department’s South District Office and the Palm Beach County Health Department.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permit modification is issued pursuant to Chapter 403, Florida Statutes.

Any party to this order (permit modification) has the right to seek judicial review of it under Section 120.68, F.S., 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 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

(DRAFT)

---

Howard L. Rhodes, Director  
Division of Air Resources Management

**CERTIFICATE OF SERVICE**

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

Mr. Gus Cepero, Okeelanta Power L.P.\*  
Mr. James Meriwether, Okeelanta Power L.P.  
Mr. Ricardo Lima, Okeelanta Corporation  
Mr. David Dec, Landers & Parsons  
Mr. David Buff, Golder Associates

Mr. James Stormer, Palm Beach County Health Department  
Mr. David Knowles, South District Office DEP  
Mr. Gregg Worley, EPA  
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.

(DRAFT)

---

(Clerk)

---

(Date)

## 1.0 APPLICATION INFORMATION

### 1.1 Applicant

DEP File No. 0990332-011-AC  
PSD Permit No. PSD-FL-196K

Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493

#### *Authorized Representative:*

Mr. Gus Cepero

### 1.2 Processing Schedule

- 09/28/99 Department received the PSD air pollution construction permit application.
- 10/18/99 Department received comments from Palm Beach County Health Department.
- 10/21/99 Department requested additional information.
- 01/04/00 Department received additional information.
- 01/21/00 Department met with representatives of OkPLP to discuss remaining additional information.
- 01/31/00 Department mailed a letter that summarized the meeting and identified remaining items of incompleteness.
- 02/13/00 Department received email identifying specific requests by OkPLP.
- 03/02/00 Department received letter from OkPLP responding to Department's 01/31/00 letter; application deemed complete.
- 04/11/00 Department issued Draft Permit. (The applicant subsequently filed several requests for extensions of time to file for administrative hearings. No Public Notice was published. This revised Draft Permit resolves several minor issues with the initial draft.)

## 2.0 FACILITY DESCRIPTION

For more than thirty years, the Okeelanta Corporation has owned and operated a sugar mill and refinery operation just south of South Bay in Palm Beach County, Florida. Sugarcane is harvested from nearby fields and transported to the mill by truck. In the mill, sugarcane is cut into small pieces and passed through a series of presses to squeeze the juice from the cane. The cane juice undergoes clarification, separation, evaporation, and crystallization to produce raw, unrefined sugar. In the refinery, raw sugar is decolorized, concentrated, crystallized, dried, conditioned, screened, packaged, stored, and distributed as refined sugar. The fibrous byproduct remaining from the sugarcane is called bagasse and is burned as boiler fuel to provide steam and heating requirements for the mill and refinery. The primary air pollution sources consist of eight bagasse-fired boilers, which incorporate wet scrubbers for particulate matter control. The refinery operates a package boiler fired with low sulfur distillate oil.

In September of 1992, the Department received an application for an air permit from Flo-Energy, Inc. to construct a cogeneration plant next to the Okeelanta Corporation's sugar mill and refinery. The application proposed three new biomass-fired boilers that would provide enough steam energy for the needs of the sugar mill and refinery as well as generate up to 74.9 MW of electricity to be sold to the Florida Power & Light Company (FPL). "Biomass" would consist of bagasse and wood materials such as clean dry wood, yard trimmings, land clearing debris, and other vegetative matter. Two-thirds of the annual heat input would be provided by bagasse with the remaining third coming from the wood materials. Low sulfur distillate oil would

be used as a startup and supplemental fuel. Coal was originally included as an emergency fuel in order to secure financial backing for the project. Flo-Energy stated that it never intended to burn coal at this facility. No coal handling facilities were ever constructed or installed. The Department determined that the two plants were under common control and would be considered a single facility for the purposes of the PSD and Title V permit programs. Flo-Energy later became a partner in Okeelanta Power Limited Partnership (OkPLP).

The new cogeneration boilers would minimize CO and VOC emissions by high temperature, thermally efficient combustion. Urea injection would be used to reduce NOx emissions through selective non-catalytic reduction (SNCR). An electrostatic precipitator would control particulate matter emissions. Activated carbon injection would be used to reduce mercury emissions. Although the project was permitted as a new plant, the applicant used the Department's "single facility" determination to net out of PSD review for several pollutants by including emissions from the existing sugar mill boilers as decreases because they would be shutdown.

**3.0 APPLICANT'S REQUEST**

Okeelanta Power L.P. has requested a fourth revision to specific condition nos. 17 and 18 in order to extend operation of the existing sugar mill boilers as standby units for the cogeneration boilers until April 1, 2002 with permanent shutdown no later than April 1, 2003. The request includes the capability of operating the existing sugar mill boilers simultaneously with the cogeneration boilers. This request does not affect Boiler 16, which already is authorized to operate indefinitely as a standby unit, subject to conditions contained in its construction and operating permits. OkPLP believes there is a need for simultaneous standby operation due to the uncertainty caused by the FPL litigation and the bankruptcy case.

**4.0 DEPARTMENT'S REVIEW**

As summarized in Attachment A, the Department reviewed the permitting history of the cogeneration plant. The most important item for consideration is the applicant's original intent described in the following excerpt from page 2-5 of the air construction permit application.

"... The existing boilers will be shut down upon commercial operation of the proposed cogeneration facility. During the first three years of cogeneration facility operation, the existing boilers may be operated only at times when all three boilers of the new cogeneration facility are shut down for repair or maintenance. After this time, the existing Boiler Nos. 4, 5, 6, 10, 11, 12 14, and 15 will be permanently disabled and made incapable of operation. The recently constructed Boiler No. 16, which is permitted to burn only low sulfur No. 2 fuel oil, will be retained as a standby boiler for the cogeneration facility. This boiler would be operated only for black start purposes or when one of the cogeneration boilers is down."

From these statements, it is clear that the applicant fully intended to permanently retire the existing sugar mill boilers. In fact, the applicant only desired the capability to operate the existing sugar mill boilers as emergency standby units *when all three cogeneration boilers were shut down for repair or maintenance* during the first three years of commercial operation. The intent to permanently shutdown the existing sugar mill boilers is also evidenced in the applicant's PSD applicability analysis that shows a net decrease in emissions for the project. The following table summarizes the baseline emissions, project emissions, significant net emissions increases and PSD applicability presented by the applicant.

Regulated Pollutant	Baseline <sup>a</sup> Emissions TPY	New Project <sup>b</sup> Emissions TPY	Net Emissions Change <sup>c</sup> TPY	Significant Emissions Rate, Table 62-212.400-2 TPY	PSD Applies?
PM	473.7	177.3	-296.6	25	No
PM10	426.3	174.4	-252.0	15	No
SO2	748.3	1700	+951.7	40	Yes
NOx	888.7	862.5	-26.2	40	No
CO	10,388.0	2012.5	-8375.5	100	No
VOC	401.9	345	-56.9	40	No
Pb	0.28	0.19	-0.09	0.6	No



**TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION (09/21/00 DRAFT)**

Hg	0.0256	0.0262	+0.0006	0.1	No
Be	0.0004	0.008	+0.0076	0.0004	Yes
Fl	0.04	32.5	+32.5	3	Yes
SAM	22.4	51.2	+28.8	7	Yes

- <sup>a</sup> - Baseline emissions were calculated based on the actual operation of Okeelanta Corporation during 1990 through 1992.
- <sup>b</sup> - The new project emissions were based on the proposed worst-case emission limits after control for continuous operation.
- <sup>c</sup> - The net emissions change was based on the shutdown of Okeelanta Corporation's bagasse boilers.

As shown in the above table, only sulfur dioxide, sulfuric acid mist, beryllium, and fluoride were subject to PSD after control by the proposed equipment and considering shutdown of the existing bagasse boilers at Okeelanta Corporation. These pollutants could not escape PSD primarily due to the applicant's request to fire low sulfur coal. Again, coal handling and storage equipment was never installed. The Department issued the initial air construction permit, which made shutdown of the existing sugar mill boilers a federally enforceable requirement as follows.

**Initial Air Construction Permit No. AC50-219413 (PSD-FL-196) Issued 09/27/93**

"17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. A050-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively) may be retained for standby operation. During the period from initial firing to commercial operation, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during this period. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. This period shall not exceed a total duration of 12 months. During this 12-month period, simultaneous operation of the existing boilers and the cogeneration boilers shall not occur on more than a total of 90 calendar days. After the first year of cogeneration facility operation, the existing boilers may be operated only when all three cogeneration boilers are shutdown. During operation, the existing boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the cogeneration facility provided its permit is amended to authorize standby use. Boiler No. 16 may be operated during initial startup, debugging, and testing of the cogeneration facility for a period not to exceed 12 months following initial firing of fuel in the new boilers. After the first year of cogeneration operation, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler."

*{Note: After the first year of commercial operation of the cogeneration boilers, the permittee could only operate the existing sugar mill boilers if all three cogeneration boilers were shut down. Refinery Boiler No. 16 could be operated if one or more cogeneration boilers were shut down.}*

The project experienced various difficulties with fuel handling equipment and the steam interconnection with the sugar mill, which delayed the ability to provide reliable steam for sugarcane milling. In addition, a legal dispute between OkPLP and Florida Power & Light (FPL) resulted in reduced payments to OkPLP. In turn, this caused OkPLP to file for bankruptcy. Consequently, the permittee requested three modifications related to "standby" and "simultaneous" operation of the existing sugar mill boilers. The following excerpts are from these permit modifications.

**Air Permit Modification No. 0990332-002-AC (PSD-FL-196B) Issued 06/14/96**

"17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO 50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively) may be retained for standby operation. During the period from initial firing until April 1, 1997, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1997, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

18. Boiler No. 16 (AC 50-191876) may be retained as a standby boiler for the cogeneration facility provided its permit is amended to authorize standby use. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 1997, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler."

*{Note: In effect, this permitting action replaced the term "commercial operation" with a deadline of April 1, 1997. The date "April 1" is important because it signifies the end of the sugarcane milling season.}*

**Air Permit Modification No. 0990332-005-AC (PSD-FL-196E) Issued 04/05/97**

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

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

*{Note: This permitting action extended simultaneous "standby" operation from April 1, 1997 to April 1, 1998.}*

**Air Permit No. 0990332-009-AC (PSD-FL-196I) Issued 06/16/98**

"17. The existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively) may be retained for standby operation until the interconnections (bagasse fuel and steam systems) between the cogeneration facility and the sugar mill are commercially and operationally reliable, but no later than April 1, 2000. During the period from initial firing until April 1, 2000 all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of

simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boilers' steam production reduced by an equivalent amount. After April 1, 2000, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing sugar mill boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation when the interconnected operations are commercially and operationally reliable, but no later than April 1, 2001.

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the sugar refinery and sugar mill in accordance with its existing permit. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 2000, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler.

26. Stack monitoring, fuel usage, fuel analysis data, and the status of the interconnections between the sugar mill and the cogeneration facility shall be reported to the Department's South and Southeast District Offices and to the Palm Beach County Health Unit on a quarterly basis commencing with the start of commercial operation in accordance with 40 CFR, Part 60, Sections 60.7 and 60.49a, and in accordance with Section 17-297.500, F.A.C."

*{Note: This permitting action extended simultaneous "standby" operation from April 1, 1998 to April 1, 2000 and permanent shutdown from January 1, 1999 to April 1, 2001.}*

The Department also considered the following information:

- Palm Beach County was designated as nonattainment for ozone in 1993, which would have required a LAER determination for VOC.
- The cogeneration boilers established commercial operation in 1996 and operated almost exclusively during the 1998/1999 and 1999/2000 sugarcane seasons. (AI received 01/04/00)
- Existing sugar mill Boiler Nos. 6, 11, 15, and 16 were tested during the 1998/1999 sugar cane season. Existing sugar mill Boiler Nos. 4, 5, 10, 12 and 14 were last tested during the 1997/1998 sugar cane season. The most recent test data suggests the existing sugar mill boilers were in compliance with the emissions standards when last operated. (AI received 01/04/00)
- Florida's major source inventory no longer includes Okeelanta Corporation's sugar mill boilers. In other words, current projects are modeled and reviewed for PSD major source impacts do not consider these emissions. For example, the Department has recently received applications for permit modifications from U.S. Sugar and Atlantic Sugar Association, which omit these emissions.
- OkPLP states, "The cogeneration boilers are fully functional and, based on operating experience with the interconnection, are capable of delivering steam to the sugar mill." (AI received 01/04/00)
- OkPLP states, "The boilers at the sugar mill are not being used and Okeelanta does not plan to use them again in the future ... Okeelanta would like to be able to use these other sugar mill boilers as standby boilers in the event that one or more cogeneration boilers are shutdown due to unanticipated problems. Although unlikely to occur, catastrophic events have occurred at power generation facilities which render a unit inoperable for a period of time, in some cases for 6 months or more."
- OkPLP states, "Only a shutdown due to mechanical failure, or due to the consequences of the FP&L lawsuit and bankruptcy proceedings, will necessitate operating the sugar mill boilers (other than Boiler No. 16)."
- The only modeling for air quality impacts related to simultaneous operation was performed in 1993. This was a limited analysis intended to support the "worst case" scenario of operating two cogeneration boilers

simultaneously with existing sugar mill boilers for up to *90 days during the first year of commercial operation*. It does not appear that a comprehensive air quality impact analysis was ever performed for the simultaneous operation of the cogeneration boilers with the existing sugar mill boilers.

- The Palm Beach County Health Department has performed recent inspections of both plants. Because of the inactivity of the existing sugar mill boilers, it appears that a substantial amount of maintenance will be necessary before reactivating these boilers.
- OkPLP has indicated a trial date set for September of 2000, which may last up to five months.

## 5.0 CONCLUSION

Based on the available information, the Department approves the request to extend operation of the existing sugar mill boilers as *emergency* standby units for two years subject to the revised specific conditions in the proposed Draft Permit. However, the Department rejects the applicant's request for the capability to simultaneously operate the existing sugar mill boilers (other than Boiler 16) with any of the cogeneration boilers. The cogeneration boilers have achieved commercial operation and have been established as a reliable source of steam for the sugar mill. Apparently, OkPLP would now like to retain the existing sugar mill boilers as auxiliary units, however, OkPLP rejected this option during the initial planning for this project. Instead, OkPLP elected to shutdown all of the sugar mill boilers and thereby avoid BACT determinations for emissions of CO, Pb, NO<sub>x</sub>, PM, PM<sub>10</sub>, and a LAER determination for VOC. In consideration of problems with the interconnections with the sugar mill, the Department approved previous similar requests. However, these conditions no longer exist. Further, it is important to note that new projects are being evaluated based on the "shutdown emissions".

The proposed draft permit extends emergency standby operation of the sugar mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 for an additional two years, but only for electrical or mechanical failure of all three cogeneration boilers. The draft permit prohibits simultaneous operation of any of these sugar mill boilers with any of the cogeneration boilers. In addition, these boilers must be shut down and rendered incapable of operation no later than October 1, 2002. In accordance with the original PSD permit, the draft permit allows sugar mill Boiler No. 15 to operate as a standby unit only if one or more of the cogeneration boilers is shutdown. Because simultaneous operation of the sugar mill boilers with the cogeneration boilers is so restricted, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The additional two years will provide adequate time for the permittee to decide whether to "re-permit" any sugar mill boilers for further standby and/or simultaneous operation or prepare for permanent shutdown. Jeff Koerner is the permitting engineer responsible for reviewing the application, recommending this determination, and drafting the permit.

ATTACHMENT A

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

**Air Permit No. 0990332-002-AC (PSD-FL-196B):** OkPLP 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. Department issued modification on 06/14/96. Specific condition nos. 17 and 18 were revised to extend simultaneous operation beyond the first year of commercial startup of the cogeneration boilers to April 1, 1997. The permit required the sugar mill boilers to be rendered incapable of operation no later than January 1, 1999.

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

**Air Permit No. 0990332-004-AC (PSD-FL-196D):** OkPLP requested a revision to the emission standard and testing requirements for sulfuric acid mist. Department issued modification 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):** OkPLP 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. Department issued modification on 04/05/97. Specific condition nos. 17 and 18 were revised to extend simultaneous operation to April 1, 1998. The permit required the sugar mill boilers to be rendered incapable of operation no later than January 1, 1999.

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

**Air Permit No. 0990332-007-AC (PSD-FL-196G):** OkPLP requested amendment to specific condition #11 to clarify the performance test schedule. Department issued modification on 05/08/97.

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

**Air Permit No. 0990332-009-AC (PSD-FL-196I):** OkPLP 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. Department issued modification on 06/16/98. Specific condition nos. 17 and 18 were revised to extend simultaneous operation to April 1, 2000. The permit required the sugar mill boilers to be rendered incapable of operation no later than April 1, 2001.

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

**Air Permit No. 0990332-011-AC (PSD-FL-196K):** OkPLP 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. This is the current request under review and is pending. An initial Draft Permit was issued on April 11, 2000.

**Air Permit No. 0990332-012-AC (PSD-FL-196L):** OkPLP requested approval to install particulate dust collectors prior to the electrostatic precipitators. Department issued approval on 12/22/99.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**RECEIVED**

OKEELANTA POWER LIMITED )  
PARTNERSHIP, )

AUG 03 2000

Petitioner, )

BUREAU OF AIR REGULATION

vs. )

DEP Draft Permit No. 0990332-011-AC  
(PSD-FL-196K)

DEPARTMENT OF ENVIRONMENTAL )  
PROTECTION, )

OGC Case No. 00-0909

Respondent. )

OKEELANTA POWER'S THIRD REQUEST FOR  
EXTENSION OF TIME TO FILE PETITION

Petitioner, Okeelanta Power Limited Partnership ("OPLP"), respectfully requests the Department of Environmental Protection ("Department") to grant OPLP an additional extension of time, pursuant to Rule 28-106.111(3), Florida Administrative Code, to file a petition for a formal administrative hearing concerning a draft permit (No. 0990332-011-AC) that the Department issued for OPLP's cogeneration facility. In support of this request, OPLP says:

1. OPLP filed an application for a modification to the air construction permit for OPLP's cogeneration facility (the "Facility") in Palm Beach County, Florida.

2. On April 11, 2000, the Department distributed its "Intent to Issue Air Construction Permit Modification" ("Draft Permit") for the Facility. As the applicant for the Draft Permit, OPLP is affected by the Department's proposed action.

3. On April 21, 2000, OPLP requested an extension of time to file a petition for administrative hearing in this case. By

order dated May 22, 2000, the Department granted OPLP's request and extended the time to file a petition to June 20, 2000. On June 15, 2000, OPLP requested a second extension of time to file a petition for administrative hearing. By order dated June 26, 2000, the Department granted OPLP's request and extended the time to file a petition to August 4, 2000.

4. The Draft Permit contains several provisions that are not consistent with OPLP's request for a permit modification. OPLP has discussed these inconsistencies with the Department's staff and anticipates having additional discussions with the Department's staff.

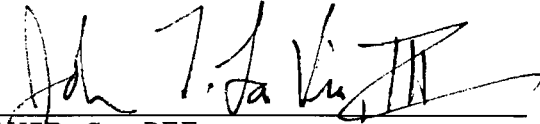
5. Although OPLP does not expect to file a petition for a formal administrative hearing concerning the Draft Permit, OPLP requests a 45-day extension of time, from the date the Department issues an order concerning this request, to allow OPLP to continue discussions with Department staff before OPLP waives its right to a hearing.

6. OPLP's counsel has discussed this request with Jeff Koerner of the Department's staff, and Mr. Koerner stated that he does not object to OPLP's request.

WHEREFORE, OPLP requests the Department to grant a 45-day extension of time, from the date the Department issues an order concerning this request, to file a petition for a formal administrative hearing concerning the Draft Permit.

Respectfully submitted this 2nd day of August, 2000.

LANDERS & PARSONS

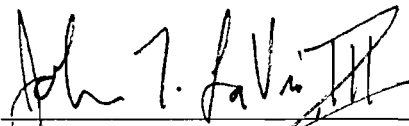


DAVID S. DEE  
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Tallahassee, Florida 32302  
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Fax: 850/224-5595

ATTORNEYS FOR OPLP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and one copy of the foregoing was furnished by hand-delivery to the Clerk's Office, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Room 651, Tallahassee, Florida 32399; and a copy by U.S. Mail to Martha Nebelsiek, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-2400 and Jeff Koerner, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, MS 5505, Tallahassee, Florida 32399-2400, on this 2nd day of August, 2000.

  
\_\_\_\_\_  
ATTORNEY



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

JUN 27 2000

OKEELANTA POWER LIMITED  
PARTNERSHIP,

Petitioner,

vs.

BUREAU OF AIR REGULATION

OGC CASE NO. 00-0909

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

ORDER GRANTING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner, OKEELANTA POWER LIMITED PARTNERSHIP, to grant an extension of time to file a petition for an administrative hearing on a draft permit modification, DEP Permit No. 0990332-011-AC. See Exhibit 1.

Respondent, State of Florida Department of Environmental Protection, has no objection to an extension. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until August 4, 2000, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Mail Station 35, Department of Environmental Protection, 3900

Commonwealth Boulevard, Tallahassee, Florida, 32399-3000.

DONE AND ORDERED on this 26 day of June, 2000 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

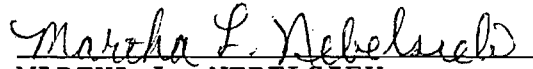
  
TERI L. DONALDSON  
General Counsel

Douglas Building, MS #35  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (850) 488-9314

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to David S. Dee, Esquire, 310 West College Avenue, Tallahassee, Florida 32301, on this 26th day of June, 2000.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
MARTHA L. NEBELSIEK  
Assistant General Counsel  
Florida Bar No. 0831311

Mail Station 35  
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Tallahassee, FL 32399-3000  
Telephone: (850) 488-9314

STATE OF FLORIDA .  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OKEELANTA POWER LIMITED	)
PARTNERSHIP,	)
	)
Petitioner,	)
	)
vs.	) DEP Draft Permit No. 0990332-011-AC
	) (PSD-FL-196K)
DEPARTMENT OF ENVIRONMENTAL	)
PROTECTION,	)
	)
Respondent.	)
_____	)

OKEELANTA POWER'S SECOND REQUEST FOR  
EXTENSION OF TIME TO FILE PETITION

Petitioner, Okeelanta Power Limited Partnership ("OPLP"), respectfully requests the Department of Environmental Protection ("Department") to grant OPLP a second extension of time, pursuant to Rule 28-106.111(3), Florida Administrative Code, to file a petition for a formal administrative hearing concerning a draft permit (No. 0990332-011-AC) that the Department issued for OPLP's cogeneration facility. In support of this request, OPLP says:

1. OPLP filed an application for a modification to the air construction permit for OPLP's cogeneration facility (the "Facility") in Palm Beach County, Florida.

2. On April 11, 2000, the Department distributed its "Intent to Issue Air Construction Permit Modification" ("Draft Permit") for the Facility. As the applicant for the Draft Permit, OPLP is affected by the Department's proposed action.

3. On April 21, 2000, OPLP requested an extension of time to file petition for administrative hearing in this case. By order dated May 22, 2000, the Department granted Okeelanta's

request and extended the time to file a petition to June 20, 2000.

4. The Draft Permit contains several provisions that are not consistent with OPLP's request for a permit modification. OPLP has discussed these inconsistencies with the Department's staff and anticipates having additional discussions with the Department's staff.

5. Although OPLP does not expect to file a petition for a formal administrative hearing concerning the Draft Permit, OPLP requests a 45-day extension of time to continue discussions with Department staff before OPLP waives its rights to a hearing.

6. Petitioner's undersigned counsel discussed this request with the Department's counsel, Ms. Martha Nebelsiek. Ms. Nebelsiek did not take a position on OPLP's request.

WHEREFORE, OPLP requests the Department to grant a 45-day extension of time to file a petition for a formal administrative hearing concerning the Draft Permit.

Respectfully submitted this 15th day of June, 2000.

LANDERS & PARSONS

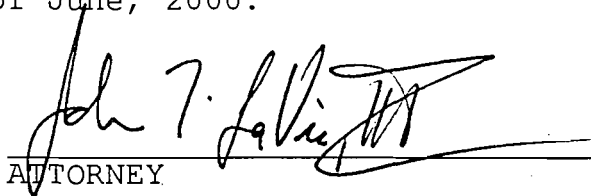


DAVID S. DEE  
Florida Bar No. 281999  
JOHN T. LaVIA, III  
Florida Bar No. 853666  
P.O. Box 271  
310 West College Avenue (32301)  
Tallahassee, Florida 32302  
Phone: 850/681-0311  
Fax: 850/224-5595

ATTORNEYS FOR OPLP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and one copy of the foregoing was furnished by hand-delivery to the Clerk's Office, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., Room 633B, Tallahassee, Florida 32399; and a copy by U.S. Mail to Martha Nebelsiek, Department of Environmental Protection, Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 and Jeff Koerner, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, MS 5505, Tallahassee, Florida 32399-2400, on this 15th day of June, 2000.



ATTORNEY

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

JUN 16 2000

OKEELANTA POWER LIMITED )  
PARTNERSHIP, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
DEPARTMENT OF ENVIRONMENTAL )  
PROTECTION, )  
 )  
Respondent. )  
 )

BUREAU OF AIR REGULATION

) DEP Draft Permit No. 0990332-011-AC  
) (PSD-FL-196K)

OKEELANTA POWER'S SECOND REQUEST FOR  
EXTENSION OF TIME TO FILE PETITION

Petitioner, Okeelanta Power Limited Partnership ("OPLP"), respectfully requests the Department of Environmental Protection ("Department") to grant OPLP a second extension of time, pursuant to Rule 28-106.111(3), Florida Administrative Code, to file a petition for a formal administrative hearing concerning a draft permit (No. 0990332-011-AC) that the Department issued for OPLP's cogeneration facility. In support of this request, OPLP says:

1. OPLP filed an application for a modification to the air construction permit for OPLP's cogeneration facility (the "Facility") in Palm Beach County, Florida.

2. On April 11, 2000, the Department distributed its "Intent to Issue Air Construction Permit Modification" ("Draft Permit") for the Facility. As the applicant for the Draft Permit, OPLP is affected by the Department's proposed action.

3. On April 21, 2000, OPLP requested an extension of time to file petition for administrative hearing in this case. By order dated May 22, 2000, the Department granted Okeelanta's

request and extended the time to file a petition to June 20, 2000.

4. The Draft Permit contains several provisions that are not consistent with OPLP's request for a permit modification. OPLP has discussed these inconsistencies with the Department's staff and anticipates having additional discussions with the Department's staff.


5. Although OPLP does not expect to file a petition for a formal administrative hearing concerning the Draft Permit, OPLP requests a 45-day extension of time to continue discussions with Department staff before OPLP waives its rights to a hearing.

6. Petitioner's undersigned counsel discussed this request with the Department's counsel, Ms. Martha Nebelsiek. Ms. Nebelsiek did not take a position on OPLP's request.

WHEREFORE, OPLP requests the Department to grant a 45-day extension of time to file a petition for a formal administrative hearing concerning the Draft Permit.

Respectfully submitted this 15th day of June, 2000.

LANDERS & PARSONS

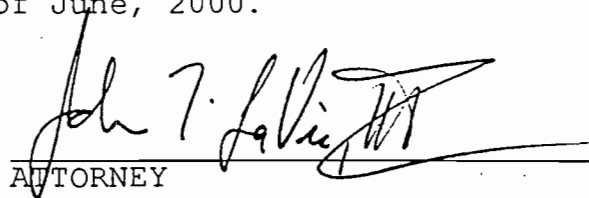


DAVID S. DEE  
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ATTORNEY



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**RECEIVED**

APR 24 2000

OKEELANTA POWER LIMITED )  
PARTNERSHIP, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
DEPARTMENT OF ENVIRONMENTAL )  
PROTECTION, )  
 )  
Respondent. )  
\_\_\_\_\_ )

**BUREAU OF AIR REGULATION**

DEP Draft Permit No. 0990332-011-AC  
(PSD-FL-196K)

OKEELANTA POWER'S REQUEST FOR  
EXTENSION OF TIME TO FILE PETITION

Petitioner, Okeelanta Power Limited Partnership ("OPLP"), respectfully requests the Department of Environmental Protection ("Department") to grant OPLP an extension of time, pursuant to Rule 28-106.111(3), Florida Administrative Code, to file a petition for a formal administrative hearing concerning a draft permit (No. 0990332-011-AC) that the Department issued for OPLP's cogeneration facility. In support of this request, OPLP says:

1. OPLP filed an application for a modification to the air construction permit for OPLP's cogeneration facility (the "Facility") in Palm Beach County, Florida.

2. On April 11, 2000, the Department distributed its "Intent to Issue Air Construction Permit Modification" ("Draft Permit") for the Facility. As the applicant for the Draft Permit, OPLP is affected by the Department's proposed action.

3. The Draft Permit contains several provisions that are not consistent with OPLP's request for a permit modification. In light of the inconsistencies between OPLP's application and the

Draft Permit, OPLP would like to have a reasonable opportunity to review the Draft Permit with its staff and consultants, and then discuss its concerns about the Draft Permit with the Department.

4. Although OPLP does not expect to file a petition for a formal administrative hearing concerning the Draft Permit, OPLP requests a 60-day extension of time to evaluate the provisions in the Draft Permit before OPLP waives its rights to a hearing.

5. Before filing this request, Petitioner's undersigned counsel attempted to discuss this request with the Department's counsel, Mr. Douglas Beason, and the Department's permitting engineer, Mr. Jeff Koerner, but these attempts were unsuccessful.

WHEREFORE, OPLP requests the Department to grant a 60-day extension of time to file a petition for a formal administrative hearing concerning the Draft Permit.

Respectfully submitted this 21st day of April, 2000.

LANDERS & PARSONS



DAVID S. DEE  
Florida Bar No. 281999  
P.O. Box 271  
310 West College Avenue (32301)  
Tallahassee, Florida 32302  
Phone: 850/681-0311  
Fax: 850/224-5595

ATTORNEYS FOR OPLP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and one copy of the foregoing was furnished by hand-delivery to the Clerk's Office, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., Room 633B, Tallahassee, Florida 32399; and a copy by U.S. Mail to Doug Beason, Department of Environmental Protection, Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 and Jeff Koerner, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, MS 5505, Tallahassee, Florida 32399-2400, on this 21st day of April, 2000.

A handwritten signature in black ink, appearing to read "D. S. De". The signature is written in a cursive style with a large initial "D" and a smaller "S".

ATTORNEY



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

April 5, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Gus Cepero, Vice President  
Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493

Re: DEP File No. 0990332-011-AC (PSD-FL-196K)  
Okeelanta Power L.P. – Cogeneration Plant  
Requested Standby Operation

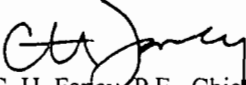
Dear Mr. Cepero:

Enclosed is one copy of the Draft PSD Permit Modification to extend emergency standby operation of the sugar mill boilers for the cogeneration plant located in Palm Beach County, Florida. The Department's Technical Evaluation and Preliminary Determination, the Intent to Issue Air Construction Permit Modification and the Public Notice of Intent to Issue Air Construction Permit Modification are also included.

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

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Jeff Koerner at 850/414-7268.

Sincerely,

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

CHF/jfk

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an  
Application for Permit by:

Gus Cepero, Vice President  
Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493

Air Permit No. 0990332-011-AC  
PSD Permit No. PSD-FL-196K  
Standby Operation of Sugar Mill Boilers  
Palm Beach County

### INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

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

The applicant, Okeelanta Power L.P., applied on September 28, 1999 to the Department for an air construction permit modification to extend standby operation of the sugar mill boilers. Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. The original PSD permit allowed limited simultaneous operation of the sugar mill boilers with the cogeneration boilers to achieve commercial operation of the new units and then permanent shutdown of the sugar mill boilers. The proposed draft permit extends emergency standby operation of the sugar mill boilers for an additional two years only for electrical or mechanical failure of all three cogeneration boilers. The Department has permitting jurisdiction under 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 above actions are not exempt from permitting procedures. The Department has determined that an air construction permit is required to perform proposed work.

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

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Construction Permit Modification. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

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

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of Public Notice of Intent to Issue Air Permit Modification. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

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

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

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

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

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

Mediation is not available in this proceeding.

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

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

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

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

Executed in Tallahassee, Florida.



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

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Construction Permit Modification (including the Public Notice of Intent to Issue Air Construction Permit Modification, 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 4-11-00 to the person(s) listed:

Mr. Gus Cepero, Okeelanta Power L.P.\*  
Mr. James Meriwether, Okeelanta Power L.P.  
Mr. Ricardo Lima, Okeelanta Corporation  
Mr. David Dee, Landers & Parsons  
Mr. David Buff, Golder Associates  
Mr. James Stormer, Palm Beach County Health Department  
Mr. David Knowles, South District Office DEP  
Mr. Gregg Worley, EPA  
Mr. John Bunyak, NPS  
Mr. Dan Thompson, Berger, Davis & Singerman

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.

Keri Joben  
(Clerk)

4-11-00  
(Date)

Z 031 391 941

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

Sent to <i>Eus Cepero</i>	
Street & Number <i>Okeelanta Power</i>	
Post Office, State, & ZIP Code <i>South Bay FL</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>0990332-0011-AC 4-11-00</i> <i>PSO-FI-196K</i>	

PS Form 3800, April 1995

**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:

*Eus Cepero, VP  
Okeelanta Power, LP  
P.O. Box 9  
South Bay, FL*

*33493*

2. Article Number (Copy from service label)

*Z 031 391 941*

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) <i>K. Verkes</i>	B. Date of Delivery <i>4/14/00</i>
C. Signature <i>X K. Verkes</i>	<input type="checkbox"/> Addressee <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



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

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Permit No. 0990332-011-AC (PSD-FL-196K)

Okeelanta Power L.P.  
Palm Beach County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Okeelanta Power L.P. to extend emergency standby operation of the sugar mill boilers. Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. The original PSD permit for the cogeneration plant allowed very limited simultaneous operation of the existing sugar mill boilers with the new units in order to achieve commercial operation. The PSD permit also required permanent shutdown of the sugar mill boilers by January 1, 1999, which was later extended to April 1, 2001. The applicant requested an additional two-year extension with the capability of simultaneous operation of the sugar mill boilers with the cogeneration boilers. The proposed draft permit extends emergency standby operation of the sugar mill boilers for an additional two years, but only for electrical or mechanical failure of all three cogeneration boilers. In accordance with the original PSD permit, the draft permit allows refinery Boiler No. 16 to operate simultaneously if one or more of the cogeneration boilers is shutdown. The applicant's authorized representative is Mr. Gus Cepero, Vice President of Okeelanta Power L.P. The applicant's mailing address is Okeelanta Power Limited Partnership, P.O. Box 9, South Bay, FL 33493.

Because simultaneous operation of the sugar mill boilers with the cogeneration boilers will not be allowed, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

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

Mediation is not available in this proceeding.

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

**NOTICE TO BE PUBLISHED IN THE NEWSPAPER**

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

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

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

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

Department of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida, 32301  
Telephone: 850/488-0114  
Fax: 850/922-6979

Department of Environmental Protection  
Central District Office  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767  
Telephone: 407/894-7555  
Fax: 407/897-5963

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Al Linero, Administrator of the New Source Review Section, or the Department's reviewing engineer for this project, Jeff Koerner, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

DRAFT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Gus Cepero, Vice President  
Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493

Re: DEP File No. 0990332-011-AC (PSD-FL-196K)  
Okeelanta Power L.P. - Cogeneration Plant  
Request to Extend Operation of Sugar Mill Boilers as Standby Units

Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. Based on the applicant's request, the initial PSD permit required permanent shutdown of the existing sugar mill boilers (except for refinery Boiler No. 16) to offset emissions from the new cogeneration boilers. This federally enforceable permit condition allowed emissions of carbon monoxide, lead, nitrogen oxides, and particulate matter to escape PSD applicability. It also allowed emissions of volatile organic compounds to escape a LAER determination. The permit allowed limited simultaneous operation during the first 12 months of commercial operation, and operation of the sugar mill boilers as standby units if all cogeneration boilers were shutdown. The Department has previously issued several modifications to these conditions related to establishing commercial operation of the cogeneration boilers as well as the ability to provide a reliable source of steam to the sugar mill.

On September 28, 1999, Okeelanta Power L.P. applied to the Department for a modification of Permit No. PSD-FL-196, which would extend the operation of the sugar mill boilers as standby units for the existing sugar mill. The Department has reviewed the modification request, the compliance history, the permitting history, and other additional information provided Okeelanta Power L.P. The Department approves the request to operate the sugar mill boilers as standby units, but only for electrical or mechanical failure of all three cogeneration boilers. The Department denies the request for any simultaneous operation of the sugar mill boilers (except for refinery Boiler No. 16) with the cogeneration boilers. This modification also includes the addition of mechanical dust collectors that were previously approved by the Department on December 22, 1999. The referenced permit is hereby modified as follows:

**Add the following text to the emissions unit description:**

“Mechanical dust collectors are installed prior to each electrostatic precipitator to remove large particulate matter.”

**Revise specific condition No. 5 as follows:**

- “5. Each boiler shall be equipped with a(n):
- Mechanical dust collectors consisting of four, large diameter, multi-tube modules with airfoil vanes or equivalent equipment. The mechanical dust collectors shall be installed as pre-control devices prior to each electrostatic precipitator and designed and maintained 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;
  - Electrostatic precipitator (ESP) designed for at least 98 percent removal of particulate matter;
  - Selective non-catalytic reduction (SNCR) system designed for at least 40 percent removal of NOx; and
  - Carbon injection system (or equivalent) for mercury emissions control.”

**Replace specific condition Nos. 17 and 18 with the following revised conditions:**

- “17. Emergency Standby Operation: The sugar mill boilers may be retained for standby operation until April 1, 2002. During this period, the existing sugar mill boilers shall comply with the following conditions.
- a. Sugar Mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 shall only operate in the event of electrical or mechanical failure of all three of the cogeneration boilers. Simultaneous operation of any of the sugar mill boilers with any of the cogeneration boilers is prohibited.
  - b. Refinery Boiler No. 16 shall only operate when one or more of the cogeneration boilers are shut down, or in the process of immediately shutting down.
  - c. Each existing sugar mill boiler shall comply with its most recent air construction and operation permit, including all emissions performance, testing, and monitoring requirements as well as any applicable Alternate Sampling Procedures approved by the Department. The sugar mill boilers shall only fire fuels approved in the most recent permits.
  - d. The sugar mill boilers shall be permanently shutdown and rendered incapable of operation no later than October 1, 2002. To reestablish routine operation of any sugar mill boiler, the permittee shall obtain air construction permits from the Department.
18. Notification of Standby Operation:
- a. Within 24 hours of any electrical or mechanical failure that prevents operation of any cogeneration boiler, the permittee shall notify Department’s South District Office and the Palm Beach County Health Department. The notification shall include a description of the problems, the planned corrective actions, and an estimate of the time the cogeneration boiler will be down.
  - b. Within 24 hours of restarting any sugar mill boiler, the permittee shall notify the Department’s South District Office and the Palm Beach County Health Department. The notification shall include an estimate of the time the sugar mill boiler will be operated and the corrective actions being taken to restore operation of the cogeneration boilers.
  - c. For any sugar mill boiler operated or intended to be operated more than 400 hours, the permittee shall schedule and perform all required emissions performance tests. The permittee shall provide at least 48 hours advance notice for any test to the Department’s South District Office and the Palm Beach County Health Department.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permit modification is issued pursuant to Chapter 403, Florida Statutes.

Any party to this order (permit modification) has the right to seek judicial review of it under Section 120.68, F.S., 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 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

(DRAFT)

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Howard L. Rhodes, Director  
Division of Air Resources Management

**CERTIFICATE OF SERVICE**

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

Mr. Gus Cepero, Okeelanta Power L.P.\*  
Mr. James Meriwether, Okeelanta Power L.P.  
Mr. Ricardo Lima, Okeelanta Corporation  
Mr. David Dee, Landers & Parsons  
Mr. David Buff, Golder Associates  
Mr. James Stormer, Palm Beach County Health Department  
Mr. David Knowles, South District Office DEP  
Mr. Gregg Worley, EPA  
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.

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(Clerk)

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(Date)

## 1.0 APPLICATION INFORMATION

### 1.1 Applicant

DÉP File No. 0990332-011-AC  
PSD Permit No. PSD-FL-196K

Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493

*Authorized Representative:*

Mr. Gus Cepero, Vice President

### 1.2 Processing Schedule

- 09/28/99 Department received the PSD air pollution construction permit application.
- 10/18/99 Department received comments from Palm Beach County Health Department.
- 10/21/99 Department requested additional information.
- 01/04/00 Department received additional information.
- 01/21/00 Department met with representatives of OkPLP to discuss remaining additional information.
- 01/31/00 Department mailed a letter that summarized the meeting and identified remaining items of incompleteness.
- 02/13/00 Department received email identifying specific requests by OkPLP.
- 03/02/00 Department received letter from OkPLP responding to Department's 01/31/00 letter; application deemed complete.

## 2.0 FACILITY DESCRIPTION

For more than thirty years, the Okeelanta Corporation has owned and operated a sugar mill and refinery operation just south of South Bay in Palm Beach County, Florida. Sugarcane is harvested from nearby fields and transported to the mill by truck. In the mill, sugarcane is cut into small pieces and passed through a series of presses to squeeze the juice from the cane. The cane juice undergoes clarification, separation, evaporation, and crystallization to produce raw, unrefined sugar. In the refinery, raw sugar is decolorized, concentrated, crystallized, dried, conditioned, screened, packaged, stored, and distributed as refined sugar. The fibrous byproduct remaining from the sugarcane is called bagasse and is burned as boiler fuel to provide steam and heating requirements for the mill and refinery. The primary air pollution sources consist of eight bagasse-fired boilers, which incorporate wet scrubbers for particulate matter control. The refinery operates a package boiler fired with low sulfur distillate oil.

In September of 1992, the Department received an application for an air permit from Flo-Energy, Inc. to construct a cogeneration plant next to the Okeelanta Corporation's sugar mill and refinery. The application proposed three new biomass-fired boilers that would provide enough steam energy for the needs of the sugar mill and refinery as well as generate up to 74.9 MW of electricity to be sold to the Florida Power & Light Company (FPL). "Biomass" would consist of bagasse and waste wood materials such as clean dry wood, yard trimmings, land clearing debris, and other vegetative matter. Two-thirds of the annual heat input would be provided by bagasse with the remaining third coming from the waste wood materials. Low sulfur distillate oil would be used as a startup and supplemental fuel. Coal was originally included as an emergency fuel in order to secure financial backing for the project. Flo-Energy stated that it never intended to burn coal at this facility. No coal handling facilities were ever constructed or installed. Because Flo-Energy and Okeelanta Corporation

## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION (DRAFT)

shared investors, owners, and corporate officers, the Department determined that the two plants were under common control and would be considered a single facility. Flo-Energy later became Okeelanta Power Limited Partnership (OkPLP).

The new cogeneration boilers would minimize CO and VOC emissions by high temperature, thermally efficient combustion. Urea injection would be used to reduce NOx emissions through selective non-catalytic reduction (SNCR). An electrostatic precipitator would control particulate matter emissions. Activated carbon injection would be used to reduce mercury emissions. Although the project was permitted as a new plant, the applicant used the Department's "single facility" determination to net out of PSD review for several pollutants by including emissions from the existing sugar mill boilers as decreases because they would be shutdown.

### 3.0 APPLICANT'S REQUEST

Okeelanta Power L.P. has requested a fourth revision to specific condition nos. 17 and 18 in order to extend operation of the existing sugar mill boilers as standby units for the cogeneration boilers until April 1, 2002 with permanent shutdown no later than April 1, 2003. The request includes the capability of operating the existing sugar mill boilers simultaneously with the cogeneration boilers. The applicant also requests an extension to operate refinery Boiler No. 16 until April 1, 2003. OkPLP believes there is a need for simultaneous standby operation due to the uncertainty caused by the FPL litigation and the bankruptcy case.

### 4.0 DEPARTMENT'S REVIEW

As summarized in Attachment A, the Department reviewed the permitting history of the cogeneration plant. The most important item for consideration is the applicant's original intent described in the following excerpt from page 2-5 of the air construction permit application.

"... The existing boilers will be shut down upon commercial operation of the proposed cogeneration facility. During the first three years of cogeneration facility operation, the existing boilers may be operated only at times when all three boilers of the new cogeneration facility are shut down for repair or maintenance. After this time, the existing Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 will be permanently disabled and made incapable of operation. The recently constructed Boiler No. 16, which is permitted to burn only low sulfur No. 2 fuel oil, will be retained as a standby boiler for the cogeneration facility. This boiler would be operated only for black start purposes or when one of the cogeneration boilers is down."

From these statements, it is clear that the applicant fully intended to permanently retire the existing sugar mill boilers. In fact, the applicant only desired the capability to operate the existing sugar mill boilers as emergency standby units *when all three cogeneration boilers were shut down for repair or maintenance* during the first three years of commercial operation. The intent to permanently shutdown the existing sugar mill boilers is also evidenced in the applicant's PSD applicability analysis that shows a net decrease in emissions for the project. The following table summarizes the baseline emissions, project emissions, significant net emissions increases and PSD applicability presented by the applicant.

Regulated Pollutant	Baseline <sup>a</sup> Emissions TPY	New Project <sup>b</sup> Emissions TPY	Net Emissions Change <sup>c</sup> TPY	Significant Emissions Rate, Table 62-212.400-2 TPY	PSD Applies?
PM	473.7	177.3	-296.6	25	No
PM10	426.3	174.4	-252.0	15	No
SO2	748.3	1700	+951.7	40	Yes
NOx	888.7	862.5	-26.2	40	No
CO	10,388.0	2012.5	-8375.5	100	No
VOC	401.9	345	-56.9	40	No
Pb	0.28	0.19	-0.09	0.6	No
Hg	0.0256	0.0262	+0.0006	0.1	No
Be	0.0004	0.008	+0.0076	0.0004	Yes
Fl	0.04	32.5	+32.5	3	Yes
SAM	22.4	51.2	+28.8	7	Yes

## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION (DRAFT)

- <sup>a</sup> - Baseline emissions were calculated based on the actual operation of Okeelanta Corporation during 1990 through 1992.
- <sup>b</sup> - The new project emissions were based on the proposed worst-case emission limits after control for continuous operation.
- <sup>c</sup> - The net emissions change was based on the shutdown of Okeelanta Corporation's bagasse boilers.

As shown in the above table, only sulfur dioxide, sulfuric acid mist, beryllium, and fluoride were subject to PSD after control by the proposed equipment and considering shutdown of the existing bagasse boilers at Okeelanta Corporation. These pollutants could not escape PSD primarily due to the applicant's request to fire low sulfur coal. Again, coal handling and storage equipment was never installed. The Department issued the initial air construction permit, which made shutdown of the existing sugar mill boilers a federally enforceable requirement as follows.

### Initial Air Construction Permit No. AC50-219413 (PSD-FL-196) Issued 09/27/93

"17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. A050-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively) may be retained for standby operation. During the period from initial firing to commercial operation, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during this period. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. This period shall not exceed a total duration of 12 months. During this 12-month period, simultaneous operation of the existing boilers and the cogeneration boilers shall not occur on more than a total of 90 calendar days. After the first year of cogeneration facility operation, the existing boilers may be operated only when all three cogeneration boilers are shutdown. During operation, the existing boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the cogeneration facility provided its permit is amended to authorize standby use. Boiler No. 16 may be operated during initial startup, debugging, and testing of the cogeneration facility for a period not to exceed 12 months following initial firing of fuel in the new boilers. After the first year of cogeneration operation, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler."

*{Note: After the first year of commercial operation of the cogeneration boilers, the permittee could only operate the existing sugar mill boilers if all three cogeneration boilers were shut down. Refinery Boiler No. 16 could be operated if one or more cogeneration boilers were shut down.}*

The project experienced various difficulties with fuel handling equipment and the steam interconnection with the sugar mill, which delayed the ability to provide reliable steam for sugarcane milling. In addition, a legal dispute between OkPLP and Florida Power & Light (FPL) resulted in reduced payments to OkPLP. In turn, this caused OkPLP to file for bankruptcy. Consequently, the permittee requested three modifications related to "standby" and "simultaneous" operation of the existing sugar mill boilers. The following excerpts are from these permit modifications.

### Air Permit Modification No. 0990332-002-AC (PSD-FL-196B) Issued 06/14/96

"17. During the first three years of commercial cogeneration facility operation, the existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO 50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively) may be retained for standby operation. During the period from initial firing until April 1, 1997, all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of



simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boiler's steam production reduced by an equivalent amount. After April 1, 1997, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing boilers must meet all requirements in the most recent construction and operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation within three (3) years of commercial startup of the cogeneration facility, but no later than January 1, 1999.

18. Boiler No. 16 (AC 50-191876) may be retained as a standby boiler for the cogeneration facility provided its permit is amended to authorize standby use. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 1997, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler."

*{Note: In effect, this permitting action replaced the term "commercial operation" with a deadline of April 1, 1997. The date "April 1<sup>st</sup>" is important because it signifies the end of the sugarcane milling season.}*

**Air Permit Modification No. 0990332-005-AC (PSD-FL-196E) Issued 04/05/97**

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

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

*{Note: This permitting action extended simultaneous "standby" operation from April 1, 1997 to April 1, 1998.}*

**Air Permit No. 0990332-009-AC (PSD-FL-196I) Issued 06/16/98**

"17. The existing Boilers Nos. 4, 5, 6, 10, 11, 12, 14, and 15 (Permit Nos. AO50-169210, 190690, 175414, 190693, 175411, 169215, 189904, and 209094, respectively) may be retained for standby operation until the interconnections (bagasse fuel and steam systems) between the cogeneration facility and the sugar mill are commercially and operationally reliable, but no later than April 1, 2000. During the period from initial firing until April 1, 2000 all three cogeneration boilers can be operated simultaneously with the existing boilers. Only biomass and No. 2 fuel oil may be used in the cogeneration boilers during periods of simultaneous operation. If more than 910,836 lb/hr steam is generated in the cogeneration boilers, steam in excess of 910,836 lb/hr must be sent to the Okeelanta sugar mill, and the existing boilers' steam production reduced by an equivalent amount. After April 1, 2000, the cogeneration boilers may be operated only when the existing sugar mill boilers are shutdown or in the process of immediately shutting down. During operation, the existing sugar mill boilers must meet all requirements in the most recent construction and

## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION (DRAFT)

operation permits for the boilers. These existing boilers shall be shutdown and rendered incapable of operation when the interconnected operations are commercially and operationally reliable, but no later than April 1, 2001.

18. Boiler No. 16 (AC50-191876) may be retained as a standby boiler for the sugar refinery and sugar mill in accordance with its existing permit. Boiler No. 16 may be operated during startup, debugging, and testing of the cogeneration facility. After April 1, 2000, this boiler may be operated only when one or more of the three cogeneration boilers are shutdown. During operation, this boiler must meet all requirements in the current construction or operating permit for the boiler.

26. Stack monitoring, fuel usage, fuel analysis data, and the status of the interconnections between the sugar mill and the cogeneration facility shall be reported to the Department's South and Southeast District Offices and to the Palm Beach County Health Unit on a quarterly basis commencing with the start of commercial operation in accordance with 40 CFR, Part 60, Sections 60.7 and 60.49a, and in accordance with Section 17-297.500, F.A.C."

*{Note: This permitting action extended simultaneous "standby" operation from April 1, 1998 to April 1, 2000 and permanent shutdown from January 1, 1999 to April 1, 2001.}*

The Department also considered the following information:

- Palm Beach County was designated as nonattainment for ozone in 1993, which would have required a LAER determination for VOC.
- The cogeneration boilers established commercial operation in 1996 and operated almost exclusively during the 1998/1999 and 1999/2000 sugarcane seasons. (AI received 01/04/00)
- Existing sugar mill Boiler Nos. 6, 11, 15, and 16 were tested during the 1998/1999 sugar cane season. Existing sugar mill Boiler Nos. 4, 5, 10, 12 and 14 were last tested during the 1997/1998 sugar cane season. The most recent test data suggests the existing sugar mill boilers were in compliance with the emissions standards when last operated. (AI received 01/04/00)
- Florida's major source inventory no longer includes Okeelanta Corporation's sugar mill boilers. In other words, current projects are modeled and reviewed for PSD major source impacts do not consider these emissions. For example, the Department has recently received applications for permit modifications from U.S. Sugar and Atlantic Sugar Association, which omit these emissions.
- OkPLP states, "The cogeneration boilers are fully functional and, based on operating experience with the interconnection, are capable of delivering steam to the sugar mill." (AI received 01/04/00)
- OkPLP states, "The boilers at the sugar mill are not being used and Okeelanta does not plan to use them again in the future ... Okeelanta would like to be able to use these other sugar mill boilers as standby boilers in the event that one or more cogeneration boilers are shutdown due to unanticipated problems. Although unlikely to occur, catastrophic events have occurred at power generation facilities which render a unit inoperable for a period of time, in some cases for 6 months or more."
- OkPLP states, "Only a shutdown due to mechanical failure, or due to the consequences of the FP&L lawsuit and bankruptcy proceedings, will necessitate operating the sugar mill boilers (other than Boiler No. 16)."
- The only modeling for air quality impacts related to simultaneous operation was performed in 1993. This was a limited analysis intended to support the "worst case" scenario of operating two cogeneration boilers simultaneously with existing sugar mill boilers for up to *90 days during the first year of commercial operation*. It does not appear that a comprehensive air quality impact analysis was ever performed for the simultaneous operation of the cogeneration boilers with the existing sugar mill boilers.

## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION (DRAFT)

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- The Palm Beach County Health Department has performed recent inspections of both plants. Because of the inactivity of the existing sugar mill boilers, it appears that a substantial amount of maintenance will be necessary before reactivating these boilers.
- OkPLP has indicated a trial date set for September of 2000, which may last up to five months.

### 5.0 CONCLUSION

Based on the available information, the Department approves the request to extend operation of the existing sugar mill boilers as *emergency* standby units for two years subject to the revised specific conditions in the proposed Draft Permit. However, the Department rejects the applicant's request for the capability to simultaneously operate the existing sugar mill boilers with any of the cogeneration boilers. The cogeneration boilers have achieved commercial operation and been established as a reliable source of steam for the sugar mill. Apparently, OkPLP would now like to retain the existing sugar mill boilers as auxiliary units, however, OkPLP rejected this option during the initial planning for this project. Instead, OkPLP elected to shutdown all of the sugar mill boilers and thereby avoid BACT determinations for emissions of CO, Pb, NO<sub>x</sub>, PM, PM<sub>10</sub>, and a LAER determination for VOC. In consideration of problems with fuel handling equipment and the steam interconnection with the sugar mill, the Department approved previous similar requests. However, these conditions no longer exist. Further, it is important to note that new projects are being evaluated based on the "shutdown emissions".

The revised permit conditions will only allow operation of the existing sugar mill boilers as a result of some catastrophic electrical or mechanical failure of all three cogeneration boilers. Because simultaneous operation will not be allowed, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. To resume routine operation of the sugar mill boilers, or to establish these as standby units with the capability of simultaneous operation with the cogeneration boilers, OkPLP must obtain new construction permits. The Department believes the two year extension affords OkPLP sufficient time to consider various future standby operations or plan for permanent shutdown. Jeff Koerner is the permitting engineer responsible for reviewing the application, recommending this determination, and drafting the permit.

## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION (DRAFT)

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### ATTACHMENT A

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

**Air Permit No. 0990332-002-AC (PSD-FL-196B):** OkPLP 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. Department issued modification on 06/14/96. Specific condition nos. 17 and 18 were revised to extend simultaneous operation beyond the first year of commercial startup of the cogeneration boilers to April 1, 1997. The permit required the sugar mill boilers to be rendered incapable of operation no later than January 1, 1999.

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

**Air Permit No. 0990332-004-AC (PSD-FL-196D):** OkPLP requested a revision to the emission standard and testing requirements for sulfuric acid mist. Department issued modification 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):** OkPLP 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. Department issued modification on 04/05/97. Specific condition nos. 17 and 18 were revised to extend simultaneous operation to April 1, 1998. The permit required the sugar mill boilers to be rendered incapable of operation no later than January 1, 1999.

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

**Air Permit No. 0990332-007-AC (PSD-FL-196G):** OkPLP requested amendment to specific condition #11 to clarify the performance test schedule. Department issued modification on 05/08/97.

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

**Air Permit No. 0990332-009-AC (PSD-FL-196I):** OkPLP 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. Department issued modification on 06/16/98. Specific condition nos. 17 and 18 were revised to extend simultaneous operation to April 1, 2000. The permit required the sugar mill boilers to be rendered incapable of operation no later than April 1, 2001.

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

**Air Permit No. 0990332-011-AC (PSD-FL-196K):** OkPLP 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. This is the current request under review and is pending.

**Air Permit No. 0990332-012-AC (PSD-FL-196L):** OkPLP requested approval to install particulate dust collectors prior to the electrostatic precipitators. Department issued approval on 12/22/99.

Berger  
Davis &  
Singerman  
Professional Association

*al  
max*

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*clair  
Howard*

RECEIVED

JUN 30 1997

DIVISION OF AIR  
RESOURCES MANAGEMENT

June 27, 1997

Mr. Howard Rhodes, Director  
Division of Air Resources Management  
Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road, MS-5500  
Tallahassee, Florida 32399-2400

Re: Request for Notice of Agency Action: Okeelanta Power Limited Partnership  
and Osceola Power Limited Partnership

Dear Howard:

Pursuant to Section 120.60(3), Florida Statutes, I hereby request notice of any decision that may constitute agency action or intended agency action by the Department regarding any request, by permit application, notice of general permit or otherwise, made by Okeelanta Power Limited Partnership or Osceola Power Limited Partnership (collectively, "OPLP") regarding construction, operation or modification of either of the OPLP facilities location in Palm Beach County. The request includes but is not limited to:

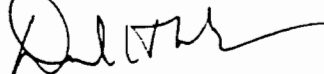
1. Renewal, extension or modification of any permit or permit condition for any of the activities now addressed in air construction permit number AC-50-219413/PSD-FL196.
2. Renewal, extension, or modification of any permit or permit condition for any of the activities now addressed in air construction permit number AC-50-21975/PDS-FL-197.
3. Renewal, extension or modification of any permission to burn tire derived fuel.
4. Any agency action regarding the OPLP Title V permit applications currently pending at the District.

Page Two  
June 27, 1997

I also request notification of any determination by the Department that any such activities by OPLP are exempt from permitting or any other regulatory requirements of the Department. This request applies to those activities that are being or will be considered by the Division of Air Resources Management. To the extent any of these activities require action by the Department's South District Office, I am making a similar request to the District Office.

Please let me know if you have any problems or questions regarding this request. Thank you for your consideration.

Your truly,



Daniel H. Thompson

DHT/eam

cc: Peggy Highsmith

Florida Department of  
Environmental Protection

---

Memorandum

TO: Clair Fancy, Chief – Bureau of Air Regulation  
THROUGH Al Linero, Administrator - New Source Review Section  
FROM: Jeff Koerner, Project Engineer - New Source Review Section *JK*  
DATE: April 3, 2000  
SUBJECT: Okeelanta Power L.P.  
Extension of Emergency Standby Operation for Sugar Mill Boilers

Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. The original PSD permit for the cogeneration plant allowed very limited simultaneous operation of the existing sugar mill boilers with the new units in order to demonstrate commercial operation. The original PSD permit also required permanent shutdown of the sugar mill boilers by January 1, 1999, which was later extended to April 1, 2001.

The applicant requested an additional two-year extension with the capability of simultaneous operation of the sugar mill boilers with the cogeneration boilers. The proposed draft permit extends emergency standby operation of the sugar mill boilers for an additional two years, but only for electrical or mechanical failure of all three cogeneration boilers. In accordance with the original PSD permit, the draft permit allows refinery Boiler No. 16 to operate simultaneously if one or more of the cogeneration boilers is shutdown. The draft permit prohibits simultaneous operation of any other sugar mill boilers with any of the cogeneration boilers. Because simultaneous operation of the sugar mill boilers with the cogeneration boilers will not be allowed, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The additional two years should provide enough time for the permittee to decide on whether or not there is sufficient need to "re-permit" any sugar mill boilers for further standby and/or simultaneous operation.

Day #74 is May 14, 2000. I recommend your approval of the attached Intent to Issue package for this project.

JFK

Attachments



# Department of Environmental Protection

Jeb Bush  
Governor

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

David B. Struhs  
Secretary

## P.E. CERTIFICATION STATEMENT

### PERMITTEE

Okeelanta Power Limited Partnership  
P.O. Box 9  
South Bay, FL 33493  
*Authorized Representative:*  
Gus Cepero, Vice President

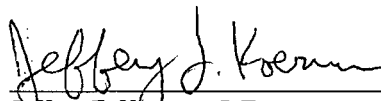
ARMS Permit No.	0990332-011-AC
PSD Permit No.	PSD-FL-196K
SIC No.	4911
Emissions Units:	001, 002, and 003

### PROJECT DESCRIPTION

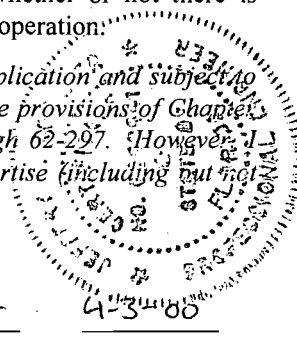
Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. For the purposes of the Department's Prevention of Significant Deterioration (PSD) and Title V operating permit programs, the two plants are considered to be a single facility. The original PSD permit for the cogeneration plant allowed very limited simultaneous operation of the existing sugar mill boilers with the new units in order to demonstrate commercial operation. The original PSD permit also required permanent shutdown of the sugar mill boilers by January 1, 1999, which was later extended to April 1, 2001.

The applicant requested an additional two-year extension with the capability of simultaneous operation of the sugar mill boilers with the cogeneration boilers. The proposed draft permit extends emergency standby operation of the sugar mill boilers for an additional two years, but only for electrical or mechanical failure of all three cogeneration boilers. In accordance with the original PSD permit, the draft permit allows refinery Boiler No. 16 to operate simultaneously if one or more of the cogeneration boilers is shutdown. The draft permit prohibits simultaneous operation of any other sugar mill boilers with any of the cogeneration boilers. Because simultaneous operation of the sugar mill boilers with the cogeneration boilers will not be allowed, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The additional two years should provide enough time for the permittee to decide on whether or not there is sufficient need to "re-permit" any sugar mill boilers for further standby and/or simultaneous operation.

*I HEREBY CERTIFY that the 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, and geological features).*

  
Jeffery F. Koerner, P.E.

Registration Number: 49441



Date

Department of Environmental Protection  
Bureau of Air Regulation, New Source Review Section  
111 South Magnolia Drive, Suite 4  
Tallahassee, Florida 32301

"More Protection, Less Process"

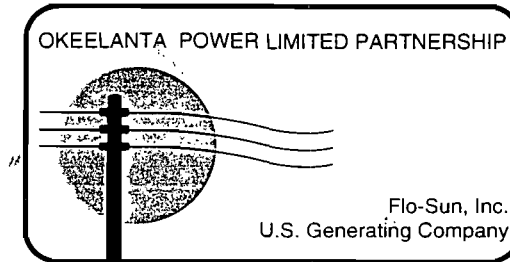
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AL  
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MAR 02 2000

BUREAU OF AIR REGULATION



February 29, 2000

Mr. Jeffery F. Koerner, P.E.  
New Source Review Section  
Florida Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Re: Okeelanta Power, L.P.--DEP File No. 0990332-008-AC  
(PSD-FL-196)

Dear Mr. Koerner:

On behalf of the Department of Environmental Protection, you recently sent a letter (dated January 31, 2000) to Mr. Ricardo Lima concerning the permit for Okeelanta Power Limited Partnership's cogeneration facility. I am sending you this response because your letter contains several statements that need to be clarified or corrected. My comments are organized in the same order as the statements in your letter.

First, your letter was addressed to Mr. Lima as "V.P. and General Manager, Okeelanta Corporation & Okeelanta Power, L.P." While Mr. Lima is the Vice President and General Manager of Okeelanta Corporation, he does not hold those positions with Okeelanta Power Limited Partnership (OPLP). Any correspondence to OPLP should be sent to me, as the Authorized Representative of OPLP. Further, I should also note that, for purposes of this letter, I am also authorized to make the statements below related to Okeelanta Corporation. Although the cogeneration facility and the sugar mill are deemed by DEP to be one source for the purposes of DEP's Title V program, they are two separate facilities and they are currently owned by different entities.

The lawsuit filed by Florida Power & Light Company ("FPL") is currently in the discovery phase of the litigation. This case is presently scheduled to go to trial on September 5, 2000, and it is anticipated that the trial will last approximately five

weeks. Even with this schedule, it is impossible to predict accurately how long it will take to resolve the FPL litigation, the related bankruptcy proceeding, or any appeals from these two cases.

Although there are several reasons why OPLP and Okeelanta Corporation would prefer to operate the cogeneration facility's boilers instead of the sugar mill's boilers, it should be remembered that the sugar mill boilers were successfully operated for many years in compliance with all of the applicable state and federal standards that are designed to protect human health and the environment. If necessary, the mill boilers could still be operated safely and in compliance with all applicable DEP ambient air quality standards.

The PSD permit for the cogeneration facility was extended in the past to provide additional time for Okeelanta Corporation and OPLP to perfect the interconnected operation of the two facilities. The extensions were not the result of "physical problems with the new cogeneration boilers." The most recent request for an extension of time has been necessitated by FPL's lawsuit, the related bankruptcy case, and the uncertainties created by those two legal proceedings.

The sugar mill's boilers have not been used for some time and I hope that it will not be necessary to use them again in the future. For your records, the last date of operation for each boiler is provided below:

Boiler 4	11/23/98
Boiler 5	11/24/98
Boiler 6	1/26/99
Boiler 10	11/23/98
Boiler 11	1/26/99
Boiler 12	11/22/98
Boiler 14	11/23/98
Boiler 15	3/4/99

Your letter indicates that a "complete shutdown of the cogeneration boilers to operate the sugar mill boilers would require substantially new permits" and "the applicant is advised to plan appropriately." OPLP does not wish to see, and currently has no reason to expect, a complete shutdown of the cogeneration boilers. However, OPLP and Okeelanta Corporation cannot rely exclusively on the cogeneration facility until the FPL litigation and the bankruptcy proceeding are resolved successfully.

Further, I am not aware of any legal requirement that would compel Okeelanta Corporation to obtain "substantially new permits" in the unlikely event that it must resume full time operations with the sugar mill boilers, in lieu of receiving process steam from the cogeneration facility. Accordingly, I must respectfully disagree with your assertion that such permits would be necessary. Regardless of our respective opinions about this legal issue, it is unnecessary for us to answer this question (or any other hypothetical questions) at this time. It would be more appropriate to reserve such questions until we see how the FPL litigation and the bankruptcy proceeding unfold.

In the interim, please be assured that OPLP will continue to work cooperatively with the Department so that we can resolve our respective concerns in a mutually acceptable manner.

Sincerely,



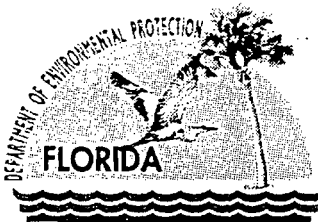
Gus Cepero

Authorized Representative for OPLP

cc: Clair Fancy, DEP  
James Stormer, PECHD  
Gregg Worley, EPA  
John Bunyak, NPS  
Ricardo Lima, Okeelanta Corporation

cc: SD

Buff, Holder  
Dee, L&P



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

January 31, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ricardo Lima, V.P. and General Manager  
Okeelanta Corporation & Okeelanta Power L.P.  
P.O. Box 86  
South Bay, FL 33493

Re: Request for Additional Information No. 2  
DEP File No. 0990332-008-AC (PSD-FL-196)  
Okeelanta Power L.P. - Extended Operation of Sugar Mill Boilers

Dear Mr. Lima:

On January 4, 2000, the Department received additional information from Golder Associates regarding the above application. On January 21, 2000, the Department met with your representatives, David Dee (Landers & Parsons) and David Buff (Golder Associates) to discuss this information and the status of the cogeneration plant. The following briefly summarizes the items discussed:

1. Okeelanta Power has finalized the design for the new dust collectors and has begun the purchasing process. The related Consent Order is being finalized with the Department's South District Office and the Palm Beach County Health Department.
2. Okeelanta Power indicated that little progress has been made with regard to the lawsuit with FPL.
3. Okeelanta Power maintained that at least two years of standby service for the sugar mill boilers might be needed due to the uncertain legal matters.
4. Okeelanta Power stated that Boiler No. 16 was initially permitted to operate throughout the year as a refinery boiler as well as a backup for the cogeneration boilers after commercial operation had begun.
5. Both the Department and Okeelanta Power agree that it is more environmentally beneficial to operate the cogeneration boilers instead of the sugar mill boilers.
6. The Department maintained that the original PSD permit required shutdown of the sugar mill boilers by the end of 1999. This has been extended several times due to physical problems with the new cogeneration boilers. However, the new boilers have been in operation for nearly two years and the sugar mill boilers have not been operated within the last 18 months. The Department is hesitant to continue extensions beyond the intent of the original PSD permit, which was to establish commercial operation of the new cogeneration boilers.
7. The Department indicated that "permanent shutdown" of the sugar mill boilers was necessary due to the original net decreases used by Okeelanta Power to avoid BACT determinations for several pollutants. A future scenario of complete shutdown of the cogeneration boilers to operate the sugar mill boilers would require substantially new permits. The applicant is advised to plan appropriately.

*"More Protection, Less Process"*

*Printed on recycled paper.*

Mr. Ricardo Lima, Okeelanta Corporation / Okeelanta Power L.P.

Request for Additional Information No. 2

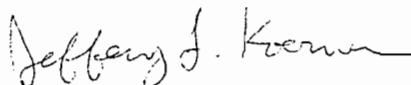
Page 2 of 2

January 31, 2000

8. This meeting concluded with an agreement that David Dee and David Buff would work together to revise the initial request in the form of suggested permit language for an extension to operate the sugar mill boilers. The Department would hold the application incomplete until the revised request is submitted. This would be the Department's last request for additional information.

The Department will resume processing your application after receipt of the requested information. Should your response to any of these items require new calculations, please submit the new calculations, assumptions, reference material and appropriate revised pages of the application form. 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. A new certification statement by the authorized representative or responsible official must also accompany any material changes to the application. Permit applicants are advised that Rule 62-4.055(1), F.A.C. now requires applicants to respond to requests for information within 90 days. If you have any questions, please contact the project engineer, Jeff Koerner, at 850/414-7268.

Sincerely,



Jeffery F. Koerner, P.E.

New Source Review Section

JFK

Enclosure

cc: David Dee, Landers & Parsons  
David Buff, Golder Associates  
James Meriwether, Okeelanta Power  
Matt Capone, Okeelanta Corporation  
David Knowles, SD  
James Stormer, PBCHD  
Gregg Worley, EPA Region 4  
John Bunyak, NPS

Z 031 391 926

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Ricardo Liria	
Street & Number	
Okeelanta Corp	
Post Office, State, & ZIP Code	
South Bay, FL	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
0990332-006 AC 1-31-00	
PSD-FL-196	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

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

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

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
 Ricardo Liria, VP  
 Okeelanta Corp. + Power  
 P.O. Box 86  
 South Bay, FL  
 33493

4a. Article Number  
Z 031 391 926

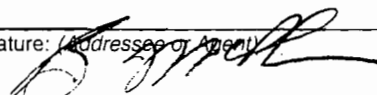
4b. Service Type

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

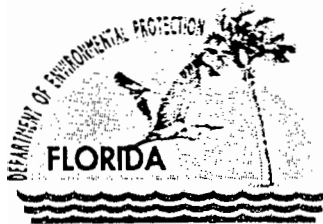
7. Date of Delivery  
2-2-00

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)  
X 

Thank you for using Return Receipt Service.



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

October 21, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. David S. Dee  
Landers & Parsons, P.A.  
P.O. Box 271  
Tallahassee, FL 32301

Re: Request for Additional Information  
DEP File No. 0990332-008-AC (PSD-FL-196)  
Okeelanta Power L.P. - Extended Operation of Sugar Mill Boilers

Dear Mr. Dee:

On September 28, 1999, the Department received your request for a permit modification and \$250 fee on behalf of Okeelanta Power Limited Partnership. The request is to further extend simultaneous operation of the sugar mill boilers with the cogeneration boilers. The Department also received comments from the Palm Beach County Health Department on October 15, 1999 regarding this request. Originally, emissions of the sugar mill boilers were used to offset emissions from the new cogeneration project. Another extension of the operation of the sugar mill boilers could trigger additional PSD review. Based on the available information, the Department believes that this is a compliance issue best resolved by adding a Compliance Plan to the Title V permit application currently under review by the Department's South District Office. The Compliance Plan should include a proposed schedule for ramping up the Okeelanta Power cogeneration plant to full operation as well as a new schedule for the shutdown and dismantling of the sugar mill boilers. The Department requests that Okeelanta Power withdraws this application to modify the PSD permit and submit a Compliance Plan as described above.

Alternatively, you may elect to proceed with this request, however the application is incomplete. In order to continue processing your request, the Department will need the additional information requested below.

1. Please submit at least the first six pages (Section I) of the Department's permit application, DEP Form No. 62-210.900(1), F.A.C., certified by the authorized representative and a Professional Engineer registered to practice in Florida.
2. Please provide a new schedule for the shutdown and dismantling of the sugar mill boilers. If the cogeneration boilers are fully functional and capable of delivering steam to the sugar mill, why is it necessary to extend simultaneous operation with the sugar mill boilers?
3. Please describe the current functional status of the cogeneration boilers. The Palm Beach County Health Department has indicated that this facility is in the process of signing a consent order for violations of the permit emissions standards. How are these violations being resolved in the consent order? Are the cogeneration boilers now in compliance with the permit emissions standards? When were the last compliance stack tests performed for the cogeneration boilers? Please provide a summary of the compliance status for each regulated pollutant identifying the emissions, the emissions standard, and the method of compliance.

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

4. When were the last compliance tests conducted for each of the sugar mill boilers? Please provide a summary of the compliance status for each regulated pollutant identifying the emissions, the emissions standard, and the method of compliance.
5. Will simultaneous operation of the cogeneration boilers with the sugar mill boilers exceed any ambient air quality standards or PSD increments?
6. Please provide a response to the Palm Beach County Health Department's letter dated October 15, 1999 (attached). As shown in the county's letter, the actual annual emissions from this project for several pollutants are not only greater than the potential emissions allowed by the PSD permit, but also greater than the PSD baseline actual emissions. Please provide additional information describing additional control and monitoring measures that could be implemented at both the cogeneration plant and the sugar mill to minimize pollutant emissions.

The Department will resume processing your application after receipt of the requested information. Should your response to any of these items require new calculations, please submit the new calculations, assumptions, reference material and appropriate revised pages of the application form. 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. A new certification statement by the authorized representative or responsible official must also accompany any material changes to the application. Permit applicants are advised that Rule 62-4.055(1), F.A.C. now requires applicants to respond to requests for information within 90 days. If you have any questions, please contact the project engineer, Jeff Koerner, at 850/414-7268.

Sincerely,



A. A. Linero, P.E. Administrator  
 New Source Review Section

AAL/jfk

Enclosure

- cc: Mr. Gus Cepero, Okeelanta Power  
 Mr. James Meriwether, Okeelanta Power  
 Mr. Gregg Worley, EPA  
 Mr. John Bunyak, NPS  
 Phil Barbaccia, South District Office DEP  
 James Stormer, Palm Beach County Health Department

no green card  
 209 THE TEEB  
 982

US Postal Service <b>Receipt for Certified Mail</b> No Insurance Coverage Provided. Do not use for International Mail (See reverse)	
Sent to	David Dee
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Post Office, State, & ZIP Code	FI
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	10-21-99
	0990333-008-AC PSD-FI-196



OKEELANTA COGENERATION FACILITY  
P.O. Box 9  
South Bay, Florida 33493  
(561) 993-1010  
(561) 992-7744 (fax)

RECEIVED

SEP 07 1999

BUREAU OF AIR REGULATION

September 1, 1999

Department of Environmental Protection  
Twin Towers Office Building  
Bureau of Air Regulation  
New Source Review Section  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Attn: A. A. Linero, P.E.  
Administrator

Re: Okeelanta Cogeneration Facility  
Permit No. AC50-219413/PSD-FL-196

Dear Mr. Linero:

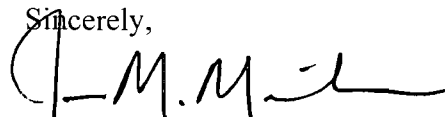
The Okeelanta Cogeneration Facility has recently performed a structural inspection of the stacks on Boilers "A", "B", and "C". This inspection identified significant corrosion in the upper sections of each stack. Based on these findings, the facility is planning to remove the uppermost twenty-six feet (26') of the stack for each boiler.

Each boiler was originally constructed with an as-built stack height of two hundred and twenty-five feet (225'). Specific Condition #3 of the above-referenced construction permit states that each boiler shall have a minimum height of one hundred and ninety-nine feet (199'). Based on my review of the original air permit application it is my understanding that the facility air modeling was based upon a stack height of 199'. Therefore, the planned reduction in stack height from 225' to a total of 199' will not violate the DEP permit conditions that are applicable to the facility and will not be inconsistent with the air quality impact assessment that was provided in the PSD permit application for the facility.

We have discussed this issue with the Palm Beach County Health Department and the Department's staff in the Ft. Myers District Office to confirm that the stack renovations are not subject to any new or additional permitting requirements. Based on our understanding that the Department has no objections to the stack renovations, the Okeelanta Cogeneration Facility is planning to move forward with the stack renovations in the near future.

Please contact me at (561) 993-1003 should you have any questions or need additional information regarding the stack renovation activities.

Sincerely,



James M. Meriwether  
Environmental Manager

Cc: Darrel Graziani – PBCHD  
Phillip Barbaccia – FDEP/South District  
Ricardo Lima  
Gus Cepero  
Rodney Williams  
Paul Claerbout  
Keith Mazur  
Bill Tarr  
David Dee  
David Buff

cc: Koerner  
EPA  
NPS

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

7099 3400 0000 1452 9993

Article Sent To:  
Mr. Gus Cepero

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark  
Here

Name (Please Print Clearly) (to be completed by mailer)  
Mr. Gus Cepero

Street, Apt. No., or PO Box No.  
PO Box 9

City, State, ZIP+4  
South Bay, FL 33493

PS Form 3800, July 1999 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. Gus Cepero  
Okeelanta Power Limited Partnership  
PO Box 9  
South Bay, FL 33493

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery  
*Kathy Yorkes* 11/9/00  
C. Signature  
X *Kathy Yorkes*  Agent  
 Addressee

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 (Copy from service label)  
7099 3400 0000 1452 9993

# THE PALM BEACH POST

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

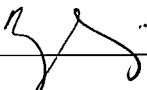
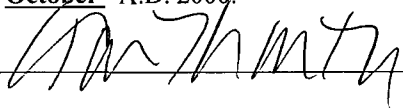
## PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Tyler Dixon who on oath says that she is Classified Advertising Manager, Inside Sales of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being a Notice in the matter of Intent to Issue Air Construction Permit Modification -- in the Court, was published in said newspaper in the issues of September 30, 2000.

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.

Sworn to and subscribed before this 1 day of October A.D. 2000.

  
\_\_\_\_\_  
  
\_\_\_\_\_

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

NOTARY PUBLIC  
STATE OF FLORIDA  
Karen McLinton  
Notary Public, State of Florida  
Commission No. CC 591337  
My Commission Exp. 11/15/2000  
1-800-3-NOTARY Fla. Notary Service & Bonding Co.

NO. 746767  
PUBLIC NOTICE OF INTENT  
TO ISSUE AIR CONSTRUCTION  
PERMIT MODIFICATION  
STATE OF FLORIDA  
DEPARTMENT  
OF ENVIRONMENTAL  
PROTECTION

Project No. 0990332-011-AC  
Draft Permit No. PSD-FL-196K  
Okeelanta Power L.P.  
Palm Beach County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Okeelanta Power Limited Partnership to extend emergency standby operation of the sugar mill boilers. Okeelanta Power L.P. operates a biomass cogeneration plant located near Highway 27, approximately 6 miles south of South Bay in Palm Beach County, Florida. Okeelanta Corporation operates a sugar mill and refinery at an adjacent location. The original PSD permit for the cogeneration plant allowed very limited simultaneous operation of the existing sugar mill boilers with the new units in order to achieve commercial operation. The PSD permit also required permanent shutdown of the sugar mill boilers by January 1, 1999, which was later extended to April 1, 2001. The applicant requested an additional two-year extension with the capability of simultaneous operation of the sugar mill boilers with the cogeneration boilers. The proposed draft permit extends emergency standby operation of sugar mill Boiler Nos. 4, 5, 6, 10, 11, 12, 14, and 15 for an additional two years, but only for the case of electrical or mechanical failure of all three cogeneration boilers. The draft permit prohibits simultaneous operation of any of these sugar mill boilers with any of the cogeneration boilers. In addition, these boilers must be shut down and rendered incapable of operation no later than October 1, 2002. In accordance with the original PSD permit, the draft permit allows sugar mill Boiler No. 16 to operate as a standby unit if one or more of the cogeneration boilers is shutdown. The authorized representative of Okeelanta Power Limited Partnership, Mr. Gus Cepero, can be reached at the following mailing address: P.O. Box 9, South Bay, FL 33493. Because simultaneous operation of the sugar mill boilers with the cogeneration boilers is restricted, there are no changes to the previous modeling impacts that were relied upon to permit the existing sugar mill boilers or to permit the cogeneration plant. The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

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

Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida, 32301  
Telephone: 850/488-0114  
Fax: 850/922-6979

Department of Environmental Protection

South District Office -

Air Resources

2295 Victoria Avenue,

Suite 364

Ft. Myers, FL 33901-3381

Telephone: 407/894-7555

Fax: 407/897-5963

Palm Beach County

Health Department

EHE - Air Pollution

Control Section

901 Evernia Street

West Palm Beach, FL 33401

Telephone: 561/355-3136

Fax: 561/355-2442

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Al Linero, Administrator of the New Source Review Section, or the Department's reviewing engineer for this project, Jeff Koerner, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

PUB: The Palm Beach Post  
September 30, 2000

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

Mediation is not available in this proceeding.

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

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

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

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

7999 3400 0000 1453 1798

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
Article Sent To:	
Hus Cepers, Vice President Okeelanta Power Partnership	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Name (Please Print Clearly) (to be completed by mailer) Hus Cepers	
Street, Apt. No., or P.O. Box No. P.O. Box 9	
City, State, ZIP+4 South Bay, FL 33493	
PS Form 3800, July 1999 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Received by (Please Print Clearly) <i>K. Yerkes</i> B. Date of Delivery <i>10-3</i></p> <p>C. Signature <i>K. Yerkes</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><i>Hus Cepers, V.P. Okeelanta Power Limited Partnership P.O. Box 9 South Bay, FL 33493</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Copy from service label)</p> <p><i>7999 3400 0000 1453 1798</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
PS Form 3811, July 1999	Domestic Return Receipt 102595-99-M-1789

Z 031 391 941

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>Gus Cepero</i>	
Street & Number <i>Okeelanta Power</i>	
Post Office, State, & ZIP Code <i>South Bay FL</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>4-11-00</i>	
<i>0990332-0011-AC</i>	
<i>PSO-FI-196K</i>	

PS Form 3800, April 1995

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<table border="1"> <tr> <td>A. Received by (Please Print Clearly) <i>K. Yerkes</i></td> <td>B. Date of Delivery <i>4/14/00</i></td> </tr> <tr> <td>C. Signature <i>K. Yerkes</i></td> <td> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee         </td> </tr> <tr> <td>D. Is delivery address different from item 1? If YES, enter delivery address below:</td> <td> <input type="checkbox"/> Yes  <input type="checkbox"/> No         </td> </tr> </table>	A. Received by (Please Print Clearly) <i>K. Yerkes</i>	B. Date of Delivery <i>4/14/00</i>	C. Signature <i>K. Yerkes</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No
A. Received by (Please Print Clearly) <i>K. Yerkes</i>	B. Date of Delivery <i>4/14/00</i>						
C. Signature <i>K. Yerkes</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee						
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No						
1. Article Addressed to: <i>Gus Cepero, VP</i> <i>Okeelanta Power, LP</i> <i>P.O. Box 9</i> <i>South Bay, FL</i>  <i>33493</i>	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.						
2. Article Number (Copy from service label)  <i>Z 031 391 941</i>	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes						

Z 031 391 926

US Postal Service  
**Receipt for Certified Mail**

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

Sent to		Ricardo Lina
Street & Number		Okeelanta Corp
Post Office, State, & ZIP Code		South Bay FL
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		0990332-008-AC 1-31-00 PSD-FL-196

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

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

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

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Ricardo Lina, VP  
Okeelanta Corp. + Power  
P O Box 86  
South Bay, FL  
33493

4a. Article Number:

Z 031 391 926

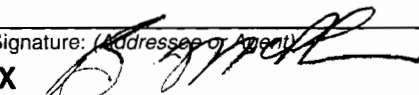
4b. Service Type

- Registered
- Certified
- Express Mail
- Insured
- Return Receipt for Merchandise
- COD

7. Date of Delivery

2-2-00

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
X 

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

Thank you for using Return Receipt Service.



no green card  
2031 391 982

US Postal Service

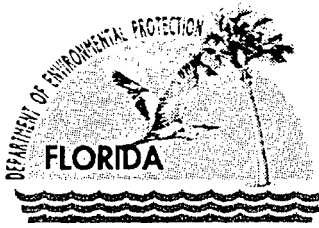
**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
David Lee	
Street & Number	
L & P	
Post Office, State, & ZIP Code	
Jall FI	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
0990332-COB-AC 10-21-99	
POD-FI-196	

PS Form 3800, April 1995



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

October 21, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. David S. Dee  
Landers & Parsons, P.A.  
P.O. Box 271  
Tallahassee, FL 32301

Re: Request for Additional Information  
DEP File No. 0990332-008-AC (PSD-FL-196)  
Okeelanta Power L.P. - Extended Operation of Sugar Mill Boilers

Dear Mr. Dee:

On September 28, 1999, the Department received your request for a permit modification and \$250 fee on behalf of Okeelanta Power Limited Partnership. The request is to further extend simultaneous operation of the sugar mill boilers with the cogeneration boilers. The Department also received comments from the Palm Beach County Health Department on October 15, 1999 regarding this request. Originally, emissions of the sugar mill boilers were used to offset emissions from the new cogeneration project. Another extension of the operation of the sugar mill boilers could trigger additional PSD review. Based on the available information, the Department believes that this is a compliance issue best resolved by adding a Compliance Plan to the Title V permit application currently under review by the Department's South District Office. The Compliance Plan should include a proposed schedule for ramping up the Okeelanta Power cogeneration plant to full operation as well as a new schedule for the shutdown and dismantling of the sugar mill boilers. The Department requests that Okeelanta Power withdraws this application to modify the PSD permit and submit a Compliance Plan as described above.

Alternatively, you may elect to proceed with this request, however the application is incomplete. In order to continue processing your request, the Department will need the additional information requested below.

1. Please submit at least the first six pages (Section I) of the Department's permit application, DEP Form No. 62-210.900(1), F.A.C., certified by the authorized representative and a Professional Engineer registered to practice in Florida.
2. Please provide a new schedule for the shutdown and dismantling of the sugar mill boilers. If the cogeneration boilers are fully functional and capable of delivering steam to the sugar mill, why is it necessary to extend simultaneous operation with the sugar mill boilers?
3. Please describe the current functional status of the cogeneration boilers. The Palm Beach County Health Department has indicated that this facility is in the process of signing a consent order for violations of the permit emissions standards. How are these violations being resolved in the consent order? Are the cogeneration boilers now in compliance with the permit emissions standards? When were the last compliance stack tests performed for the cogeneration boilers? Please provide a summary of the compliance status for each regulated pollutant identifying the emissions, the emissions standard, and the method of compliance.

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

Mr. David S. Dee  
Request for Additional Information – Okeelanta Power LP  
Page 2 of 2  
October 20, 1999

4. When were the last compliance tests conducted for each of the sugar mill boilers? Please provide a summary of the compliance status for each regulated pollutant identifying the emissions, the emissions standard, and the method of compliance.
5. Will simultaneous operation of the cogeneration boilers with the sugar mill boilers exceed any ambient air quality standards or PSD increments?
6. Please provide a response to the Palm Beach County Health Department's letter dated October 15, 1999 (attached). As shown in the county's letter, the actual annual emissions from this project for several pollutants are not only greater than the potential emissions allowed by the PSD permit, but also greater than the PSD baseline actual emissions. Please provide additional information describing additional control and monitoring measures that could be implemented at both the cogeneration plant and the sugar mill to minimize pollutant emissions.

The Department will resume processing your application after receipt of the requested information. Should your response to any of these items require new calculations, please submit the new calculations, assumptions, reference material and appropriate revised pages of the application form. 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. A new certification statement by the authorized representative or responsible official must also accompany any material changes to the application. Permit applicants are advised that Rule 62-4.055(1), F.A.C. now requires applicants to respond to requests for information within 90 days. If you have any questions, please contact the project engineer, Jeff Koerner, at 850/414-7268.

Sincerely,



A. A. Linero, P.E. Administrator  
New Source Review Section

AAL/jfk

Enclosure

cc: Mr. Gus Cepero, Okeelanta Power  
Mr. James Meriwether, Okeelanta Power  
Mr. Gregg Worley, EPA  
Mr. John Bunyak, NPS  
Phil Barbaccia, South District Office DEP  
James Stormer, Palm Beach County Health Department