Seminole Electric Co-op 0490340-014-AC and 015-AV OGC # 09-3902 and 3903 (Jon)

2009			ļ	ļ		<u> </u>
			ļ	<u> </u>		ļ
				L	<u> </u>	
12-Nov	Received 1st requests for extension of time on both of these cases through					
	15-Jan-10		<u> </u>			
			<u></u>	<u> </u>		
				<u>.</u>		ļ
18-Nov	OGC issued the order granting both of these cases the additional time					
		<u>_</u>	ļ			↓
				ļ		
2010			<u> </u>	<u> </u>		
					_	
13-Jan	Received another request	for both cases	add'l time thro	ugh April 15th		
	on hold while Jon discuss	es with Mike Ro	ddy			
	EXPIRES	ON JANL	JARY 15, 20	10		<u> </u>
					<u> </u>	
22-Jan	Per Jon, Ronni is drafting a Settlement Agreement to handle this case					
1-Mar	Jon will discuss with Ronni once she is back in the office					
	meeting with the facility is					
10-Mar	Meeting with the facility					
12-Mar	Per Jon, more comments will be received from the facility hopefully shortly					
. <u> </u>						
12-Apr	Settlement agreement				}	
12-Apr	CASES CLOSED IN	OGC				

From:

Holtom, Jonathan

To:

Tuesday, February 16, 2010 4:06 PM

Gibson, Victoria

Subject:

RE: From Vickie: Seminole Elec -- Midulla

I haven't heard anything from her yet. I called her today and got a voicemail stating she is out until next week. I also called the contact at Seminole and he has not yet returned my call. So, continue to ignore it for now.

Jon

From: Gibson, Victoria

Sent: Tuesday, February 16, 2010 3:47 PM

To: Holtom, Jonathan

Subject: From Vickie: Seminole Elec -- Midulla

Hi,

Has Ronni issued the settlement agreement yet for these two cases: 0490340-014-AC and 015-AV??



Victoria Gibson, Administrative Secretary for Trina Vielhauer, Chief Bureau of Air Regulation Division of Air Resource Management victoria.gibson@dep.state.fl.us 850-921-9504 fax 850-921-9533

From:

Holtom, Jonathan

ent:

Friday, January 22, 2010 2:10 PM

To:

Gibson, Victoria

Subject:

RE: From Vickie: Seminole Electric - Midulla 0490340-014-AC and 015-AV

She is going to be handling this with a settlement agreement that requires them to withdraw rather than granting the extension.

Jon Holtom, P.E., CPM Title V Program Administrator Bureau of Air Regulation (850) 921-9531

From: Gibson, Victoria

Sent: Friday, January 22, 2010 2:01 PM

To: Holtom, Jonathan

Subject: From Vickie: Seminole Electric - Midulla 0490340-014-AC and 015-AV

Hi,

ave you asked Ronni to grant this request; if so, please cc me on that e-mail.

Thanks.

Vickie

Victoria Gibson, Administrative Secretary for Trina Vielhauer, Chief Bureau of Air Regulation Division of Air Resource Management victoria.gibson@dep.state.fl.us 850-921-9504 fax 850-921-9533

Erom:

Moore, Ronni

ent:

Wednesday, January 20, 2010 12:58 PM

To:

Holtom, Jonathan

Cç:

Attalla, Yousry; Gibson, Victoria

Subject:

RE: Second Request for Extension of Time - Seminole Electric (Midulla) vs. DEP - OGC

09-3902 & 09-3903

Follow Up Flag: Flag Status:

Follow up Flagged

Jon.

Thanks for the update. As I left in a voicemail a moment ago, I'd like to talk with you about resolving this case through a settlement instead. I'll be out the remainder of today at the Bob Martinez Center. Can we talk tomorrow? I am open.

Thanks.

Ronni

Ronda L. Moore

Assistant General Counsel



Please consider the environment before printing this email.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at http://www.protectingourwater.org/ presented by the Florida Department of Environmental Protection.

From: Holtom, Jonathan

Sent: Wednesday, January 20, 2010 11:29 AM

To: Moore, Ronni

Cc: Attalla, Yousry; Gibson, Victoria

Subject: RE: Second Request for Extension of Time - Seminole Electric (Midulla) vs. DEP - OGC 09-3902 & 09-3903

Hi Ronni.

We talked with them yesterday and agreed to make some of their change requests and explained why we won't be making some of the others. We will re-issue the draft with a new notice of Intent, so they will get a new 14-day review period. I don't think you will need to do anything with this 2nd request as it will be rendered moot by the re-issuance/replacement of the draft permit. They have not vet published the Public Notice for the first draft.

Jon

From: Moore, Ronni

Sent: Wednesday, January 20, 2010 11:00 AM

To: Holtom, Jonathan

Subject: RE: Second Request for Extension of Time - Seminole Electric (Midulla) vs. DEP - OGC 09-3902 & 09-3903

Jonathan,

Just checking in on what your decision is on this second request for extension. Do we have a lot of issues unresolved, etc.? Should we grant through April 15th as requested or sometime sooner?

Thanks. Ronni

Ronda L. Moore Assistant General Counsel



Please consider the environment before printing this email.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at http://www.protectingourwater.org/ presented by the Florida Department of Environmental Protection.

From: Moore, Ronni

Sent: Wednesday, January 13, 2010 11:02 AM

To: Holtom, Jonathan

Subject: RE: Second Request for Extension of Time - Seminole Electric (Midulla) vs. DEP - OGC 09-3902 & 09-3903

Sure. I'll check back with you by early next week should I not hear from you by then.

Ronda L. Moore Assistant General Counsel



Please consider the environment before printing this email.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at http://www.protectingourwater.org/ presented by the Florida Department of Environmental Protection.

From: Holtom, Jonathan

Sent: Wednesday, January 13, 2010 9:47 AM

To: Moore, Ronni

Cc: Crandall, Lea; Gibson, Victoria

Subject: RE: Second Request for Extension of Time - Seminole Electric (Midulla) vs. DEP - OGC 09-3902 & 09-3903

Hi Ronni.

I think April 15th is unnecessarily long. I'm hoping to talk with Mike Roddy today or tomorrow morning to review his comments. I should be able to determine if there is a need for a further extension at that time. Can you just sit on this request for a few days?

Jon Holtom, P.E., CPM Title V Program Administrator Bureau of Air Regulation (850) 921-9531

From: Crandall, Lea

Sent: Wednesday, January 13, 2010 9:22 AM

To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan

Subject: Second Request for Extension of Time - Seminole Electric (Midulla) vs. DEP - OGC 09-3902 & 09-3903

Attached is a Second Request for Extension of Time re: Seminole Electric (Midulla) vs. DEP - OGC 09-3902 & 09-3903.

Thanks,



Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Blvd., MS 35
Tallahassee, FL-32399-3000

Phone (850) 245-2212 Fax: (850) 245-2303

From:

Holtom, Jonathan

ent:

Wednesday, January 13, 2010 9:47 AM

Ťο:

Moore, Ronni

Cc:

Crandall, Lea; Gibson, Victoria

Subject:

RE: Second Request for Extension of Time - Seminole Electric (Midulla) vs. DEP - OGC

09-3902 & 09-3903

Follow Up Flag: Flag Status:

Follow up Flagged

Hi Ronni,

I think April 15th is unnecessarily long. I'm hoping to talk with Mike Roddy today or tomorrow morning to review his comments. I should be able to determine if there is a need for a further extension at that time. Can you just sit on this request for a few days?

Jon Holtom, P.E., CPM Title V Program Administrator Bureau of Air Regulation (850) 921-9531

From: Crandall, Lea

Sent: Wednesday, January 13, 2010 9:22 AM

o: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan

Subject: Second Request for Extension of Time - Seminole Electric (Midulla) vs. DEP - OGC 09-3902 & 09-3903

Attached is a Second Request for Extension of Time re: Seminole Electric (Midulla) vs. DEP - OGC 09-3902 & 09-3903.

Thanks, Lea

Lea Crandall Agency Clerk Office of General Counsel 3900 Commonwealth Blvd., MS 35 Tallahassee, FL 32399-3000 Phone (850) 245-2212

Fax: (850) 245-2303

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at http://www.protectingourwater.org/ presented by the Florida Department of Environmental Protection.

DEGETVET JAN 13 2010

THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an Application for Permit by:

OGC CASE NO.: 09-3902: 09-3903

FDEP Draft Permit No.: 0490340-014-AC FDEP Draft Permit No.: 0490340-015-AV

Seminole Electric Cooperative, Inc. Midulla Generating Station Hardee County, Florida

SECOND REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Seminole Electric Cooperative, Inc. ("Seminole") hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including April 15, 2010, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Seminole states the following:

1. On or about November 3, 2009, Seminole received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Construction Permit Modification and Title V Operation Permit Revision" (Draft/Proposed Revision Permit No.0490340-015-AV and Air Construction Permit Modification No. 0490340-014-AC), for the Midulla Generating Station, located in Hardee County, Florida. Along with the Intent to Issue, Seminole received a Draft/Proposed (Title V Air Operation) Permit Revision, a Draft (Air Construction) Permit Modification, and "Public Notice of Intent to Issue Title V Air Construction Permit Modification and Title V Operation Permit Revision." The above mentioned Draft/Proposed Permit Revision is a revision of existing Title V Air Operation Permit No. 0490340-006-AV.

- 2. Based on Seminole's initial review, the Draft/Proposed Permit Revision, Draft
 Permit Modification and associated documents contain several provisions that warrant
 clarification or corrections,
- 3. On November 18, 2009, the Department granted Seminole's first Request for Enlargement of Time until January 15, 2009. Seminole filed comments regarding the Draft/Proposed Permit Revision and Draft Permit Modification on December 21, 2009, and is awaiting the Department's response.
- 4. This request is filed simply as a protective measure to avoid waiver of Seminole's right to challenge certain conditions contained in the Draft/Proposed Title V Permit Revision and Draft Permit Modification. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing. In the event all issues are resolved prior to April 15, 2010, Seminole will withdraw this Request.
- 5. If the Department denies this request, Seminole requests the opportunity to file a Petition for Administrative Proceeding within 10 days of such denial.

WHEREFORE, Seminole respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Draft/Proposed Revision Permit No.0490340-015-AV and Air Construction Permit Modification 0490340-014-AC, be formally extended to and including April 15, 2010.

RESPECTFULLY SUBMITTED this 13th day of January, 2010.

Robert A. Manning

Florida Bar ID No. 0035173 Hopping Green & Sams, P.A. 119 South Monroe Street Post Office Box 6526 Tallahassee, Florida 32314

(850) 222-7500

(850) 224-8551 Facsimile

Attorneys for SEMINOLE ELECTRIC COOPERATIVE, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000, this 13th day of January, 2010.

From:

Crandall, Lea

ent:

Wednesday, January 13, 2010 9:22 AM

To:

Moore, Ronni; Gibson, Victoria; Holtom, Jonathan

Subject:

Second Request for Extension of Time - Seminole Electric (Midulla) vs. DEP - OGC 09-3902

& 09-3903

Attachments:

Seminole Electric - Midulla Generating Station vs. DEP - 2nd Request for Ext. of Time - OGC

09-3902 & 09-3903.pdf

Attached is a Second Request for Extension of Time re: Seminole Electric (Midulla) vs. DEP - OGC 09-3902 & 09-3903.

Thanks, Lea

Lea Crandall Agency Clerk Office of General Counsel 3900 Commonwealth Blvd., MS 35 Tallahassee, FL 32399-3000 Phone (850) 245-2212 Fax: (850) 245-2303

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEMINOLE ELECTRIC COOPERATIVE, INC.,	00011 00000
Petitioner,	OGC No. 09-3902 DEP Permit No. 0490340-014-AC
VS.	OGC No. 09-3903
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,	DEP Permit No. 0490340-015-AV
Respondent.	/

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

This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Seminole Electric Cooperative, Inc. (Petitioner) to grant an extension of time to file a petition for an administrative hearing regarding the Department's intent to issue Petitioner an Air Construction Permit Modification, permit number 0490340-014-AC, and Title V Operation Permit Revision, permit number 0490340-015-AV, for its facility located in Hardee County, Florida.

Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **January 15, 2010**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 18 day of November, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

ACK CHISOLM, Deputy General Counsel 9900 Commonwealth Boulevard, MS 35 Tallahassee, Florida 32399-3000 Ph: (850) 245-2242 Fax: (850) 245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via electronic mail and facsimile, on this 18th day of November, 2009, to:

Robert A. Manning Hopping Green & Sams, P.A. 119 South Monroe Street Tallahassee, FL 32314 RobertM@hgslaw.com

Facsimile: (850) 224-8551

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

RONDA L. MOORE, Assistant General Counsel 3900 Commonwealth Boulevard, MS 35

Tallahassee, FL 32399-3000

Ph: (850)245-2193 Fax: (850)245-2302

Florida Bar No. 0676411

cc via electronic mail to: Trina Vielhauer, FDEP Jonathan Holtom, FDEP

From:

Phipps, Jessica R.

en

Wednesday, November 18, 2009 10:02 AM

To:

'RobertM@hgslaw.com'

Cc: Subject: Vielhauer, Trina; Holtom, Jonathan; Gibson, Victoria; Moore, Ronni Seminole Electric Cooperative, Inc. OGC#: 09-3902 & 09-3903

Attachments:

ORDER GRANTING REQUEST FOR EXT. OF TIME 11-18-09.pdf

Please find attached the Order Granting Request for Extension of Time to File Petition for Hearing regarding the Seminole Electric Cooperative, Inc. case.

Please let me know if you have difficulties opening the attachment.

Thank you,

Jessica Phipps

Department of Environmental Protection Administrative Assistant 850-245-2243

From:

Vielhauer, Trina

ent: o:

Friday, November 13, 2009 4:09 PM Moore, Ronni; Holtom, Jonathan

Cc:

Gibson, Victoria; Phipps, Jessica R.

Subject:

RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 &

09-3903 (0490340-014-AC & 015-AV)

Yes, that's fine.

From: Moore, Ronni

Sent: Friday, November 13, 2009 3:08 PM To: Holtom, Jonathan; Vielhauer, Trina Cc: Gibson, Victoria; Phipps, Jessica R.

Subject: RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-

AC & 015-AV)

Afternoon,

Robert Manning called me the other day concerning a Seminole matter (we haven't been able to reach each other since) and I'm beginning to surmise that he was calling about this request for extension (probably knowing that there would be some surprise on the Department's end). I take it you all are okay then with granting this through Jan. 15th (with the holiday's and all).

Thanks, pnni

Ronda L. Moore

Assistant General Counsel



Please consider the environment before printing this email.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at http://www.protectingourwater.org/ presented by the Florida Department of Environmental Protection.

From: Holtom, Jonathan

Sent: Friday, November 13, 2009 1:14 PM

To: Vielhauer, Trina; Phipps, Jessica R.; Moore, Ronni

Cc: Gibson, Victoria; Crandall, Lea

Subject: RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-

AC & 015-AV)

Nope, not a word. Two months certainly is not needed, but since I hope to be out on vacation for 2-3 weeks over the holidays, this request doesn't bother me.

Jon

rom: Vielhauer, Trina

ent: Friday, November 13, 2009 1:11 PM

To: Holtom, Jonathan; Phipps, Jessica R.; Moore, Ronni

Cc: Gibson, Victoria; Crandall, Lea

Subject: RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-AC & 015-AV)

Sounds to me like they shouldn't need 2 full months on it in any event. Can we give them 30 days instead? Jon-have you heard anything from them?

From: Holtom, Jonathan

Sent: Friday, November 13, 2009 12:49 PM

To: Brown, Lisa L.; Phipps, Jessica R.; Moore, Ronni

Cc: Chisolm, Jack; Gibson, Victoria; Crandall, Lea; Vielhauer, Trina

Subject: RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-

AC & 015-AV)

I truly see no reason for this extension, but it really doesn't matter to me, as this will not impact an Acid Rain permit issuance. The project was a simple revision that gave them what they asked for. I understood that they wanted to install the new monitors in the January-February time frame, but if they are comfortable with an extension until January 15th, that is fine with me as long as they understand that I may not their final permit ready for them on January 16th.

Jon Holtom, P.E., CPM Title V Program Administrator Bureau of Air Regulation (850) 921-9531

From: Brown, Lisa L.

Sent: Friday, November 13, 2009 12:31 PM

To: Phipps, Jessica R.; Moore, Ronni

Cc: Chisolm, Jack; Gibson, Victoria; Holtom, Jonathan

Subject: RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-

AC & 015-AV)

This will be assigned to Ronni. Jess, you know the drill.

Lisa 😊

Lisa L. Brown,

Legal Assistant to Jack Chisolm, Deputy General Counsel Toni Sturtevant, Senior Assistant General Counsel

Siting Legal Assistant: PPSA/TLSA/NGTLSA

Office of General Counsel - Waste~Air Section 850-245-2276

lisa.l.brown@dep.state.fl.us

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at http://www.protectingourwater.org/ presented by the Florida Department of Environmental Protection.

From: Crandall, Lea

Sent: Friday, November 13, 2009 12:28 PM

To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Holtom, Jonathan

Subject: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-AC & 015-AV)

Attached is a Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-000).

Thanks, Lea

Lea Crandall Agency Clerk Office of General Counsel 3900 Commonwealth Blvd., MS 35 Tallahassee, FL 32399-3000 Phone (850) 245-2212 Fax: (850) 245-2303

From:

Holtom, Jonathan

ent:

Monday, November 16, 2009 8:54 AM

To:

Moore, Ronni; Vielhauer, Trina

Cc:

Gibson, Victoria; Phipps, Jessica R.

Subject:

RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 &

09-3903 (0490340-014-AC & 015-AV)

Seminole Midulla AC/AV, 0490340-014-AC and 015-AV, was posted on 11/3/09. Mike Opalinski responded that it was received on the same day. Although not needed. I am OK with the extension request until January 15th.

Jon Holtom, P.E., CPM Title V Program Administrator Bureau of Air Regulation (850) 921-9531

From: Moore, Ronni

Sent: Friday, November 13, 2009 3:08 PM To: Holtom, Jonathan; Vielhauer, Trina Cc: Gibson, Victoria; Phipps, Jessica R.

Subject: RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-

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Ronda L. Moore Assistant General Counsel



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Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at http://www.protectingourwater.org/ presented by the Florida Department of Environmental Protection.

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Sent: Friday, November 13, 2009 1:14 PM

To: Vielhauer, Trina; Phipps, Jessica R.; Moore, Ronni

Cc: Gibson, Victoria; Crandall, Lea

Subject: RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-C & 015-AV)

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Jon

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To: Holtom, Jonathan; Phipps, Jessica R.; Moore, Ronni

Cc: Gibson, Victoria; Crandall, Lea

Subject: RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-

AC & 015-AV)

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From: Holtom, Jonathan

Sent: Friday, November 13, 2009 12:49 PM

To: Brown, Lisa L.; Phipps, Jessica R.; Moore, Ronni

Cc: Chisolm, Jack; Gibson, Victoria; Crandall, Lea; Vielhauer, Trina

Subject: RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-

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From: Brown, Lisa L.

Sent: Friday, November 13, 2009 12:31 PM

To: Phipps, Jessica R.; Moore, Ronni

Cc: Chisolm, Jack; Gibson, Victoria; Holtom, Jonathan

Subject: RE: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-

AC & 015-AV)

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Lisa 😊

Lisa L. Brown,

Legal Assistant to Jack Chisolm, Deputy General Counsel

Toni Sturtevant, Senior Assistant General Counsel

Siting Legal Assistant: PPSA/TLSA/NGTLSA

Office of General Counsel - Waste~Air Section 850-245-2276

lisa.l.brown@dep.state.fl.us

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From: Crandall, Lea

Sent: Friday, November 13, 2009 12:28 PM

To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Holtom, Jonathan

Subject: Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-AC &

015-AV)

Attached is a Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-AC & 015-AV).

Thanks, Lea

Lea Crandall Agency Clerk Office of General Counsel 3900 Commonwealth Blvd., MS 35 Tallahassee, FL 32399-3000 Phone (850) 245-2212

ax: (850) 245-2303

THE STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

ION
DEPT. OF ENVIRONMENTAL PROTECTION

In the Matter of an Application for Permit by:	OGC CASE NO.:
	FDEP Draft Permit No.: 0490340-014-AC FDEP Draft Permit No.: 0490340-015-AV
Seminole Electric Cooperative, Inc. Midulla Generating Station Hardee County, Florida	
	/

REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Seminole Electric Cooperative, Inc. ("Seminole") hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including January 15, 2010, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Seminole states the following:

1. On or about November 3, 2009, Seminole received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Construction Permit Modification and Title V Operation Permit Revision" (Draft/Proposed Revision Permit No.0490340-015-AV and Air Construction Permit Modification No. 0490340-014-AC), for the Midulla Generating Station, located in Hardee County, Florida. Along with the Intent to Issue, Seminole received a Draft/Proposed (Title V Air Operation) Permit Revision, a Draft (Air Construction) Permit Modification, and "Public Notice of Intent to Issue Title V Air Construction Permit Modification and Title V Operation Permit Revision." The above mentioned Draft/Proposed Permit Revision is a revision of existing Title V Air Operation Permit No. 0490340-006-AV.

2. Based on Seminole's initial review, the Draft/Proposed Permit Revision, Draft Permit Modification and associated documents contain several provisions that warrant clarification or corrections.

3. This request is filed simply as a protective measure to avoid waiver of Seminole's right to challenge certain conditions contained in the Draft/Proposed Title V Permit Revision and Draft Permit Modification. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing. In the event all issues are resolved prior to January 15, 2010, Seminole will withdraw this Request.

4. If the Department denies this request, Seminole requests the opportunity to file a Petition for Administrative Proceeding within 10 days of such denial.

WHEREFORE, Seminole respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Draft/Proposed Revision Permit No.0490340-015-AV and Air Construction Permit Modification 0490340-014-AC, be formally extended to and including January 15, 2010.

RESPECTFULLY SUBMITTED this 12th day of November, 2009.

Bv:

Robert A. Manning

Florida Bar ID No. 0035173

Hopping Green & Sams, P.A.

119 South Monroe Street

Post Office Box 6526

Tallahassee, Florida 32314

(850) 222-7500

(850) 224-8551 Facsimile

Attorneys for SEMINOLE ELECTRIC COOPERATIVE, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisolm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000, this 12th day of November, 2009.

Attorney

From:

Crandall, Lea

ent:

Friday, November 13, 2009 12:28 PM

îo:

Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Holtom, Jonathan

Subject:

Request for Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903

(0490340-014-AC & 015-AV)

Attachments:

Seminole Electric - Midulla Generating Station vs. DEP - Request for Ext. of Time - OGC

09-3902 & 09-3903.pdf

Attached is-a-Request-for-Extension of Time - Seminole Electric Coop. vs. DEP - OGC 09-3902 & 09-3903 (0490340-014-AC & 015-AV).

Thanks. Lea

Lea Crandall Agency Clerk Office of General Counsel 3900 Commonwealth Blvd., MS 35 Tallahassee, FL 32399-3000 Phone (850) 245-2212

Fax: (850) 245-2303

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at http://www.protectingourwater.org/ presented by the Florida Department of Environmental Protection.

JGC Number	09 - 39	03 - District 6 - SOUTHWEST District Contac	t HOLTOM_J	County	25 - HARDEE
Name	SEMINO	LE ELECTRIC COOPERATIVE, INC MIDULLA GENERATING	STATION VS. DEP	Mode	P - PERMITTING
ead Attorney	RONNI	. MOORE Final Ord	er Number	Status	C - CLOSED
Activity Date	Code	Description			
11/12/2009	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM			
11/12/2009	ACO	ADMIN. CASE OPENED IN OGC			
11/12/2009	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME			
11/13/2009	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE			
11/18/2009		ORDER GRANTING REQUEST FOR EXTENSION OF TIME (UNTI	L 01/15/10		
01/13/2010	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME			
01/15/2010	EXP1	FIRST EXTENSION EXPIRES TODAY	d C den contrate management of Self and Econologue and Aconomic and Aconomic Aconomi	ocument of the Paris	
04/12/2010		SETTLEMENT STIPULATION			
04/12/2010	CC	CASE CLOSED IN OGC	i gazana, kan run (e e egeren genge) yang iyang ne dajada da		
04/12/2010	f	REFERENCE OCULUS FOR THESE DOCUMENTS (FILE WAS RI	CYCLED)	***************************************	4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1

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