



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

March 3, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Allan Wade Smith
General Manager
Orange Cogeneration L.P., Inc.
1125 US Highway 98 South, Suite 100
Lakeland, Florida 33801

Re: Permit Modification No. 1050231-001-AV and 1050231-004-AV
Orange Cogeneration Facility, Extension of NO_x Compliance Date

Dear Mr. Smith:

The Department has reviewed the modification requested in your letter dated September 25, 1998. The referenced permit is hereby modified as follows:

SPECIFIC CONDITION A.6

The compliance date is hereby changed to January 1, 2000 in the table for NO_x for this specific condition.

APPENDIX S, TABLE 1-1

The compliance date is hereby changed to January 1, 2000 in the table for NO_x.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permit revision is issued pursuant to Chapter 403, Florida Statutes. Any party to this order (permit revision) has the right to seek judicial review of it under Section 120.68, F.S., by the filing of 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 of Appeal must be filed within (thirty) days after this Notice is filed with the Clerk of the Department.

Sincerely,

Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/aal

Mr. Allan Wade Smith
Page Two
March 3, 1999

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 3-5-99 to the person(s) listed:

Mr. Allan Wade Smith*
Bill Thomas, SWD

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.

Kyri Lober 3-5-99
(Clerk) (Date)

Florida Department of
Environmental Protection

Memorandum

TO: Howard L. Rhodes

THRU: Clair Fancy 

Al Linero 

FROM: Susan DeVore-Fillmore

DATE: February 18, 1999

SUBJECT: Orange Cogeneration Facility, Extension of NOx Compliance Date,
Permit Modification Nos. 1050231-001-AV and 1050231-004-AV

Attached for approval and signature is Permit Modification Nos. 1050231-001-AV and 1050231-004-AV for extension of the NOx compliance date. The construction permit (PSD permit revision) number 1050231-003-AC / PSD-FL-206C for the Orange Cogen combined cycle combustion turbine allowed an additional year for their General Electric LM6000PB with dry low NOx technology to maintain a consistent level of NOx at 15 ppmvd @ 15% O₂. This Title V Permit Revision updates the NOx compliance date.

This existing facility consists of two 41 megawatt General Electric LM6000PB gas-fired combustion turbines with heat recovery steam generators and an auxiliary boiler. The applicable nitrogen oxides (NOx) emission limit is 25 parts per million (ppm). By January 1999 the combustion turbines must comply with a limit of 15 ppm. The applicant requested an extension until January 1, 2000 to meet the lower limit using Dry Low NOx technology (DLN). This allows General Electric additional time to incorporate design changes based on recent testing conducted in Ohio and Florida

I recommend your approval and signature.

Attachments

/sdf

Z 333 612 577

US Postal Service

Receipt for Certified Mail

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

| | |
|---|----|
| Sent to | |
| Allan Wade Smith | |
| Street & Number | |
| Orange Cosen, CP | |
| Post Office, State & ZIP Code | |
| Lakeland 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 | |
| 1050231-003-AC 12-22-98 | |
| PSD-FI-206C | |

PS Form 3800, April 1995

Fold at the 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):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Mr. Allan Wade Smith
Orange Cosen, CP
1125 US Hwy 98 South
Lakeland, FL 33801

4a. Article Number
Z 333 612 577

4b. Service Type

Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
12-28-98

5. Received By: (Print Name)
Allan Wade Smith

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

6. Signature: (Addressee or Agent)
X

Thank you for using Return Receipt Service.



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

December 18, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Allan Wade Smith, General Manager
Orange Cogeneration LP, Inc.
1125 US Highway 98 South, Suite 100
Lakeland, Florida 33801

Re: DEP File No. 1050231-003-AC (PSD-FL-206C)
Combined Cycle Cogeneration Plant
Dry Low NO_x Technology Compliance Date Extension

The Department has reviewed the modification requested in your letter dated September 25, 1998 to extend the date of compliance with the nitrogen oxide emission limit at Orange Cogeneration's combined cycle unit located in Bartow, Polka County. The referenced permit is hereby modified as follows:

SPECIFIC CONDITION 10

Prior to January 1, ~~1999~~ 2000, the maximum NO_x concentration, 1-hour average, from each CT/HRSG unit, shall not exceed 25 parts per million by volume dry corrected to 15 percent oxygen (25 ppmvd @ 15% O₂), as determined by the procedures in Specific Conditions Nos. 16, 17 and 18.

SPECIFIC CONDITION 11

After December 31, ~~1998~~ 1999, the maximum NO_x concentration, 1-hour average, from each CT/HRSG unit, shall not exceed 15 ppmvd @ 15% O₂, as determined by the procedures in Specific Conditions Nos. 16, 17 and 18. The permittee shall obtain prior approval from the Department for any air pollution control equipment not addressed in this permit that is needed to meet the NO_x emission standard. The Department may revise the limit based on the capabilities of alternative equipment installed.

SPECIFIC CONDITION 15


Manufacturer's curves for the emission rate correction to other temperatures at different loads shall be provided to DEP for review by January 1, ~~1999~~ 2000. Until new curves are approved by the Department or the combustion turbines meet the NO_x emission standard of 15 ppmvd @ 15% (whichever occurs first), the stack, operator, and emission data for the proposed combustion turbines in Table 2-4 (October 28, 1993) will be used. The data will be used to determine compliance with the maximum allowable emission rates of the regulated air pollutants at different air inlet temperatures for these turbines.

TABLE 1

The compliance date is hereby changed to 1/1/00 as is the date in Note (d).

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 the filing of 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 of Appeal must be filed within (thirty) days after this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.



Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

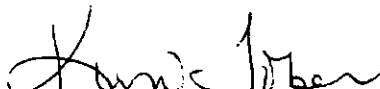
The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMIT MODIFICATION (including the FINAL permit modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 12-22-98 to the person(s) listed:

Allan Wade Smith, Orange Cogen LP *
Gregg Worley, EPA
John Bunyak, NPS
Bill Thomas, DEP SWD
Joe King, Polk County

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.


(Clerk)

12-22-98
(Date)

FINAL DETERMINATION

DEP File No. 1050231-003-AC (PSD-FL-206C)

Orange Cogeneration L.P., Inc.
Bartow, Polk County

An Intent to Issue an air construction permit modification for the Orange Cogeneration L.P., Inc. combined cycle cogeneration plant located at 1901 Clear Springs Mine Road, Bartow, Polk County, Florida was distributed on November 5, 1998.

The application was for an extension until January 1, 2000 to reduce nitrogen oxides emissions from 25 to 15 parts per million by volume (dry @15% O₂) using Dry Low NO_x technology (DLN). This will allow General Electric additional time to incorporate design changes based on recent testing conducted in Ohio and Florida. A similar developmental program by General Electric resulted in emissions well below 15 ppm by DLN from its larger 7EA gas combustion turbines at Cane Island, Mulberry and Gainesville.

The Public Notice of Intent to Issue Air Construction Permit Modification was published in The Polk County Democrat on November 9, 1998. Comments were received only from the U.S. Fish and Wildlife Service, Air Quality Branch. The main comment is as follows:

"Although FDEP does not have the authority to revisit BACT in this case, it is (the Park Service's) understanding that any revision and/or extension of a PSD permit must consider possible changes in BACT subsequent to the issuance of the original permit. In this case, Orange should be required to perform a new BACT analysis, with particular attention to the feasibility of installing Selective Catalytic Reduction (SCR) on this CCT."

Over the next year, General Electric and Orange Cogeneration will develop a number of options to meet the lower emission limit by DLN. Department approval is already required for any air pollution control equipment needed to achieve the emission standards. The Department will revise the permit to indicate that emission limits may be adjusted to reflect the reduction achievable by the option implemented.

The final action of the Department is to issue the permit modification as noticed, but with language indicating that the limits may be revised in accordance with the final technology chosen.



U.S. FISH & WILDLIFE SERVICE AIR QUALITY BRANCH

P.O. BOX 25287, Denver, CO 80225-0287

FACSIMILE COVER SHEET

Date: December 8, 1998

Telephone: (303) 969-2617

Fax: (303) 969-2822

To: Al Linero

Subject: Orange Cogen—Bartow —BACT Analysis

Best Available Control Technology Review

Orange Cogen (Orange) received a permit from FDEP for installation of a two new 41 MW Combined Cycle Turbines (CCT) with NO_x to be controlled to 15 ppm by Dry Lox-NO_x (DLN) combustors. However, Orange has experienced difficulties in meeting that limit and has requested until 1/1/2000 to do so.

Although FDEP does not have the authority to revisit BACT in this case, it is my understanding that EPA policy demands that any revision and/or extension of a PSD permit must consider possible changes in BACT subsequent to the issuance of the original permit. In this case, Orange should be required to perform a new BACT analysis, with particular attention to the feasibility of installing Selective Catalytic Reduction (SCR) on this CCT.

Number of Pages: 1

(Including this cover sheet)

Office Location: 7333 West Jefferson Ave, Suite 450, Lakewood, CO 80235

Memorandum

Florida Department of
Environmental Protection

RECEIVED

DEC 22 1998

BUREAU OF
AIR REGULATION

TO: Howard L. Rhodes

THRU: Clair Fancy *CAF*
Al Linero *AL*

FROM: Susan DeVore-Fillmore

DATE: December 17, 1998

SUBJECT: Orange Cogeneration Facility, Extension of NOx Compliance Date,
1050231-003-AC (PSD-FL-206C)

KIM

Attached for approval and signature is construction permit number 1050231-003-AC / PSD-FL-206C for extension of NOx compliance date. This construction permit (PSD permit revision) for the Orange Cogen combined cycle combustion turbine allows an additional year for their General Electric LM6000PB with dry low NOx technology to maintain a consistent level of NOx at 15 ppmvd @ 15% O₂.

This existing facility consists of two 41 megawatt General Electric LM6000PB gas-fired combustion turbines with heat recovery steam generators and an auxiliary boiler. The applicable nitrogen oxides (NOx) emission limit is 25 parts per million (ppm). By January 1999 the combustion turbines must comply with a limit of 15 ppm. The applicant has requested an extension until January 1, 2000 to meet the lower limit using Dry Low NOx technology (DLN). This will allow General Electric additional time to incorporate design changes based on recent testing conducted in Ohio and Florida. A similar developmental program by General Electric resulted in emissions well below 15 ppm by DLN from its larger 7EA gas combustion turbines at Cane Island, Mulberry and Gainesville.

I recommend your approval and signature.

Attachments

/sdf



November 13, 1998

Mr. Al Linero, P.E.
Administrator, New Source Review Section
Division of Air Resources Management
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RECEIVED

NOV 16 1998

**BUREAU OF
AIR REGULATION**

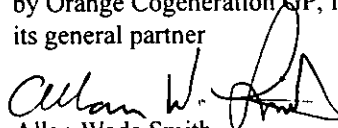
Re: Orange Cogeneration Facility
1050231-003-AC, 1050231-004-AV, PSD-FL-206C

Dear Mr. Linero:

I have enclosed an affidavit from The Polk County Democrat showing that the PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION AND TITLE V PERMIT MODIFICATIONS for the Orange Cogeneration Facility located near Bartow, Florida was published in their paper on November 9, 1998.

If you have any questions please call me at 941-682-6338.

Sincerely,
Orange Cogeneration Limited Partnership
by Orange Cogeneration GP, Inc.
its general partner


Allan Wade Smith
General Manager

enclosure

cc: S. Devore-Jellmore - BAR, NSR
J. Sheplak, BAR TV
SWD

AFFIDAVIT OF PUBLICATION

The Polk County Democrat

Published Semi-Weekly
Bartow, Polk County, Florida

Case No. _____

STATE OF FLORIDA
COUNTY OF POLK

Before the undersigned authority personally appeared Mary G. Frisbie, Treasurer of The Polk County Democrat, a newspaper published at Bartow, Polk County, Florida; that the attached copy of advertisement, being a Public Notice Intent to Issue Air Construction and Title V Permit Modifications in the Court, was published in said newspaper in the issues of Nov. 9, 1998

Affiant further says that The Polk County Democrat is a newspaper published at Bartow, in said Polk County, Florida, and that said newspaper has heretofore been continuously published in said Polk County, Florida, each Monday and Thursday, and has been entered as second class matter at the post office in Bartow, in said Polk County, Florida, for a period of one year next preceeding 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 said newspaper.

Signed Mary G. Frisbie

Sworn to and subscribed before me this 11th day of Nov., 19 98,

by Mary G. Frisbie

who is personally known to me.

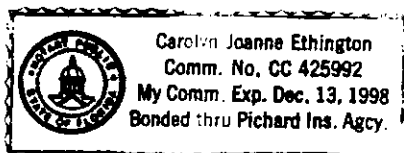
C. Joanne Ethington
(Signature of Notary Public)

C. Joanne Ethington

(Printed or typed name of Notary Public)

Notary Public

My Commission Expires:



PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION AND TITLE V PERMIT MODIFICATIONS

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEP File Nos.
1050231-003-AC and
1050231-004-AV,
PSD-FL-206C
Orange Cogeneration Facility
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue air construction and Title V permit modifications to Orange Cogeneration for its facility located in Bartow, Polk County. This permitting action will also ultimately revise Title V permit number 1050231-001-AV. A Best Available Control Technology (BACT) determination was not required for this modification pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's name and address are: Orange Cogeneration GP, Inc. 1125 US Highway 98 South, Suite 100, Lakeland, Florida 33801.

This existing facility consists of two 41 megawatt General Electric LM6000PB gas-fired combustion turbines with heat recovery steam generators and an auxiliary boiler. The applicable nitrogen oxides (NOx) emission limit is 25 parts per million (ppm). By January 1999 the combustion turbines must comply with a limit of 15 ppm. The applicant has requested and extension until January 1, 2000 to meet the lower limit using Dry Low NOx technology (DLN). This will allow General Electric additional time to incorporate design changes based on recent testing conducted in Ohio and Florida. A similar developmental program by General Electric resulted in emissions well below 15 ppm by DLN from its larger 7EA gas combustion turbines at Cane Island, Mulberry and Gainesville.

The Department will issue the final permit modifications 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 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 Construction and Title V Permit Modifications." Written comments 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 modifications and require, if applicable, another Public Notice.

The Department will issue these permit modifications 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 under section 120.60(3) of 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 the applicant at the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.269 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

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, as well as the rules and statutes which entitle the petitioner to relief, and (f) A demand for relief.

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.

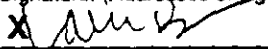
Because the administrative hearing process is designed to formulate final agency action, the filing of petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the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

Dept. of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979
Dept. of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: 813/744-6100
Fax: 813/744-6084
Polk County Public Works Dept.
Natural Resources & Drainage Div.
4189 Ben Durrance Road
Bartow, Florida 33830
Telephone: 941/534-7377
Fax: 941/534-7374

The complete project file includes the Draft Permit modifications, 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 New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.
Nov. 9, 1998-3343

Is your RETURN ADDRESS complete? on the reverse side?

| | | |
|---|--|---|
| SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered. | | I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee. |
| 3. Article Addressed to: Mr. Allan Wade Smith General Manager Orange Cogeneration L.P., Inc. 1125 US Highway 98 S., Suite 100 Lakeland, FL 33801 | 4a. Article Number P 265 659 430 | 4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD |
| | 7. Date of Delivery 3-8-99 | |
| 5. Received By: (Print Name) | 8. Addressee's Address (Only if requested and fee is paid) | |
| 6. Signature: (Addressee or Agent)  | | |

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

P 265 659 430

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

| | |
|---|----|
| Sent to | |
| Mr. Allan Wade Smith, Orange | |
| Street & Number | |
| 1125 US Hwy 98 S, Ste 100 Cogen | |
| Post Office, State, & ZIP Code | |
| Lakeland, FL 33801 | |
| Postage | \$ |
| Certified Fee | |
| Social 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 | |
| Mailed: 3-4-99 | |

PS Form 3800, April 1995

Post-it® Fax Note 7671

| | |
|-----------|----------------|
| To | David Graziano |
| Co./Dept. | Air Pollution |
| Phone # | SC 273-3136 |
| Fax # | SC 1-355-2442 |
| Date | 7-7-99 |
| From | Jeff Korman |
| Co. | NEP |
| Phone # | SC 894-7268 |
| Fax # | 850/922-6979 |