

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC CASE NO.: 04-1736
FDEP Draft Permit No.: 1070025-002-AV

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

RECEIVED

NOV 10 2004

BUREAU OF AIR REGULATION

NOTICE OF WITHDRAWAL OF ENLARGEMENT OF TIME

Seminole Electric Cooperative, Inc. ("Seminole Electric"), by and through undersigned counsel, hereby withdraws its Second Request for Enlargement of Time to file a petition for formal administrative proceedings in accordance with Chapter 120, Florida Statutes. Seminole Electric currently has pending a Second Request for Enlargement of Time until November 15, 2004, in response to the "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 1070025-002-AV) for the Seminole Power Plant, located in Putnam County, Florida, to negotiate certain changes in the Draft Title V permit with the Department. Following discussions with Department representatives, Progress and the Department have come to agreement on the issues involved in the above-referenced Draft Title V permit, as reflected in the attached preliminary Proposed Title V Permit dated November 10, 2004. Accordingly, conditioned upon the Department's issuance of the Proposed Title V permit in accordance with our agreement, Progress hereby withdraws its Request for Enlargement of Time.

RESPECTFULLY SUBMITTED this 10th day of November, 2004.

By: Robert A. Manning
Robert A. Manning
Florida Bar ID No. 0035173
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
(850) 224-8551 Facsimile

Attorneys for Seminole Electric Cooperative, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 10th day of November, 2004.

Robert A. Manning
Robert A. Manning

Gibson, Victoria

From: Gibson, Victoria
Sent: Monday, November 01, 2004 9:29 AM
To: Holladay, Cleve; Pennington, Jim
Cc: Vielhauer, Trina
Subject: Seminole Electric Co-op

Good morning.

The extension of time for Seminole Electric Co-op will expire today. What is the status on this permit?

1070025-002-AV

Thank you.

Vickie

Victoria Gibson, Administrative Secretary
Bureau Chief's Office
DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504

Gibson, Victoria

From: Vielhauer, Trina
Sent: Monday, November 01, 2004 1:14 PM
To: Linero, Alvaro; Pennington, Jim; Holtom, Jonathan
Cc: Gibson, Victoria
Subject: Title V renewals

After our meeting with Mike C. this morning on the heat input issue and discussions of how to proceed and what legal actions are pending out there, I thought this would be helpful for you and all of our permittees.

Priority #1: demonstrating that the heat input issue is resolved

The renewals that are affected by this issue [according to my records] follow. For those in which extensions of time have been filed, we need to email a draft proposed permit to their attorney and a cc. to the responsible official. **IF THE COMMENT PERIOD HASN'T EXPIRED YET, WE SHOULD NOTE THAT, BARRING ANY COMMENTS, HERE IS WHAT WE INTEND TO ISSUE.** Once they've reviewed and concurred and the comment period has passed, their attorney will withdraw the extensions of time [or notify us they will not be petitioning]. Mike requested this be done by Tuesday afternoon for as many as possible. I suggest we start with those permits where heat input is the only outstanding issue.

Gulf Power Smith	no outstanding requests for extensions of time
Gulf Power Schultz	no outstanding requests for extensions of time
OUC Stanton	no outstanding requests for extensions of time
KUA	no outstanding requests for extensions of time
GRU	no outstanding requests for extensions of time
Tiger Bay	facility has requested a 2 nd extension of time; has not been acted upon [so they'd need to withdraw that request once they see the proposed and are ok with it]
DeBary check LCT: 1270028-007AV.	I'm not showing a list of any extensions requested? Vickie- can you double
Sanford	facility requested an extension of time; has not been acted upon [so they'd need to withdraw that request once they see the proposed and are ok with it]
Crist	just filed new request for extension until November 8 bc. southern company's in house attorney out of town to discuss permit shield language. I told them we need to get these out but the 8 th would be ok.
Anclote	we resolved, attorney filed withdrawal of extension of time and has gone proposed already so case can be closed in LCT

Priority #2: getting the other renewals to proposed status

The biggest issues I've heard on drafts have been CAM or heat input. Are there others we need to discuss internally? We need to get these to proposed status in the next 2 weeks also. Here is a status on extensions of time on these other renewals. I'm not sure when each permit's 30 day comment period ends.

Bartow	extension of time expires today
--------	---------------------------------

11/1/2004

Progress Suwannee

extension of time expires today

Progress Turner

we denied 3rd extension request; have until today to file full petition

Progress u of f

we denied extension of time; have until today to file a full petition

Crystal River

extension of time expires today

Seminole

extension of time expires today

TECO Big Bend

extension of time expires today

TECO Bayside

no extensions of time filed

TECO Polk

no extensions of time filed

Reliant Indian River

proposed sent to EPA

Indiantown cogen

Vickie- can you refresh my memory. Did they request extension of time?

Stock Island

no extensions of time filed

FPL Canaveral

proposed sent to EPA

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Application for Permit by:

OGC CASE NO.: 04-1736
FDEP Draft Permit No.: 1070025-002-AV

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

SECOND REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Seminole Electric Cooperative, Inc., (Seminole Electric) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 15, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Seminole Electric states the following:

1. On or about October 5, 2004, Seminole Electric Cooperative, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" and accompanying "Draft Permit," (Draft Permit No.1070025-002-AV), for the Seminole Power Plant, located in Putnum County, Florida.
2. Based on Seminole Electric's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.
3. Seminole Electric and DEP are in the process of discussing possible resolutions to the issues needing clarification or correction.

4. The Department granted Seminole Electric's first Request for Enlargement of Time, allowing until November 1, 2004, to file a petition in this matter.

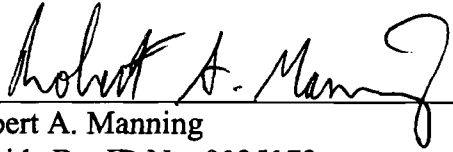
5. Seminole Electric is now requesting until November 15, 2004, in order to resolve remaining issues before the Departments's intended deadline to send all Title V renewals to the Environmental Protection Agency as proposed permits.

6. This second request is filed simply as a protective measure to avoid waiver of Seminole Electric's right to challenge certain conditions contained in the 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 Electric Cooperative, Inc. 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 No.1070025-002-AV be formally extended to and including November 15, 2004.

RESPECTFULLY SUBMITTED this 1st day of November, 2004.

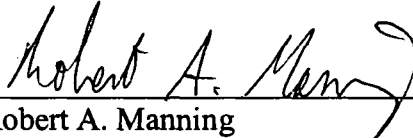
By: _____


Robert A. Manning
Florida Bar ID No. 0035173
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
(850) 224-8551 Facsimile

Attorneys for Seminole Electric Cooperative, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 1st day of November, 2004.


Robert A. Manning

BEST AVAILABLE COPY**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION****SEMINOLE ELECTRIC COOPERATIVE, INC.**
Seminole Power Plant

Petitioner,

v.

OGC #04-1736

DEP Permit 1070025-002-AV

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION,**

Respondent.

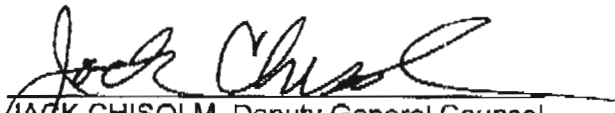
**ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection upon 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 to allow time to discuss with FDEP several specific permit conditions for its facility in Putnam County, Florida. Because the request shows good cause for the extension of time,

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, 2004**, 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 18th day of October, 2004, in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**
JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard, M.S. 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

BEST AVAILABLE COPY**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
_ U. S. Mail _ ☒ facsimile ☒ or ly, this 18th day of October, 2004, to:

Robert A. Manning, Esquire
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314

Facsimile 850-224-8551



W. Douglas Beason, Assistant General Counsel
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
3900 Commonwealth Boulevard - Mail Station 35
Tallahassee, FL 32399-3000
850-245-2242 facsimile 850-245-2302

with a courtesy copy to:

Trina L. Vielhauer
Chief
Bureau of Air Regulation

facsimile: 850-921-9533

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEMINOLE ELECTRIC COOPERATIVE, INC.
Seminole Power Plant

Petitioner,

v.

OGC #04-1736
DEP Permit 1070025-002-AV

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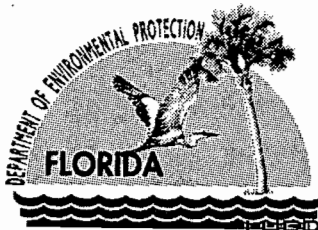
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DONE AND ORDERED on this _____ day of October, 2004, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard, M.S. 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302



Department of Environmental Protection

OFFICE OF SECRETARY

Jeb Bush
Governor

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U. S. Mail __ facsimile __ only this 1st day of October, 2004, to:

Colleen M. Castille
Secretary

Robert A. Manning, Esquire
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314

Facsimile 850-224-8551

W. Douglas Beason, Assistant General Counsel
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
3900 Commonwealth Boulevard - Mail Station 35
Tallahassee, FL 32399-3000
850-245-2242 facsimile 850-245-2302

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Trina L. Vielhauer
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facsimile: 850-921-9533

04-1736

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OCT 13 2004

BUREAU OF AIR REGULATION

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Putnam County, Florida

REQUEST FOR ENLARGEMENT OF TIME

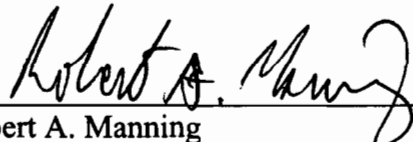
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request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

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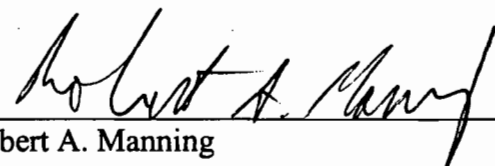
RESPECTFULLY SUBMITTED this 13th day of October, 2004.

By: 
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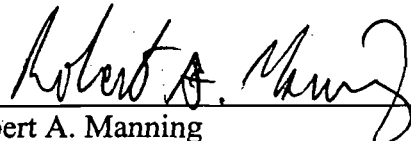
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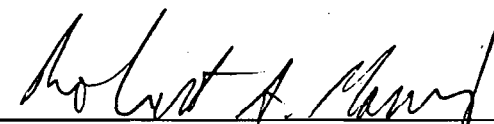
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Robert A. Manning

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, October 14, 2004 1:25 PM
To: Holladay, Cleve; Pennington, Jim
Subject: FW: extension request

Importance: High

Hi,

Would you like to grant this extension of time? Is so, for how long? They have requested through and including the 15th of November. Maybe the 12th of November would be better?

Let me know how you would like to proceed.

Thanks.

Vickie

-----Original Message-----

From: Carter, Kathy
Sent: Thursday, October 14, 2004 11:27 AM
To: Holladay, Cleve; Chisolm, Jack; Vielhauer, Trina
Cc: Gibson, Victoria; Light, Lisa
Subject: extension request

Cleve:

FYI:

DGC received a request for extension of time from Seminole Electric Cooperative re: Seminole Power Platan, #1070025-002-AV on 10/13/04.

Kathy

Office of General Counsel
Agency Clerk
245-2212
Kathy.Carter@dep.state.fl.us

10/18/2004 11:06:17

Style of Case SEMIHOLE ELECTRIC COOPERATIVE (SEMIHOLE POWER PLANT) v DEP

Lead Attorney	TRINA	L	VIELHAUER	Status	OPEN
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Forum Name	Forum Case Number
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Permit App **1070025-002-AV** Final Order Number

Date*	Code	Activity Description
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10/13/2004	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
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10/14/2004	AA	ASSIGNED TO LEAD ATTORNEY TRINA L VIELHAUER
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10/14/2004	ACO	ADMIN. CASE OPENED IN OGC
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10/18/2004	ORDER GRANTING EXTENSION UNTIL 11/1/2004
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1. *Journal of the American Medical Association*, 2000; 283: 2669-2675.

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