



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

June 27, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Robert W. Carter, Chairman
Panda-Kathleen, L.P.
4100 Spring Valley, Suite 1001
Dallas, Texas 75244

Dear Mr. Carter:

Re: Permit No. AC53-251898, PSD-FL-216A, Time Extension

The Department received your request to extend the expiration date of the construction permit referenced below. The permit is amended as shown:

Permit No. AC 53-251898, PSD-FL-216, Power Plant

Current Expiration Date: December 31, 1997

New Expiration Date: June 31, 1999

New Construction Commencement Date: January 5, 1998

Additionally, the following specific conditions are also being amended.

Condition 4.

Within 6-months after the initial compliance test (estimated to be by ~~June, 1997~~ **January, 1999**), Panda-Kathleen shall prepare and submit for the Department's review an engineering report containing, as a minimum, the following information:

The report shall include the NO_x concentration achieved during the initial compliance test. It shall also include hourly NO_x concentrations achieved during the 3-months subsequent to the initial compliance test and based on the continuous emissions monitoring (CEM) data. The CEM data shall meet the requirements of 40 CFR 60, Appendix F, quality assurance procedures.

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The report shall also include results of the testing requirements of 40 CFR 60, Appendix F procedures, unit load (%) during the testing period (daily averages), and the actual CEM data strip chart for the 3-month period.

Condition 5.

After submittal of the engineering report (estimated to be by ~~June, 1997~~ January 1999), the Department will make a determination and may revise the NO_x emission limits. If the data demonstrates that a NO_x concentration of less than 15 ppmvd @ 15% O₂ and ISO conditions is consistently achievable, the NO_x emission limit will be adjusted to 20 percent over the demonstrated concentration, rounded to the next higher number. The adjusted NO_x concentration cannot exceed 15 ppmvd @ 15% O₂ and ISO conditions.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 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 at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3900. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information;

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department 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;

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- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and,
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application/request have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this intent in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, F.A.C.

This letter shall become an attachment to construction Permit No. AC 53-251898, PSD-FL-216.

Sincerely,



Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/sa/t

cc: W. Thomas, SWD
R. Harwood, Polk County
J. Harper, EPA
J. Bunyak, NPS
J. Meling, P.E. ECT

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CERTIFICATE OF SERVICE

This is to certify that this Permit Amendment and all copies were mailed to the listed persons before the close of business on 6-27-96 to the listed persons.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to
Chapter §120.52(11), Florida
Statutes, with the designated
Deputy Clerk, receipt of which
is hereby acknowledgement.

Kymi Jober 6-27-96
(Clerk) (Date)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:
 Robert W Carter
 Panda-Kathleen, LP
 4100 Spring Valley, Suite 1001
 Dallas, TX 75244

4a. Article Number
 P 339 251 119

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

7. Date of Delivery
 7/12/96

5. Signature (Addressee)
 [Handwritten Signature]

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

6. Signature (Agent)
 [Handwritten Signature]

Thank you for using Return Receipt Service.

P 339 251 119

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

Sent to	Robert Carter
Street & Number	Panda-Kathleen
Post Office, State, & ZIP Code	Dallas, 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	6-27-96
	PSD-F1-216A

PS Form 3800, April 1995