



RECEIVED

SEP 12 1997

BUREAU OF
AIR REGULATION

September 11, 1997

Mr. Al Linero, P.E.
Administrator, New Source Review Section
Florida Department of Environmental Protection
2600 Blair Stone Rd.
Tallahassee, FL 32399

RE: Tiger Bay Facility Power Plant Permit Amendment Request
AC53-214903; PSD-FL-190

1050223-006-AC

Dear Mr. Linero:

Florida Power Corporation (FPC) is applying for an amendment to the permit referenced above. The request is for three minor changes to the methods used for compliance determination. A check in the amount of \$250 is enclosed for the processing of this amendment. Each request is described in detail below.

1. Specific Condition 8 contains the required test methods for performing annual compliance tests. Under this condition, a separate test for VOC is required. At other FPC facilities, such as DeBary and Intercession City, the performance of the VOC test is not required if compliance with the CO limit is demonstrated. This has been effective in assessing compliance without the added burden of completing a VOC test. Therefore, FPC requests that the DEP add the following language to Specific Condition 8:

Performance of VOC testing shall not be required provided that compliance with the CO limit is demonstrated.

2. Specific Condition 8 contains both Method 18 and Method 25A as requirements for the determination of VOC emissions. It is not clear from the language in the condition whether either method may be used or both methods are required. FPC requests that since only one method is necessary, and since Method 25A is the one normally used for facilities such as Tiger Bay, that the DEP delete the reference to Method 18 from Specific Condition 8.

3. Method 3, which is a manual method, is required for determining the gas analysis. The instrumental Method 3A is much more commonly used, and it is more convenient. Therefore, FPC requests that the DEP change Method 3 to Method 3A in Specific Condition 8.



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

September 8, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. W. Jeffrey Pardue, C.E.P.
Director of Environmental Services
Florida Power Corporation
3201 Thirty-fourth Street South
Post Office Box 14042
St. Petersburg, Florida 33733

Re: Transfer of Permits
Project Nos. 1050223-004-AO and 1050223-005-AC
Title V Application Revision

Dear Mr. Pardue:

On August 14, 1997, the Department received your completed "Applications For Transfer Of Permits." Pursuant to Rule 62-4.120, F.A.C., Transfer of Permits, the Department hereby approves the transfer of permits numbered PSD-FL-190/AC53-214903 and AO53-261950 for the Tiger Bay Cogeneration Facility, located at 3219 State Road 630 West, Fort Meade, Polk County, Florida, from the Tiger Bay Limited Partnership to the Florida Power Corporation.

Included with your letter requesting the permit transfers were revised pages to this facility's Title V Operation Permit Application. However, the necessary Professional Engineer certification was not included with your submission. Please provide this document as soon as possible. Please note that 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 revisions to the application. Please complete and submit a new P.E. certification statement page from the new long application form, DEP Form No. 62-210.900, effective March 21, 1996 (enclosed).

The Department hereby transfers the permits as follows:

CHANGE PERMITTEE FROM:

Ms. Jeanne Benedetti
Vice President
Tiger Bay Limited Partnership

CHANGE PERMITTEE TO:

Mr. W. Jeffrey Pardue, C.E.P.
Director of Environmental Services
Florida Power Corporation

A person whose substantial interests are affected by these permit amendments may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 850/488-9730, fax: 850/487-4938. Petitions must be filed within fourteen days of receipt of these permit amendments. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code. Mediation is not available for this action.

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

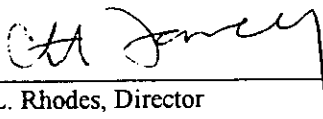
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in these permit amendments. Persons whose substantial interests will be affected by any such final 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.

These permit amendments are final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time these permit amendments will not be effective until further order of the Department.

When the Orders (Permit Amendments) are final, any party to the Orders has the right to seek judicial review of the Orders pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

A copy of this letter shall be filed with the referenced permits and becomes a part of the permits.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

for 
Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that these TRANSFER OF PERMITS were sent by certified mail (*) before the close of business on 9-9-97 to the person(s) listed:

Mr. W. Jeffery Pardue, Florida Power Corporation*
Ms. Jeanne Benedetti, Tiger Bay L. P.*
Mr. Jerry Kissel, Southwest District

Clerk Stamp

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


(Clerk)

9-9-97
(Date)

Fold at line over top of envelope to

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:
 Mr. W. Jeffrey Pardue, CEP
 Director of Env. Services
 FPC
 P.O. Box 14042
 St. Petersburg, FL
 33733

4a. Article Number P 265 659 449

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery SEP 12 1997

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *Mullen*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 265 659 449

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sender <i>Jeffrey Pardue</i>	
Street & Number <i>FPC</i>	
Post Office, State & ZIP Code <i>St-Pete 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>9-9-97</i>	
<i>1050223-004-AC</i>	
<i>1050223-005-AC</i>	

PS Form 3800, April 1995



August 11, 1997

CERTIFIED: P 283-451-846

Mr. Jerry Kissel
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

RECEIVED
AUG 14 1997

Department of Environmental Protection
SOUTHWEST DISTRICT

Dear Mr. Kissel:

BY _____

Re: Request for Transfer of Permits
PSD-FL-190/AC53-214903, AO53-261950 and Title V Application

Attached are applications for transfer of the above-referenced permits for the Tiger Bay Cogeneration Facility, 3912 State Road 630 West, Fort Meade, FL 33841. Florida Power Corporation (FPC) has recently assumed ownership of this facility and requests to have these permits transferred to FPC's responsibility.

Also enclosed is a check in the amount of \$50.00 for the transfer fee for the construction permit, as discussed with Ms. Jennifer Tillman. Please provide approval in writing to me at the address listed below.

Please contact Ms. Jennifer Tillman at (813) 866-5022 if you have any questions regarding this submittal.

Sincerely,

AO 1050223-004-AO
1050223-005-AC

A handwritten signature in black ink, appearing to read "W. Jeffrey Pardue", enclosed within a circular scribble.

W. Jeffrey Pardue, C.E.P.
Director

Attachments

cc: Mr. Scott Sheplak, FDEP-Tallahassee



P. O. BOX 14042
 ST. PETERSBURG, FL 33733-4042 REMITTANCE ADVICE
 (813) 866-5257

89

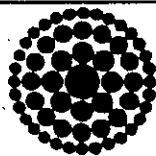
CHECK DATE 06/12/97 VENDOR FLA DEPT OF ENVIRONMENTAL VENDOR NO. 278473 CHECK NO. 1897182

INVOICE NO.	DATE	OUR ORDER NO.	VOUCHER	GROSS AMOUNT	DISCOUNT	NET AMOUNT
CK127552	06/09/97		9706196650	50.00	.00 TOTAL	50.00 50.00

1050223-005-AE

THE ATTACHED REMITTANCE IS IN FULL SETTLEMENT OF ACCOUNT AS STATED. IF NOT CORRECT PLEASE RETURN TO ABOVE ADDRESS.

Accounts Payable Department C2N
 P.O. Box 14042
 St. Petersburg, FL 33733-4042



Florida Power
 CORPORATION

63-115
 631

DATE 06/12/97 CHECK NO. 1897182

PAY: \$50 DOLLARS AND 00 CENTS

\$*****50.00

SunTrust / Mid-Florida
 TO
 THE
 ORDER
 OF

FLA DEPT OF ENVIRONMENTAL
 PROTECTION
 2600 BLAIR STONE RD
 TALLAHASSEE FL 32399-2400

Void after 60 days

J. H. Smallwood
 Treasurer

⑈ 1001897182⑈ ⑆063101153⑆6990032052736⑈



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR TRANSFER OF PERMIT

Permit No. PSD-FL-190 / AC53-214903 Date Issued 5/17/93 Date Expires 1/1/96 - Title V App. Submitted 6/13/96

NOTIFICATION OF SALE OR LEGAL TRANSFER

Source Name: Tiger Bay Cogeneration Facility County: Polk
Source Location: 3219 State Road 630 City: Fort Meade, 33841
Permittee Name: Tiger Bay Limited Partnership / Jeanne Benedetti Title: V.P., Central FL DGE, Inc. A General Partner
Mailing Address: 2500 CityWest Blvd., Suite 150
Houston, TX 77042

The undersigned hereby notifies the department of the sale or legal transfer of this pollution source. He further agrees to assign his rights as permittee to the applicant in the event the department agrees to the transfer of permit.

Sworn to and subscribed before me at Pinellas
County, Florida
this 9th day of July, 1997.
LINDA SCHULTZ
My Commission Expires 5/1/98
My Commission Bonded By Service Ins
No. CC473016
 Personally Known Other I.D.

Signature of Permittee
V.P., Central Florida DGE, Inc. A General Partner
Title
Date: 7-15-97

REQUEST FOR TRANSFER OF PERMIT

Source Name: Tiger Bay Cogeneration Facility
Applicant Name: Florida Power Corporation / W. Jeffrey Pardue, CEP Title: Director, Environmental Services
Mailing Address: 3201 34th Street South, MAC H2G
St. Petersburg, FL 33711 Telephone: (813) 866-4387

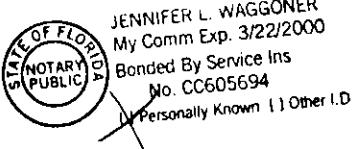
Project Engineer: Name: Robert W. Anderson
Mailing Address: 3201 34th Street South, MAC GV44
St. Petersburg, FL 33711 Telephone: (352) 337-6901

The undersigned hereby notifies the department of his having acquired title to this pollution source. He further states that he has examined the application and documents submitted by the current permittee the basis on which Permit No. PSD-FL-190 / AC53-214903 was issued by the department, and states that they accurately and completely describe the permitted activity or project. He further states that he is familiar with the permit, agrees to comply with its terms and conditions, and agrees to assume the rights and liabilities contained therein. He also agrees to promptly notify the department of any future change in ownership of, or responsibility for, the permitted activity or project.

Sworn to and subscribed before me at Pinellas
County, Florida
this 12th day of August, 1997.
Jennifer L. Waggoner
Notary Public
My Commission Expires: 03-22-2000

Signature of Applicant*
Director, Environmental Services
Title
Date: 8/12/97

* Attach letter of authorization if other than owner or corporate officer.





STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR TRANSFER OF PERMIT

Permit No. AO53-261950 Date Issued 1/27/95 Date Expires 1/31/96 - Title V App. Submitted 6/13/96

NOTIFICATION OF SALE OR LEGAL TRANSFER

Source Name: Tiger Bay Cogeneration Facility County: Polk
Source Location: 3219 State Road 630 City: Fort Meade, 33841
Permittee Name: Tiger Bay Limited Partnership / Jeanne Benedetti Title: V.P., Central FL DGE, Inc., A General Partner
Mailing Address: 2500 CityWest Blvd., Suite 150
Houston, TX 77042

The undersigned hereby notifies the department of the sale or legal transfer of this pollution source. He further agrees to assign his rights as permittee to the applicant in the event the department agrees to the transfer of permit.

Sworn to and subscribed before me at Pinellas
County, Florida
this 15th day of July 19 97
LINDA SCHULTZ
Notary Public
My Commission Expires 5/17/98
Bonded By Service Ins
No. CC473016

[Signature]
Signature of Permittee
V.P., Central Florida DGE, Inc. A General Partner
Title
Date: 7-15-97

Personally Known Other I.D.

REQUEST FOR TRANSFER OF PERMIT

Source Name: Tiger Bay Cogeneration Facility
Applicant Name: Florida Power Corporation / W. Jeffrey Pardue, CEP Title: Director, Environmental Services
Mailing Address: 3201 34th Street South, MAC H2G
St. Petersburg, FL 33711 Telephone: (813) 866-4387

Project Engineer: Name: Robert W. Anderson
Mailing Address: 3201 34th Street South, MAC GV44
St. Petersburg, FL 33711 Telephone: (352) 337-6901

The undersigned hereby notifies the department of his having acquired title to this pollution source. He further states that he has examined the application and documents submitted by the current permittee the basis on which Permit No. AO53-261950 was issued by the department, and states that they accurately and completely describe the permitted activity or project. He further states that he is familiar with the permit, agrees to comply with its terms and conditions, and agrees to assume the rights and liabilities contained therein. He also agrees to promptly notify the department of any future change in ownership of, or responsibility for, the permitted activity or project.

Sworn to and subscribed before me at Pinellas
County, Florida
this 12th day of August 19 97
Jennifer L. Waggoner
Notary Public
My Commission Expires: 03-22-2000

[Signature]
Signature of Applicant*
Director, Environmental Services
Title
Date: 8/12/97

* Attach letter of authorization if other than owner or corporate officer.

JENNIFER L. WAGGONER
My Comm Exp. 3/22/2000
Bonded By Service Ins
No. CC605694
 Personally Known Other I.D.

Mr. Al Linero
September 11, 1997
Page Two

Thank you for your consideration of this request. Please contact Ms. Jennifer Tillman at (813) 866-5022 or Mr. Mike Kennedy at (813) 866-4344 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Pardue", with a large, loopy flourish at the end.

W. Jeffrey Pardue, C.E.P.
Director

cc: Mr. Jerry Kissel, DEP - Tampa

cc: Matty Costello, BARR



ACCOUNTS PAYABLE DEPT. C2N

P. O. BOX 14042

ST. PETERSBURG, FL 33733-4042 REMITTANCE ADVICE

(813) 866-5257

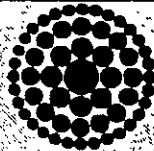
89

CHECK DATE 09/05/97 VENDOR FLA DEPT OF ENVIRONMENTAL VENDOR NO. 278473 CHECK NO. 1916063

INVOICE NO.	DATE	OUR ORDER NO.	VOUCHER	GROSS AMOUNT	DISCOUNT	NET AMOUNT
CK128051	08/28/97		9709129535	250.00	.00 TOTAL	250.00 250.00

THE ATTACHED REMITTANCE IS IN FULL SETTLEMENT OF ACCOUNT AS STATED. IF NOT CORRECT PLEASE RETURN TO ABOVE ADDRESS.

Accounts Payable Department C2N
P.O. Box 14042
St. Petersburg, FL 33733-4042



Florida Power Corporation

63-115
631

DATE 09/05/97 CHECK NO. 1916063

PAY:

\$250*DOLLARS AND 00 CENTS

\$*****250.00

SunTrust / Mid-Florida

TO
THE
ORDER
OF

FLA DEPT OF ENVIRONMENTAL
PROTECTION
2600 BLAIR STONE RD
TALLAHASSEE FL 32399-2400

Void after 80 days

J. V. Smallwood
Treasurer

1001916063 06310115316890032052736



David L. Miller
Vice President
Corporate Services

March 7, 1997

TO WHOM IT MAY CONCERN:

Subject: Letter of Authorization

Please be advised that W. Jeffrey Pardue, Director, Environmental Services Department, Sharon K. Momberg, Manager of Waste Management Programs, Kent D. Hedrick, Manager of Water Programs, J. Michael Kennedy, Manager of Air Programs and Karen A. Johnston, Environmental Project Manager, are authorized to represent Florida Power Corporation in matters relating to necessary permits and reporting documentation required from regulatory authorities in the areas of air, water, power plant site certifications and transmission line certifications, or hazardous and solid materials issues.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Miller", with a large, stylized flourish extending from the end of the signature.

D. L. Miller

DLM:mlp

ASSIGNMENT AND ASSUMPTION

This ASSIGNMENT AND ASSUMPTION dated as of the 15 day of July, 1997, among TIGER BAY LIMITED PARTNERSHIP ("Assignor"), FPC ACQUISITION L.L.C. ("Assignee") and FLORIDA POWER CORPORATION ("Guarantor").

RECITALS:

WHEREAS, Assignor, Assignee and Guarantor are parties to the Purchase Agreement ("Purchase Agreement") dated as of January 20, 1997; and

WHEREAS, the execution of this Assignment and Assumption is a condition to the closing under the Purchase Agreement (the "Closing").

NOW, THEREFORE, in consideration of the mutual agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. Assignment. Assignor hereby transfers and assigns to Assignee all of Assignor's right, title and interest in and to the following:

- (a) The contracts listed on Schedule 1 hereto (the "Contracts"); and
- (b) The governmental authorizations and permits listed on Schedule 2 hereto, to the extent assignable (the "Permits").

2. Assumption of Liabilities; Indemnification. In connection with, and as partial consideration for, the transfer of the Contracts and Permits, Assignee hereby (i) assumes and agrees to pay, perform, discharge and satisfy when due, any and all obligations and liabilities of Assignor under or arising out of, related to or in connection with the Contracts and the Permits, whether now existing or hereafter arising (specifically including, without limitation, and notwithstanding any other consents, releases or other agreements or instruments related hereto, the continuing obligations of Assignor as the assigning party under Section 19.03 of the Steam Sale Agreement listed as item 14 on Schedule 1 hereto), and concurs with the protections and limitations afforded in Article 16 of Purchase Order No.12530001 and Purchase Order No 12530013, listed as items 14 and 15, respectively, on Schedule 1 hereto (ii) agrees to indemnify, defend and hold harmless Assignor, its partners, officers, employees, directors and agents (the "Indemnified Parties") from and against any and all loss, cost, damage, liability, claim or expense (including, without limitation, reasonable attorneys' fees and expenses) suffered or incurred by the Indemnified Parties (A) arising out of, related to, or in connection with the Contracts and the Permits after the date hereof and (B) arising out of, related to, or in connection with any breach by Assignee of the representation and warranty contained in Section 4.02(f) of the Purchase Agreement, whether now existing or hereafter arising.

3. Survival of Covenants. The covenants made by Assignor in Sections 2.03, 5.01(f) and 5.01(i), by Assignee in Sections 2.03, 5.02(d), 5.02(f) and 8.01(d)(i), and by Guarantor in Sections 5.02(f), 5.03 and 8.01(d)(i) of the Purchase Agreement shall survive the Closing.

4. Further Assurances. At the request of any party hereto and without any additional consideration, a party shall execute and deliver such further agreements, documents or instruments, and perform such further acts, as may be reasonably requested of it in order to give effect to the provisions of this Assignment and Assumption.


5. Disclaimer of Warranties. **THIS AGREEMENT IS MADE WITHOUT RECOURSE AND ON AN "AS IS, WHERE IS" BASIS AND ASSIGNOR EXPRESSLY DISCLAIMS ALL WARRANTIES AND REPRESENTATIONS OF ANY KIND WHATSOEVER WHETHER EXPRESS OR IMPLIED.**

6. Applicable Law. This Agreement and the rights and obligations of the parties hereunder shall be governed by and construed in accordance with the laws of the State of Florida, without giving effect to the conflict of law principles thereof.

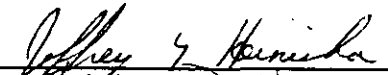
IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the day and year first above written.

TIGER BAY LIMITED PARTNERSHIP

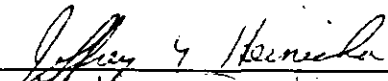
By: Central Florida DGE, Inc.,
Its general partner

By: 
Name: Jeanne Benedetti
Title: Vice President

FPC ACQUISITION L.L.C.

By: 
Name: Jeffrey G. Henrich
Title: Sr. Vice President

FLORIDA POWER CORPORATION

By: 
Name: Jeffrey G. Henrich
Title: Sr. Vice President

SCHEDULE 1

1. Contract for the Purchase of Firm Energy and Capacity from a Qualifying Facility (Unit 1) dated November 30, 1988 between General Peat Resources L.P., whose interest was assigned to Assignor, and Florida Power Corporation, as amended, clarified and supplemented through the date hereof.
2. Contract for the Purchase of Firm Energy and Capacity from a Qualifying Facility (Unit 2) dated November 30, 1988 between General Peat Resources L.P., whose interest was assigned to Assignor, and Florida Power Corporation, as amended, clarified and supplemented through the date hereof.
3. Contract for the Purchase of Firm Energy and Capacity from a Qualifying Facility (Unit 3) dated November 30, 1988 between General Peat Resources L.P., whose interest was assigned to Assignor, and Florida Power Corporation, as amended, clarified and supplemented through the date hereof.
4. Negotiated Contract for the Purchase of Firm Capacity and Energy from a Qualifying Facility dated as of March 28, 1991 between EcoPeat Avon Park, whose interest was assigned to Assignor, and Florida Power Corporation, as amended, clarified and supplemented through the date hereof.
5. Standard Offer Contract for Purchase of Firm Energy and Capacity from a Qualifying Facility dated July 1989 between Timber Energy Resources Inc., whose interest was assigned to Assignor, and Florida Power Corporation, as amended, clarified and supplemented through the date hereof.
6. Any interconnection agreements entered into between Assignor and Florida Power Corporation with respect to any of the foregoing, as amended through the date hereof.
7. Sections 3 and 4 of the Lease Termination Agreement dated February 22, 1993 among Florida Power Corporation, Assignor and EcoPeat Avon Park, as amended through the date hereof.
8. Operation and Maintenance Agreement dated as of April 25, 1995 between Florida Power Corporation and Assignor, as amended through the date hereof.
9. Operation and Maintenance Agreement dated as of July 15, 1993 between Assignor and Destec Operating Company, as amended through the date hereof.
10. Gas Sales and Purchase Contract dated September 22, 1993 between Assignor and Vastar Gas Marketing, Inc., as amended through the date hereof.

11. Firm Transportation Service Agreement (Rate Schedule FTS-1) dated December 30, 1993 between Assignor and Florida Gas Transmission Company, as amended through the date hereof.
12. Firm Transportation Service Agreement (Rate Schedule FTS-2) dated December 30, 1993 between Assignor and Florida Gas Transmission Company, as amended through the date hereof.
13. Steam Sale Agreement dated as of June 15, 1993 between Assignor and U. S. Agricultural Chemicals Corporation, as amended through the date hereof.
14. Purchase Order No. 12530001, issued by Destec Engineering, Inc. to General Electric Company, Inc., dated March 10, 1993, and Change Orders 1 through 8 thereto.
15. Purchase Order No. 12530013, issued by Destec Engineering, Inc. to General Electric Company, Inc., dated March 17, 1993, and Change Orders 1 through 7 thereto.
16. Additional Inventory Contracts (as defined in the Purchase Agreement).

SCHEDULE 2

PERMITS

<u>Permits</u>	<u>Date of Issuance</u>
1. USEPA - Storm Water NOI, Construction (No. FLR00B155)	09/09/93
2. DOE - Fuel Use Act (Cert. No. 123)	08/16/93
3. FAA - Stack Notice (Study No. 92-ASO-2363-OE)	02/25/93
4. FEMA - Polston Engineering	12/03/92
5. USACOE - Wetlands Delineation Determination	03/31/93
6. FDER/PSD Permit (AC53-21-4903/PSD-FL-190) - Construction	05/17/93
Amendment Number 1	04/23/96
Amendment Number 2	01/08/97
7. FDER Industrial Waste Water and Storm Water Permit (IC53-221795 and RC53-221796) - Construction	05/04/93
8. FDER Air Permit for ZLD (AC53-230744) - Construction	06/29/93
9. FDER - Wetlands Exemption, Interoffice Memorandum	05/12/93
10. Florida - Notice of Commencement	09/03/93
11. FDEP - Storage Tank Registration (I.D. - 53/9300713) (Renewed annually)	01/07/97
12. Florida - Division of Historical Resources	01/04/93
13. Florida - Division of Historical Resources	02/01/93
14. Florida - Division of Historical Resources (For FPC Substation)	06/15/93
15. SWFWMD - Individual Water Use Permit (2010840.00)	02/23/93
16. Polk County - Commercial Site Plan Approval (133.92)	11/23/92
17. Polk County - Non Certified Electric Power Generating Site Approval (SA-92-01) and Polk County - Conditional Use Permit (CUP-92-17)	11/17/92

18.	Polk County - Construction Permit (93080960)	08/13/93
19.	Polk County/HRS - Septic Tank Permit (57037)	11/06/92
20.	Polk County - Solid Waste Disposal	06/25/93
21.	Polk County - Certificate of Concurrency Determination	11/23/93
22.	Polk County - Temporary Sign Permit (Construction)	10/05/93
23.	Polk County - Driveway Approval (1521.92)	11/23/92
24.	USEPA - NPDES Notice of Termination (Construction)	03/28/95
25.	SWFWMD - Well Construction Permit	03/31/94
26.	Polk County HRS - Drinking Water Well System - Construction Permit	04/08/94
27.	USEPA - NPDES General Permit for Storm Water (Operational) Discharges (Notice of Intent)	02/15/95
28.	USEPA - Update SPCC Plan for Oil Containment	02/22/95
29.	FDEP - GT/HRSG Initial Compliance Form	02/13/95
30.	FDEP - GT/HRSG Certification (Continuous Emissions Monitor Test)	10/19/94
31.	FDEP - GT/HRSG Custom Fuel Plan	12/02/94
32.	FDEP - Initial GT/HRSG, ZLD Compliance Source Test	10/19/94
33.	FDEP - ZLD Operating Permit (A053-261950)	01/25/95
34.	FDEP - Wastewater to USAC (or "no action" letter)	04/08/94
35.	FDEP - Best Management Practices Plan for Waste Water Permit	02/22/95
36.	FDEP - Industrial Waste and Storm Water Operating Permit "No Action Letter" - FDEP Storm Water Permit Exemption Letter	12/27/95 03/17/97
37.	FDEP - EPA Hazardous Waste Generator	07/20/94
38.	Polk County - Certificate of Occupancy	10/17/95

- | | | |
|-----|---|-----------------------|
| 39. | Polk County - Waste Water to USAC (or "no action" letter) | 09/20/93 |
| 40. | Polk County - Permanent Sign Permit | 12/02/94 2 |
| 41. | USEPA - Update Storm Water Prevention Plan | 12/29/94 |

PART B - DEFERRED APPROVALS/STUDIES/LETTERS

- | | | |
|-----|---------------------------------|--|
| 42. | FDEP - Title V Operating Permit | Application Submitted 6/13/96
Amended 5/27/97 |
|-----|---------------------------------|--|

FINAL DETERMINATION

DESTEC / Tiger Bay Cogen

Amendment of Permit No. 1050223-003-AC
Tiger Bay Cogen Combined Cycle Unit

An Intent to Issue an air construction permit amendment for DESTEC / Tiger Bay Limited Partnership, Tiger Bay Cogen Combined Cycle Unit located five miles west of Ft. Meade, Polk County was distributed on November 21, 1996. The Notice of Intent was published in the The Ledger of Lakeland, Polk County on December 2, 1996. Comments were not submitted in response to the public notice. DESTEC recommended a clarification in Specific Condition No. 15(a) as to the final NO_x limits while firing distillate fuel oil. It is consistent with limit of 42 ppm given elsewhere in the permit.

The final action of the Department will be to issue the permit amendment as proposed, except with the clarification cited by DESTEC.

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

In the Matter of an
Application for Permit Amendment

Mr. Jeffrey M. Keenan
DESTEC Energy, Inc.
Post Office Box 4411
Houston, Texas 77210-4411

DEP File No. 1050223-003-AC
PSD-FL-190

Enclosed is a letter that amends Permit Number PSD-FL-190. This letter amends Specific Condition No. 15(a) to extend the 15 ppm NOx compliance date from December 31, 1997 to December 31, 1998. This permit amendment is issued pursuant to Section 403, Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 14 (fourteen) days from the date this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.


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


CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMIT AMENDMENT (including the FINAL permit amendment) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 1-8-97 to the person(s) listed:

Mr. Jeffrey M. Keenan, DESTEC *
Mr. Jeffrey J. Fassett, DESTEC *
Mr. Brian Beals, EPA
Mr. John Bunyak, NPS
Mr. Bill Thomas, SWD
Mr. Roy Harwood, Polk County

Clerk Stamp

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


(Clerk) 1-8-97 (Date)



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

January 8, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jeffrey J. Fassett
Senior Plant Engineer
DESTEC / Tiger Bay Limited Partnership
3219 State Road 630 West
Fort Meade, Florida 33841

Re: FINAL Permit Amendment No. 1050223-003-AC (PSD-FL-190)
Tiger Bay Cogen, Combined Cycle Unit

Dear Mr. Fassett:

The Department has reviewed DESTEC / Tiger Bay's October 23 letter requesting an amendment to its permit to extend the compliance date for achievement of the 15 parts per million nitrogen oxides (15 ppm NO_x) emission limit. This request is acceptable and the permit is hereby amended as follows:

Specific Condition 15(a)

FROM: For this turbine, if the 15 (gas)/42 (oil) ppmvd, corrected to 15% O₂ emission rates cannot be met by 12/31/97, SCR or other control technology will be installed. Hence the permittee shall install a duct module suitable for future installation of SCR equipment.

TO: The NO_x maximum emission limit of 97.2 pounds per hour (equivalent to 15 ppm @ 15% O₂) firing gas/326 pounds per hour (equivalent to 42 ppm @ 15% O₂) firing distillate fuel oil will be achieved not later than 12/31/98 using appropriate combustion technology improvements or SCR.

Table 1, Footnote B

FROM: The NO_x maximum limit will be lowered to 97.2 (lbs/hr) equivalent to 15 ppmvd @ 15% O₂ not later than 12/31/97 using appropriate combustion technology improvements or SCR.

TO: The NO_x maximum emission limit of 97.2 pounds per hour (equivalent to 15 ppm @ 15% O₂) will be achieved not later than 12/31/98 using appropriate combustion technology improvements or SCR.

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

Sincerely,

Howard L. Rhodes, Director
Division of Air Resources Management

HLR/aal/hh

Enclosures

Florida Department of
Environmental Protection

Memorandum

AL

TO: Howard L. Rhodes

THRU: Clair Fancy *CAF*
Al Linero *al* 1/4

FROM: Martin Costello *MC*

DATE: January 8, 1997

SUBJECT: DESTEC/Tiger Bay Cogen Amendment No. 1050223-003-AC, PSD-FL-190

Attached for approval and signature is a letter that will amend construction permit number 1050223-003-AC / PSD-FL-190 to extend the compliance date for achievement of the 15 ppm NO_x emission limit found in Specific Condition No. 15(a). We are extending the compliance date from December 31, 1997 to December 31, 1998.

I recommend your approval and signature.

BILL OF SALE

TIGER BAY LIMITED PARTNERSHIP ("Seller"), for good and valuable consideration paid to Seller by FPC ACQUISITION L.L.C. ("Buyer"), the receipt and sufficiency of which are hereby acknowledged, has ASSIGNED, SOLD, CONVEYED and DELIVERED, and does hereby ASSIGN, SELL, CONVEY and DELIVER unto Buyer, its legal representatives, heirs, successors and assigns, all of Seller's right, title and interest, if any, in and to the following:

All of the improvements, fixtures, equipment, machinery and other personal property (collectively, "Personal Property") placed or installed on the real property ("Real Property") situated in Polk County, Florida, as more particularly described on Exhibit "A" which is attached hereto and is fully incorporated by reference herein.

This Bill of Sale is made and accepted subject to all liens, easements, restrictions, covenants and other matters affecting the Real Property.

BUYER TAKES THE PERSONAL PROPERTY "AS IS" AND WITH "ALL FAULTS". SELLER HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION, OPERATION OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PERSONAL PROPERTY AND THIS BILL OF SALE, AND BUYER HEREBY EXPRESSLY ACKNOWLEDGES THAT NO SUCH REPRESENTATIONS HAVE BEEN MADE. SELLER EXPRESSLY DISCLAIMS AND BUYER ACKNOWLEDGES AND ACCEPTS THAT SELLER HAS DISCLAIMED TO THE MAXIMUM EXTENT PERMITTED BY LAW, ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED, CONCERNING THE PROPERTY, INCLUDING, WITHOUT LIMITATION, (i) THE VALUE, CONDITION, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE OF THE PROPERTY, (ii) THE MANNER OR QUALITY OF THE CONSTRUCTION OF MATERIALS, IF ANY, INCORPORATED INTO ANY OF THE PROPERTY, AND (iii) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY.

In connection with, and as partial consideration for, the assignment, sale, conveyance and delivery by Seller to Buyer of all of Seller's right, title and interest, if any, in and to the Personal Property, Buyer agrees to indemnify, defend and hold harmless Seller, its partners, officers, employees, directors and agents (the "Indemnified Parties") from and against any and all loss, cost, damage, liability, claim or expense (including, without limitation, reasonable attorneys' fees and expenses) suffered or incurred by the Indemnified Parties arising out of, related to, or in connection with the Personal Property and the Real Property after the date hereof.


This Bill of Sale shall be construed and interpreted in accordance with the laws of the State of Florida.

EFFECTIVE as of the 15 day of July, 1997.

SELLER:

TIGER BAY LIMITED PARTNERSHIP

By: Central Florida DGE, Inc.,
its general partner

By: 
Name: Jeanne Benedetti
Title: Vice President

BUYER:

FPC ACQUISITION L.L.C.

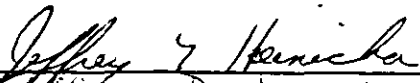
By: 
Name: Jeffrey R. Henrich
Title: Sr. Vice President

EXHIBIT "A"

PLANT SITE DESCRIPTION

A PARCEL OF LAND LYING AND BEING IN SECTION 31, TOWNSHIP 31 SOUTH, RANGE 25 EAST, IN POLK COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE ON THE WEST BOUNDARY LINE OF SECTION 31, TOWNSHIP 31 SOUTH, RANGE 25 EAST, AT A POINT 5.96 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION 31 (SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 31 SOUTH, RANGE 25 EAST), DESIGNATED AS STATION 592+38.20, BEING A POINT ON THE SURVEY LINE OF THE SURVEY FOR STATE ROAD S-630 (NOW COUNTY ROAD 630); RUN THENCE ALONG SAID SURVEY LINE NORTH 89°57'23" EAST A DISTANCE OF 565.69 FEET; THENCE CONTINUE ALONG SAID SURVEY LINE SOUTH 89°48'22" EAST A DISTANCE OF 2296.11 FEET; RUN THENCE SOUTH 00°11'38" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SR S-630 (NOW CR 630) AND THE POINT OF BEGINNING; RUN THENCE SOUTH 00°11'38" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID SR S-630 A DISTANCE OF 10.00 FEET; RUN THENCE SOUTH 89°48'22" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID SR S-630 A DISTANCE OF 149.44 FEET; RUN THENCE SOUTH 24°54'47" EAST A DISTANCE OF 43.91 FEET; RUN THENCE SOUTH 21°47'04" EAST A DISTANCE OF 50.00 FEET; RUN THENCE SOUTH 20°04'17" EAST A DISTANCE OF 50.00 FEET; RUN THENCE SOUTH 17°32'15" EAST A DISTANCE OF 50.00 FEET; RUN THENCE SOUTH 14°05'12" EAST A DISTANCE OF 50.00 FEET; RUN THENCE SOUTH 12°09'16" EAST A DISTANCE OF 50.00 FEET; RUN THENCE SOUTH 10°07'22" EAST A DISTANCE OF 50.00 FEET; RUN THENCE SOUTH 05°16'27" EAST A DISTANCE OF 50.00 FEET; RUN THENCE SOUTH 04°01'56" EAST A DISTANCE OF 50.00 FEET; RUN THENCE SOUTH 00°14'38" EAST A DISTANCE OF 483.22 FEET; RUN THENCE SOUTH 89°48'22" EAST A DISTANCE OF 451.59 FEET; RUN THENCE SOUTH 00°00'27" EAST A DISTANCE OF 143.15 FEET; RUN THENCE SOUTH 44°39'20" EAST A DISTANCE OF 53.75 FEET; RUN THENCE SOUTH 89°36'34" EAST A DISTANCE OF 98.18 FEET; RUN THENCE SOUTH 00°14'38" EAST, ALONG A LINE FIVE FEET EASTERLY OF THE CENTERLINE OF A PIPELINE EASEMENT AS DESCRIBED IN OR BOOK 1609, PAGE 79 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, A DISTANCE OF 737.49 FEET,

TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SAID SR S-630, RUN THENCE SOUTH 89°48'22" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID SR S-630 A DISTANCE OF 56.24 FEET TO THE POINT OF BEGINNING.
CONTAINING 295,380.39 SQUARE FEET OR 6.77 ACRES MORE OR LESS.

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.

3. Article Addressed to:
 Mr. Jeffrey Keenan
 DESTEC Energy, Inc.
 3819 State Rd 630, West
 Ft. Meade, FL 33841

4a. Article Number: P 265 659 142

4b. Service Type:
 Registered
 Express Mail
 Insured
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
 1-10-97

6. Signature: (Addressee or Agent)
 X *Jeffrey Keenan*

7. Date of Delivery: 1-10-97

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

PS Form 3811, December 1994

Thank you for using Return Receipt Service.

Thank you for using Return Receipt Service.

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.

3. Article Addressed to:
 Jeffrey Keenan
 DESTEC Energy, Inc.
 P O Box 1144
 Houston, TX 77210-0144

4a. Article Number: P 265 659 141

4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
 1144-0144

6. Signature: (Addressee or Agent)
 X *Jeffrey Keenan*

7. Date of Delivery: JAN 14 1997

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

PS Form 3811, December 1994

Is your RETURN ADDRESS completed on the reverse side?

US Postal Service
Receipt for Certified Mail

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

Sent to: Jeff. Fasseit

Street & Number: DESTEC

Post Office, State, & ZIP Code: Ft. Meade, 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: 1-8-96

PS Form 3800, April 1995
 P 265 659 142

US Postal Service
Receipt for Certified Mail

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

Sent to: J. Keenan

Street & Number: DESTEC

Post Office, State, & ZIP Code: Houston, TX

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: 1-8-97

PS Form 3800, April 1995
 P 265 659 141



DESTEC ENERGY, INC.
2500 CITYWEST BLVD., SUITE 150
P.O. BOX 4411
HOUSTON, TEXAS 77210-4411
(713) 735-4000

January 2, 1997

RECEIVED

JAN 03 1997

BUREAU OF
AIR REGULATION

Mr. A. A. Linero
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: *Tiger Bay Limited Partnership*
Request for Extension to Specific Condition No. 15; Air Permit No. AC53-214903,
(PSD-FL-190)

Dear Mr. Linero:

Per your request I have provided for you a copy of the Affidavit of Publication issued by the The Ledger newspaper. The affidavit is demonstration that Draft Permit Amendment No. 1050223-003-AC, (PSD-FL-190) has been sent out to Public Notice.

If you have any questions or comments please do not hesitate to call me at (713) 735-4086.

Yours truly,

Jeffrey M. Keenan

Enclosure



AFFIDAVIT OF PUBLICATION

THE LEDGER Lakeland, Polk County, Florida

Case No

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Nelson Kirkland, who on oath says that he is Classified Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Public Notice Of Intent

in the matter of

Permit Amendment No

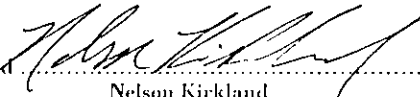
in the

Court, was published in said newspaper in the issues of

December 2;

1996

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that 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.

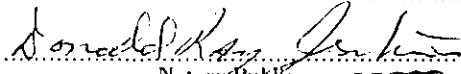
Signed 
Nelson Kirkland
Classified Advertising Manager
By Nelson Kirkland who is
personally known to me

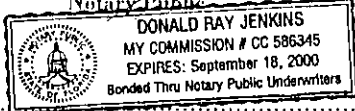
2nd

Sworn to and subscribed before me this

day of December, A.D. 1996

(Seal)


Notary Public



My Commission Expires

Order#602878

L

R768

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AMENDMENT STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit Amendment No.:
1050223-003-AC, (PSD-FL-190)
Tiger Bay Cogen Combined Cycle Unit
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit amendment to DESI/C/Tiger Bay Limited Partnership, for the Tiger Bay Cogen Combined Cycle Unit located five miles west of Ft. Meade, Polk County. A Best Available Control Technology (BACT) determination was not required as a result of this amendment for any pollutants pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The amendment will not cause a violation of any state or federal ambient air quality standards or increments. The applicant's name and address are: DESI/C/Tiger Bay Limited Partnership, 3219 State Road 630 West, Fort Meade, Florida 33841.

At present, the unit is in compliance with its present nitrogen oxide (NO_x) limit of 25 parts per million (ppm) Synthetic Condition No. 13 of the above referenced construction permit. The permit presently requires that the unit achieve a nitrogen oxide (NO_x) emission limit of 15 parts per million (ppm) by December 31, 1997. The amendment will extend the compliance date of Specific Condition No. 13 from December 31, 1997 to December 31, 1998. Originally DESI/C and the manufacturer, General Electric, expected to achieve the limit through technology known as Dry Low NO_x Combustors. This technology has been associated with reliability problems when attempting to reach the lower limit. Instead, the limit will be achieved through technology known as Selective Catalytic Reduction (SCR). The additional time will allow for design engineering, procurement, installation and testing of the new equipment.

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

The Department will accept written comments concerning the proposed DRAFT Permit Amendment issuance action for a period not to exceed 14 (fourteen) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2000 Blaine Street, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Amendment, the Department shall issue a Revised DRAFT Permit Amendment and require, if applicable, another Public Notice.

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

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

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

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

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

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

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

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

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

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 904/488-1344
Fax: 904/922-6979

Department of Environmental Protection
Southwest District
3604 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: (904) 744-6100
Fax: (904) 744-6084

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

R-768 - 12-2, 1996



To: DESTEC Tiger Bay
active File

Dec 2 - Published notice.

Destec Energy, Inc.
2500 CityWest Blvd., Suite 150
Houston, TX 77042
Tel: (713) 735-4568
Fax: (713) 735-4671

FACSIMILE TRANSMITTAL

DATE: December 7, 1996

NUMBER OF PAGES: 3
(including cover)

SENT BY: Jeffrey Keenan

PLEASE DELIVER THE FOLLOWING PAGES TO:

<u>Person</u>	<u>Company</u>	<u>Fax No.</u>
Mr. A. A. Linero	Florida DEP	(904) 922-6979

FILE NO. :

If transmission is incomplete, please call (713) 735-4442

MESSAGE

RE: Draft Permit Amendment No. 105023-003-AC (PSD-FL-190)
Tiger Bay Cogen, Combined Cycle Unit

Dear Mr. Linero:

Yesterday (Dec. 6, 1996) I sent a fax letter to you regarding Tiger Bay's request for extension to Specific Condition No. 15 of the above mentioned air permit.

Tiger Bay's proposed language did not include the ppm conversion @ 15% O₂ for distillate fuel oil. Therefore I have attached a revised fax letter with the proper proposed language. The attached fax letter supercedes the fax letter dated Dec. 6, 1996. I am sorry for the inconvenience this may have created for you.

If you have any questions please do not hesitate to contact me at (713) 735-4086.

Yours Truly,

Jeffrey M. Keenan
Staff Environmental Engineer

Attachment

CONFIDENTIAL NOTICE

The information contained in this facsimile message is legally privileged and confidential information intended for the use of the addressee named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message at the address above via regular mail. We will reimburse any costs you incur in notifying us and returning the message to us.



Destec Energy, Inc.
2500 CityWest Blvd., Suite 160
Houston, TX 77042
Tel : (713) 735-4568
Fax : (713) 735-4571

FACSIMILE TRANSMITTAL

DATE: December 7, 1996

NUMBER OF PAGES: 2
(including cover)

SENT BY: Jeffrey Keenan

PLEASE DELIVER THE FOLLOWING PAGES TO:

<u>Person</u>	<u>Company</u>	<u>Fax. No.</u>
Mr. A. A. Linero	Florida DEP	(904) 922-6979

FILE NO. :

If transmission is incomplete, please call (713) 735-4442

MESSAGE

THIS FAX LETTER SUPERCEDES FAX LETTER DATED DECEMBER 6, 1996

RE: Draft Permit Amendment No. 105023-003-AC (PSD-FL-190)
Tiger Bay Cogen, Combined Cycle Unit

Dear Mr. Linero:

Thank you for your timely review of Tiger Bay's request for extension to Specific Condition No. 15 of our air permit. The draft language from the FDEP states:

Specific Condition 15(a)

FROM: For this turbine, if the 15 (gas)/42 (oil) ppmvd, corrected to 15% O₂ emission rates cannot be met by 12/31/97, SCR or other control technology will be installed. Hence the permittee shall install a duct module suitable for future installation of SCR equipment.

TO: The NO_x maximum emission limit of 97.2 pounds per hour (equivalent to 15 ppm @ 15% O₂) will be achieved not later than 12/31/98 using appropriate combustion technology improvements or SCR.

CONFIDENTIAL NOTICE

The information contained in this facsimile message is legally privileged and confidential information intended for the use of the addressee named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message at the address above via regular mail. We will reimburse any costs you incur in notifying us and returning the message to us.

After I reviewed the language it occurred to me that the mention of gas and oil had been omitted. While Tiger Bay will reduce NO_x emissions to 97.2 pounds per hour firing natural gas, Tiger Bay will be unable to achieve the same while firing oil. Therefore Tiger Bay respectfully requests that the language be revised to read as follows:

TO: The NO_x maximum emission limit of 97.2 pounds per hour (equivalent to 15 ppm @ 15% O₂) firing gas/326 pounds per hour (equivalent to 42 ppm @ 15% O₂) firing distillate fuel oil will be achieved not later than 12/31/98 using appropriate combustion technology or SCR.

If you have any questions please do not hesitate to contact me at (713) 735-4086. I appreciate all that you have done for Tiger Bay and I look forward to hearing from you.

Very Truly Yours,

Jeffrey M. Keenan
Staff Environmental Engineer

CONFIDENTIAL NOTICE

The information contained in this facsimile message is legally privileged and confidential information intended for the use of the addressee named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message at the address above via regular mail. We will reimburse any costs you incur in notifying us and returning the message to us.