



July 17, 1997

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

Re: Orange Cogeneration Facility
AC53-233851B, PSD-FL-206B

RECEIVED
JUL 18 1997
BUREAU OF
AIR REGULATION

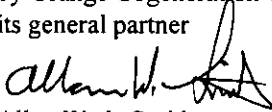
Dear Mr. Linero:

I have enclosed an affidavit from The Polk County Democrat showing that the PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION for the Orange Cogeneration Facility located near Bartow, Florida was published in their paper on Thursday July 10, 1997.

Since we did not receive the affidavit until today, I am sending a copy of the affidavit and the public notice via facsimile to your office and sending the original via overnight carrier.

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

enclosures

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 _____, who on oath says that (s)he is
Treasurer _____ of The Polk County Democrat, a newspaper
published at Bartow, Polk County, Florida; that the attached copy of advertisement,
being a Public Notice _____ in the
matter of Intent to Issue Air Construction Permit Modification
#1050231-002-AC _____
in the _____ Court, was published in said newspaper in the issues
of July 10, 1997 _____.

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 continu-
ously 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 advertise-
ment; 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 9th day of July, 19 97.

by _____ Mary G. Frisbie _____.

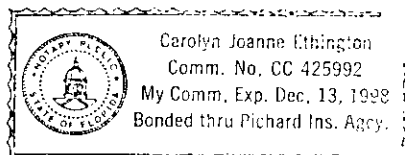
who is personally known to me.

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
PERMIT MODIFICATION
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION
DRAFT PERMIT
MODIFICATION NO.
1050231-002-AC
PSD-FL-206B
Barrow Facility
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Orange Cogeneration Limited Partnership, Polk County, 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. F.A.C. and 40 CFR 52.21. The information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mall Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-8938. Petitioners 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 or 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 the 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.

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 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 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; (g) A statement of all parties to the mediation, if any, the timely agreement of all parties to mediation will be imposed by Sections 120.569 and 120.57, F.S., for administrative hearing and holding an otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement.

The Department will accept written comments concerning the proposed DRAFT Permit Modification issuance action from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mall Station #505, 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 the DRAFT Permit Modification. The Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to a hearing. If mediation is agreed to, the Department 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. 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, Mall 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, and that person's representative; (b) A statement of the relief sought; and (c) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in the 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 name, address, and telephone number of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator or a 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 mediation will be imposed by Sections 120.569 and 120.57, F.S., for administrative hearing and holding an otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement.

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, Mall 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, and that person's representative; (b) A statement of the relief sought; and (c) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in the 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 name, address, and telephone number of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator or a 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 mediation will be imposed by Sections 120.569 and 120.57, F.S., for administrative hearing and holding an otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement.

The complete project file (813)744-6084. Includes the Draft Permit Modification, 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.

July 10, 1997-1910