

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SEMINOLE ELECTRIC COOPERATIVE, INC.,

Petitioner,

vs.

OGC CASE NO. 97-1620

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

_____/

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OCT 13 1998

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

BUREAU OF
AIR REGULATION

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner, SEMINOLE ELECTRIC COOPERATIVE, INC., to grant an extension of time to file a petition for an administrative hearing on application No. 1070025-001-AV. See Exhibit 1.

Respondent, State of Florida Department of Environmental Protection, has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until November 1, 1998, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 12 day of October, 1998, in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


F. PERRY ODOM
General Counsel

Douglas Building
3900 Commonwealth Boulevard
Mail Station #35
Tallahassee, FL. 32399-3000
Telephone: (850) 488-9314

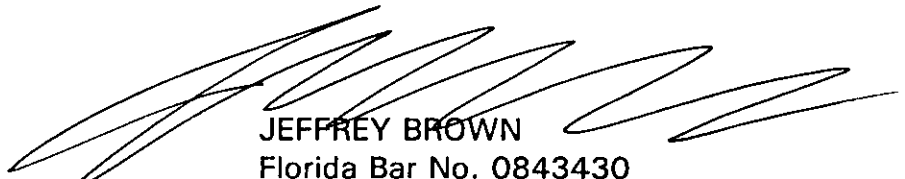
CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been mailed to:

Robert A. Manning, Esquire
HOPPING, GREEN, SAMS & SMITH, P.A.
Post Office Box 6526
Tallahassee, FL 32314-6526

on this 13 day of October, 1998.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JEFFREY BROWN
Florida Bar No. 0843430
Assistant General Counsel

3900 Commonwealth Boulevard
Mail Station #35
Tallahassee, FL. 32399-3000
Telephone: (850) 488-9314

97-162

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC CASE NO.:

FDEP Revised Draft Permit No.: 1070025-001-AV

Seminole Electric Cooperative, Inc.
Seminole Power Plant
Putnam County, Florida

_____ /

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SEP 30 1998

**Dept. of Environmental Protection
Office of General Counsel**

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, Seminole Electric Cooperative, Inc. (Seminole) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 1, 1998, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Seminole states the following:

1. On or about September 12, 1997, Seminole received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 1070025-001-AV) for the Seminole Power Plant located in Putnam County, Florida. Seminole subsequently filed several extensions of time, until September 30, 1998, to preserve its right to file a Petition for Administrative Proceeding on this permit.

2. On or about August 20, 1998, Seminole received from the Department an "Intent to Issue Title V Air Operation Permit" (REVISED Draft Permit No. 1070025-001-AV) for the Seminole Power Plant. The Department issued this Revised Draft based on progressing

negotiations and the need to include additional applicable requirements pursuant to the Acid Rain program.

3. Mr. Scott Sheplak of the Department's Bureau of Air Regulation informed Seminole that the initial Draft Title V permit was effectively withdrawn upon the issuance of the Revised Draft Title V permit, and therefore no further proceedings could occur on the initial Draft permit. In reliance on this representation, Seminole filed its first Request for Extension of Time on the Revised Draft permit, and understood that no further extensions of time would be needed to preserve its rights in relation to the initial Title V permit because it has been effectively withdrawn. Nonetheless, insofar as the initial Draft Title V permit may be determined to still be in effect, Seminole respectfully requests that this second Request for Extension of Time apply to both the initial and the Revised Draft Title V permits.

4. Based on Seminole's review, the Revised Draft permit and associated documents contain several provisions that warrant clarification or correction.

5. This request is filed simply as a protective measure to avoid waiver of Seminole's right to challenge certain conditions contained in the Revised Draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a petition and proceed to a formal administrative hearing.

WHEREFORE, Seminole respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Permit for Revised Draft Permit No. 1070025-001-AV be formally extended to and including November 1, 1998. If the Department denies this Request, Seminole requests the opportunity to file a Petition for Administrative Proceeding within 10 days of such denial.

Respectfully submitted this 30 day of Sepetember, 1998.

HOPPING GREEN SAMS & SMITH, P.A.

By: Robert A. Manning

Robert A. Manning

Fla. Bar No. 0035173

123 South Calhoun Street

Post Office Box 6526

Tallahassee, FL 32314

(850) 222-7500

Attorneys for SEMINOLE ELECTRIC
COOPERATIVE, INC.

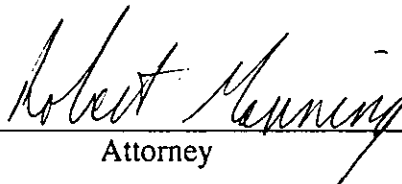
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following
by U.S. Mail on this 30 day of September, 1998:

Clair H. Fancy, P.E., Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ed Svec
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Jeff Brown, Esq.
Department of Environmental Protection
Room 669
2600 Blair Stone Road
Tallahassee, FL 32399-2400



Attorney

10/15/98

cc: Scott Sheplak
Ed Svec

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC CASE NO.:

FDEP Revised Draft Permit No.: 1070025-001-AV

Seminole Electric Cooperative, Inc.
Seminole Power Plant
Putnam County, Florida

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HOPPING GREEN SAMS & SMITH, P.A.

By: Robert A. Manning

Robert A. Manning
Fla. Bar No. 0035173
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(850) 222-7500

Attorneys for SEMINOLE ELECTRIC
COOPERATIVE, INC.

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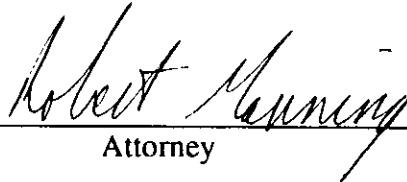
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