

## Folder - 5

Letter from Seminole Electric Cooperative, Inc to Mike Halpin Re: Seminole Generating Station (SGS) Unit 3 Draft Air Permit No. PSD-FL-375 Project No. 1070025-005-AC	9/27/2006	10/2/2006
County of Putnam newspaper Public Notice of Intent to Is published in the Palatka Daily News, a Florida Corporation on behalf of corporation 1070025-005-AC PSD-FL-375	9/8/2006	9/29/2006
DEP Seminole Electric Cooperative, Inc. Petitioner OGC No. 06-1976 DEP Permit No. 1070025-005-AC Order Granting Request for Extension of Time to File Petition for Hearing	9/18/2006	
Letter to James Fruen Seminole Electric Cooperative Re: Draft Permit No. PSD-FL-375 Project No. 1070025-005-AC Seminole Generation Station (SGS) Unit 3 with accompanying Draft Permit (green card from Jim Frauen and Phillis Fox	8/24/2006	

Document	Date	Date Stmp
Email from Trina to Elizabeth with Sierra Club, inc Notice of appeal for final permit No. PSD-FL-375 Project no. 1070025-005-AC Siting No. PA 78-10A2	email dated 10/6/08	10/3/2008
Email from Kritish Henry to Elizabeth Walker as a receipt to receiving Seminole Generating Station 1070025-005-AC/PSD-FL-375 Permit	9/18/2008	
Final Permit for Seminole Electric Cooperative, Inc. Seminole Generating Station SGS Unit 3 Permit No. PSD-FL-375 Project No. 1070025-005-AC Siting No. PA 78-10A2 Expires December 31, 2012 with Responses attached	9/3/2008	
Natural Resource Defense Council: Southern Alliance for clean Energy letter to Mike Halpin, Trinal Vielhauer, Al Linero and Jack Chislom (via email and US Mail) Re: comments of Seminole Electric Cooperative, Inc's Proposed Addition of New Unit 3	7/3/2008	
Letter to Trina Vielhaouer from US EPA Region 4	10/5/2006	10/9/2006
County of Putnam newspaper Public Notice of Intent to Is published in the Palatka Daily News, a Florida Corporation on behalf of corporation 1070025-005AC/ Draft Permit PSD-FL-375	9/8/2006	
Seminole Electric / Semiole Power Plant 1070025-005-AC OGC# 06-1976 spreadsheet with coorespondence	2006	
Letter from Seminole Electric Cooperative, Inc. to Trina Vielhauer RE: Incorporation of Agreement into Seminole Unit 3 PSD Permit Draft Permit No. PSD-FL-375	3/28/2007	3/29/2007
Email from Trina to Vickie Gibson and Patty Adams Notification Request for Future Actions regarding Coal-fired power plants	9/19/2007	
Sierra Club letter to Mike Halpin, Jeff Koerner and Trinal Vielhauer	12/19/2006	
Letter to Kristin Henry Sierra Club from DEP RE: Notification Request	12/22/2006	
Letter from Seminole Electric Cooperative, Inc to Mike Halpin Re: Seminole Electric Cooperative, Inc Seminole Generating Station Unit 3 Response to comment Letter	10/11/2006	10/16/2006

## Walker, Elizabeth (AIR)

---

**From:** Kristin.Henry@sierraclub.org  
**Sent:** Thursday, September 18, 2008 12:37 PM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Re: FW: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375  
**Attachments:** Seminole NOFP.pdf

Elizabeth,

Sorry for not responding. Yes, I received the notification and was able to open the zipfile.

Kristin Henry  
Staff Attorney  
Sierra Club  
85 Second Street  
San Francisco, CA 94105-3441  
415.977.5716 phone  
415.977.5793 fax  
kristin.henry@sierraclub.org

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"Walker,  
Elizabeth (AIR)"  
<Elizabeth.Walker  
@dep.state.fl.us>

To  
<kristin.Henry@sierraclub.org>  
cc

09/18/2008 06:04  
AM

Subject  
FW: SEMINOLE GENERATING STATION;  
1070025-005-AC/PSD-FL-375

Ms. Henry,

We have not received confirmation that you were able to access the documents attached to this September 5th e-mail, as well as the documents provided in the link ( [http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1070025.005.AC.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1070025.005.AC.F_pdf.zip) ) referenced in the email. Please confirm receipt by opening the attachment and clicking on the link to the permit documents, and sending a reply to me.

The Division of Air Resource Management is sending electronic versions of these documents rather than sending them Return Receipt Requested via the US Postal service. Your "receipt confirmation" reply serves the same purpose as tracking the receipt of the signed "Return Receipt" card from the US Postal Service. We know the process is a little unusual, but we hope it makes a difference in the long run. Please let me know if you have any questions.

Thank you,

Elizabeth Walker  
Bureau of Air Regulation  
Division of Air Resource Management (DARM)  
(850)921-9505

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Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey. Thank you in advance for completing the survey.

From: Walker, Elizabeth (AIR)

Sent: Friday, September 05, 2008 11:25 AM

To: 'jfrauen@seminole-electric.com'

Cc: 'sosbourn@golder.com'; 'kkosky@golder.com'; 'rmanning@hgslaw.com'; Kirts, Christopher; 'phillisfox@gmail.com'; 'kristin.Henry@sierraclub.org'; 'joanne.spalding@sierraclub.org'; 'catherine\_collins@fws.gov'; 'gcavros@att.net'; Seiler, Ann; Halpin, Mike; Vielhauer, Trina; Koerner, Jeff

Subject: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

Attached is the official Notice of Final Permit for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

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[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1070025.005.AC.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1070025.005.AC.F_pdf.zip)

Owner/Company Name: SEMINOLE ELECTRIC COOPERATIVE, INC.

Facility Name: SEMINOLE GENERATING STATION Project Number: 1070025-005-AC/PSD-FL-375 Permit Status: FINAL Permit Activity: CONSTRUCTION/SGS Unit 3 Facility County: PUTNAM The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link

provided above, or search for other project documents using the "Air Permit Documents Search" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> .

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Elizabeth Walker  
Bureau of Air Regulation  
Division of Air Resource Management (DARM)  
(850)921-9505

(See attached file: Seminole NOFP.pdf)

To: Joseph Kahn  
From: Trina Vielhauer  
Date: September 2, 2008  
Subject: Seminole Electric Unit 3

This is the final permit package for the Seminole Electric Unit 3 project. We have not yet heard back from their counsel regarding the issue of incorporating their settlement agreement with Sierra Club. I have written the final determination to reflect that option is available as a revision to this permit at a later date.

**Walker, Elizabeth (AIR)**

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**From:** George Cavros [gcavros@att.net]  
**Sent:** Thursday, September 18, 2008 9:18 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Re: FW: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

Elizabeth,

Thank you. I received the original notice on September 5th and the attached files today.

Sincerely,  
George

--

George Cavros, Esq.  
120 E. Oakland Park Blvd, Ste. 105  
Fort Lauderdale, FL 33334  
954.563.0074 (office)  
954.295.5714 (cell)  
954.565.8052 (fax number)

-----  
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----- Original message from "Walker, Elizabeth (AIR)" <Elizabeth.Walker@dep.state.fl.us>: -----

Mr. Cavros,

We have not received confirmation that you were able to access the documents attached to this September 5<sup>th</sup> e-mail, as well as the documents provided in the link ([http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1070025.005.AC.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1070025.005.AC.F_pdf.zip)) referenced in the

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Thank you,

*Elizabeth Walker*  
Bureau of Air Regulation  
Division of Air Resource Management (DARM)  
(850)921-9505

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**From:** Walker, Elizabeth (AIR)  
**Sent:** Friday, September 05, 2008 11:25 AM  
**To:** 'jfrauen@seminole-electric.com'  
**Cc:** 'sosbourn@golder.com'; 'kkosky@golder.com'; 'rmanning@hgslaw.com'; Kirts, Christopher; 'phillisfox@gmail.com'; 'kristin.Henry@sierraclub.org'; 'joanne.spalding@sierraclub.org'; 'catherine\_collins@fws.gov'; 'gcavros@att.net'; Seiler, Ann; Halpin, Mike; Vielhauer, Trina; Koerner, Jeff  
**Subject:** SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

**Attached is the official Notice of Final Permit for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).**

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**Owner/Company Name:** SEMINOLE ELECTRIC COOPERATIVE, INC.  
**Facility Name:** SEMINOLE GENERATING STATION  
**Project Number:** 1070025-005-AC/PSD-FL-375  
**Permit Status:** FINAL  
**Permit Activity:** CONSTRUCTION/SGS Unit 3  
**Facility County:** PUTNAM

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*Elizabeth Walker*

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9505

**Walker, Elizabeth (AIR)**

**From:** Jim Frauen [JFrauen@seminole-electric.com]  
**To:** Walker, Elizabeth (AIR)  
**Cc:**  
**Subject:** Re: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375  
**Attachments:**

**Sent:** Fri 9/5/2008 3:34 PM

Ms. Walker,

I received a copy of the referenced permit.

Thank you for your assistance in this matter.

Jim Frauen

Jim Frauen  
 Director of Project Engineering  
 Seminole Electric Cooperative, Inc.  
 16313 North Dale Mabry Highway  
 Tampa, FL 33618  
 (813) 739-1213 Direct Line  
 (813) 690-3641 Cell  
 (813) 264-7906 Fax  
 jfrauen@seminole-electric.com

>>> "Walker, Elizabeth (AIR)" <Elizabeth.Walker@dep.state.fl.us> 9/5/2008 11:24 AM >>>

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[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1070025.005.AC.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1070025.005.AC.F_pdf.zip)

**Owner/Company Name:** SEMINOLE ELECTRIC COOPERATIVE, INC.  
**Facility Name:** SEMINOLE GENERATING STATION  
**Project Number:** 1070025-005-AC/PSD-FL-375  
**Permit Status:** FINAL  
**Permit Activity:** CONSTRUCTION/SGS Unit 3  
**Facility County:** PUTNAM

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## Walker, Elizabeth (AIR)

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**From:** Exchange Administrator  
**Sent:** Friday, September 05, 2008 11:27 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Delivery Status Notification (Relay)  
**Attachments:** ATT246317.txt; SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

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[rmanning@hgslaw.com](mailto:rmanning@hgslaw.com)

## **Walker, Elizabeth (AIR)**

---

**From:** Exchange Administrator  
**Sent:** Friday, September 05, 2008 11:40 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Delivery Status Notification (Relay)  
**Attachments:** ATT246487.txt; FW: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

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[phyllisfox@gmail.com](mailto:phyllisfox@gmail.com)

## Walker, Elizabeth (AIR)

---

**From:** Jim Frauen [JFrauen@seminole-electric.com]  
**Sent:** Friday, September 05, 2008 3:35 PM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Re: SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

Ms. Walker,

I received a copy of the referenced permit.

Thank you for your assistance in this matter.

Jim Frauen

Jim Frauen  
Director of Project Engineering  
Seminole Electric Cooperative, Inc.  
16313 North Dale Mabry Highway  
Tampa, FL 33618  
(813) 739-1213 Direct Line  
(813) 690-3641 Cell  
(813) 264-7906 Fax  
[jfrauen@seminole-electric.com](mailto:jfrauen@seminole-electric.com)

>>> "Walker, Elizabeth (AIR)" <[Elizabeth.Walker@dep.state.fl.us](mailto:Elizabeth.Walker@dep.state.fl.us)> 9/5/2008 11:24 AM >>>

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[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/1070025.005.AC.F\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1070025.005.AC.F_pdf.zip)

**Owner/Company Name:** SEMINOLE ELECTRIC COOPERATIVE, INC.

**Facility Name:** SEMINOLE GENERATING STATION

**Project Number:** 1070025-005-AC/PSD-FL-375

**Permit Status:** FINAL

**Permit Activity:** CONSTRUCTION/SGS Unit 3

**Facility County:** PUTNAM

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*Elizabeth Walker*

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9505

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**Walker, Elizabeth (AIR)**

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**From:** Exchange Administrator  
**Sent:** Friday, September 05, 2008 11:25 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Delivery Status Notification (Relay)  
**Attachments:** ATT246296.txt; SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

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[catherine.collins@fws.gov](mailto:catherine.collins@fws.gov)

## Walker, Elizabeth (AIR)

---

**From:** Mail Delivery System [MAILER-DAEMON@sophos.golder.com]  
**Sent:** Friday, September 05, 2008 11:25 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Successful Mail Delivery Report  
**Attachments:** Delivery report; Message Headers

This is the mail system at host sophos.golder.com.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<[kkosky@golder.com](mailto:kkosky@golder.com)>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent  
48C14F34\_10913\_112\_1 A3E8511AEDA5

<[sosbourn@golder.com](mailto:sosbourn@golder.com)>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent  
48C14F34\_10913\_112\_1 A3E8511AEDA5



## Walker, Elizabeth (AIR)

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**From:** Exchange Administrator  
**Sent:** Friday, September 05, 2008 11:25 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Delivery Status Notification (Relay)  
**Attachments:** ATT246293.txt; SEMINOLE GENERATING STATION; 1070025-005-AC/PSD-FL-375

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[kristin.Henry@sierraclub.org](mailto:kristin.Henry@sierraclub.org)  
[joanne.spalding@sierraclub.org](mailto:joanne.spalding@sierraclub.org)

**Walker, Elizabeth (AIR)**

---

**From:** Postmaster [postmaster@isp.att.net]  
**Sent:** Friday, September 05, 2008 11:30 AM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** Delivery Notification  
**Attachments:** ATT246438.txt; ATT246438.txt

Your message was successfully delivered to:  
[gcavros@att.net](mailto:gcavros@att.net)



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

RECEIVED

OCT 09 2006

October 5, 2006

BUREAU OF AIR REGULATION

Ms. Trina L. Vielhauer  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Ms. Vielhauer:

Thank you for providing to the Region 4 office of the U.S. Environmental Protection Agency (EPA) a copy of the draft prevention of significant deterioration (PSD) permit package for the proposed Unit 3 project at the Seminole Generating Station (SGS) Unit 3 project in Putnam County, Florida. The draft permit package included a technical evaluation and preliminary determination (technical evaluation) prepared by the Florida Department of Environmental Protection (FDEP) dated August 21, 2006.

SGS is owned and operated by Seminole Electric Cooperative, Inc. The proposed project consists of adding a new electric utility steam generating unit (EUSGU) designated as Unit 3. Unit 3 will be a supercritical pulverized coal (PC) EUSGU with a nominal generating capacity of 750 megawatts. The proposed Unit 3 fuels for routine operation are bituminous coal or a mixture of bituminous coal and petroleum coke (petcoke). As a result of contemporaneous emissions reductions from existing SGS emissions units, the project nets out of PSD review for sulfur dioxide, nitrogen oxides, and sulfuric acid mist. Regulated NSR pollutants subject to PSD review are carbon monoxide (CO), volatile organic compounds (VOC), particulate matter (PM/PM<sub>10</sub>), and fluorides.

The words "we," "our," and "us" in this letter refer to EPA's Region 4 office. Our comments on the draft permit package are provided below.

1. Netting Analysis

- a. FDEP indicates on page 5 of the technical evaluation that the Unit 1 and Unit 2 baseline period for the nitrogen oxides netting analysis is calendar years 2001-2002. In accordance with FDEP's rules, the baseline period for EUSGUs must be "within the 5-year period immediately preceding the date a complete permit application is received by the Department." Since the Unit 3 PSD permit application was not deemed complete until July 3, 2006, not all of calendar year 2001 is available for baseline emissions calculations unless FDEP explicitly deems a different (earlier) period to be more representative of normal source operation. FDEP should explain why emissions during all of calendar year 2001 are available for baseline emissions calculations purposes.

- b. Referencing FDEP's regulations, a decrease in emissions is creditable in a netting analysis only if "It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change." We do not find in the technical evaluation (which is a key part of the public record for this permitting action) any assessment of this qualitative significance requirement with regard to the creditable emissions decreases proposed for avoidance of PSD review for sulfur dioxide, nitrogen oxides, and sulfuric acid mist.

2. Clarification of Pound-per-Hour Emissions Limits

- a. Condition III.A.10 in the draft permit consists of a table with emissions limits labeled as either "BACT Emission Limits" or "Non-BACT Established Emission Limits." (The acronym BACT means best available control technology.) The limits are listed in terms of lb/MMBtu and in terms of lb/hr "equivalent." We are not sure what is meant by the word "equivalent." Specifically, we are not sure if the lb/hr "equivalent" values are enforceable permit limits. If not, they should be made enforceable unless the following statement in Condition III.A.4 represents an enforceable restriction: "The steam generator shall be designed for a maximum heat input of 7,500 MMBtu per hour of coal." Unless the permit contains an enforceable restriction on maximum heat input, the lb/MMBtu limits by themselves do not provide an enforceable limit on total mass emissions to the atmosphere.
- b. The "equivalent" lb/hr rates for the most part are based on the limits in lb/MMBtu times 7,500 MMBtu/hr. There appears to be an error in the VOC equivalent lb/hr rate of 16.7 lb/hr. The stated VOC limit is 0.0034 lb/MMBtu which yields a value of 25.5 lb/hr when multiplied by 7,500 MMBtu/hr.

3. Particulate Matter Emissions Limits

- a. The PM/PM<sub>10</sub> emissions limit specified in Condition III.A.15 of the draft permit is for filterables only. Condensables are to be measured and reported but are not restricted by an emissions limit. Most recent permits for EUSGU PC boilers have included an emissions limit for condensables in addition to (or in combination with) and emissions limit for filterables. We recommend that the final permit include place holder language that will allow setting an emissions limit for condensables after testing has demonstrated that condensables can be measured accurately.
- b. In Condition III.A.15, FDEP specifies that the PM/PM<sub>10</sub> emissions limit of 0.013 lb/MMBtu applies "while firing 100% coal." We recommend that this condition be rephrased to indicate the emissions limit that applies when firing a mixture of coal and petcoke as well as when firing coal only.

4. PM Continuous Emissions Monitoring System (CEMS)

- a. The draft permit does not require use of a PM CEMS to assess compliance with the filterable PM/PM<sub>10</sub> emissions limit. Since a PM CEMS can be used with a wet plume, we recommend that a PM CEMS be required to demonstrate compliance with the filterables limit.
- b. If a PM CEMS is not required, we recommend that FDEP require some other continuously monitored parameter to indicate acceptable performance of the dry electrostatic precipitator which is the primary PM control device. Please advise us if FDEP intends to wait until issuance of a title V permit before specifying such parameter monitoring requirements.

5. Startup and Shutdown

- a. Startup and shutdown are part of normal source operation for Unit 3. Any pollutants emitted from Unit 3 during startup and shutdown that are subject to PSD review are therefore subject to best available control technology (BACT) requirements. If the numeric BACT emissions limits for regular operation can not be met during startup and shutdown, then numeric limits need to be established for startup and shutdown operations or work practice BACT requirements should be established. We understand that FDEP intends for best management practices (including the 60-hour-per-month restriction in Condition III.A.29.b) to be used for minimization of emissions during startup and shutdown. If it is FDEP's position that adherence to best management practices represents BACT for startup and shutdown, we request that this be stated in the final determination. Please note that numeric emissions limits for startup and shutdown have been addressed by the EPA Environmental Appeals Board (EAB) in two recent PSD permit appeals for coal-fired EUSGUs. (See the August 24, 2006, EAB order for the Prairie State Generating Station project in Illinois and the September 27, 2006, EAB order for the Indeck-Ellwood project in Illinois.)
- b. The allowance of 60 hours per month (equivalent to 30 days per year) for startup, shutdown, and malfunction seems excessive for a 750-MW EUSGU. We would expect such a unit would not be in a condition of startup, shutdown, or malfunction this often throughout its lifetime.
- c. Condition III.A.30 of the draft permit contains a parenthetical phrase indicating that emissions measured during startup, shutdown, and malfunction are to be included for demonstration of compliance with annual emissions limits. We recommend that the final permit contain a direct statement rather than just a parenthetical phrase making clear that startup, shutdown, and malfunction emissions must be included when demonstrating compliance with annual emissions limits.

10. Integrated Gasification Combined Cycle (IGCC)

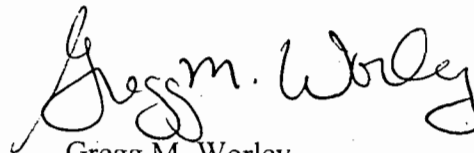
FDEP's technical evaluation (pages 11-12) contains a brief discussion of reasons for not considering IGCC as part of a BACT analysis for the proposed PC boiler. We will point out that, pursuant to section 165(a)(2) of the Clean Air Act, it may be necessary for FDEP to address any substantive comments proposing IGCC as an alternative to the proposed project.

11. Unit 3 Nitrogen Oxides Emissions

Based on the netting analysis, PSD review (including a best available control technology determination) is not required for NO<sub>x</sub> emissions. For the record, however, we wish to comment that the proposed NO<sub>x</sub> emissions limit for Unit 3 of 0.07 lb/MMBtu is not representative of the lowest emission rate that could be expected for a newly designed supercritical PC boiler firing bituminous coal.

If you have any questions concerning the comments in this letter, please call Jim Little at 404-562-9118.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregg M. Worley". The signature is fluid and cursive, with the first name "Gregg" being more prominent than the last name "Worley".

Gregg M. Worley  
Chief  
Air Permits Section

# STATE OF FLORIDA

## County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

### PUBLIC NOTICE OF INTENT TO IS

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

09/08/2006

The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice and/or advertisement.

*Allison Waters*

Sworn to and subscribed to before me this 8th day of September, 2006 by Allison Waters, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

*Mary Kaye Wells*

Mary Kaye Wells, Notary Public

My commission expires July 22, 2007

Notary Seal  
Seal of Office:

Personally known to me, or  
Produced identification:  
Did take an oath



### PUBLIC NOTICE

#### PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection  
Project No. 1070025-003-AC  
Draft Air Permit No. PSD-FL-378  
Seminole Electric Cooperative, Inc.  
Seminole Generating Station, Putnam County, Florida

Applicant: The applicant for this project is the Seminole Electric Cooperative, Inc. The applicant's authorized representative and mailing address is: James R. Frazer, Director SGS-3; Seminole Electric Cooperative, 18313 North Dale Mabry, Tampa, Florida 33618.

Facility Location: Seminole Electric Cooperative, Inc. operates the existing Seminole Generating Station (SGS), north of Palatka at 890 North U.S. Highway 17, north of Palatka, in Putnam County, Florida.

Project: The applicant proposes to construct a new supercritical coal-fired steam generating unit referred to as SGS Unit 3. Seminole proposes to integrate SGS Unit 3 into the existing, certified SGS Site located north of Palatka in Putnam County and will locate Unit 3 adjacent to the existing SGS Units 1 and 2. Seminole anticipates beginning commercial operation of Unit 3 in 2012. The addition of SGS Unit 3 will increase the total output capability of the SGS by almost 80 percent. The design of SGS Unit 3 will maximize the co-use of existing site facilities to the greatest extent possible, including fuel handling facilities (SGS Unit 3 proposes the same fuel state as SGS Units 1 and 2).

SGS Unit 3 will feature supercritical pulverized coal technology with modern emission controls. The Unit 3 air pollution control equipment will include wet Flue Gas Desulfurization (FDG) for SO2 removal, selective catalytic reduction (SCR) for control of nitrogen oxides (NOx), electrostatic precipitator (ESP) for collection and removal of fine particles, a Wet ESP (WESP) for control of sulfuric acid mist (SAM), with fluoride (HF) and mercury (Hg) removal to be accomplished through co-benefits of the above technologies. Fuel (coal and petroleum coke) for SGS Unit 3 will be delivered by an existing rail system. Continuous Emission Monitoring Systems (CEMS) will be installed for SO2, NOx, CO and Hg.

Net environmental impacts associated with Unit 3, in combination with the Units 1 and 2 pollution controls upgrade. Project No. 1070025-004-AC can be summarized as follows:

- 1) No increase in facility-wide SO2, NOx, SAM and mercury when compared to historical (baseline) air emissions. The applicant has accepted facility-wide caps for each above pollutant eliminating the requirement for a PSD review.
- 2) PSD-significant increases in facility-wide PM/PM10, CO, VOC, and fluoride air emissions.
- 3) reuse of FDG product, fly ash and bottom ash.

The maximum potential annual emissions increases in tons per year based on the draft permit are summarized below:

Pollutants:  
PM/PM10  
HF  
VOC

Preliminary BACT Determination, this application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S., interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. A copy of the complete project file is also available at the Department's Northeast District Office located at 7825 Baymeadows Way, Suite 200B, Jacksonville, Florida 32256-7590. The District's telephone number is 904-807-3300.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-298, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.558 and 120.57, F.S., or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority at the above address before the close of business (5:00 p.m.) on or before the end of this 30-day period. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.558 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 435, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by any person other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of this Public Notice or receipt of written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for a

different from the position taken by it in this Written Notice of Intent to Issue Air Permit. Person whose substantial interests will be affected by any such final decision, the Permitting Authority, the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. For the purposes of judicial review, the Department may, when possible, consolidate a request for administrative hearing on the draft permit within a Power Plant Certification Hearing.

Mediation: Mediation is not available in this proceeding.  
Legal No. 04521582  
9/8/06

Based on the emissions increases shown above, the project is subject to Preconstruction review for the Prevention of Significant Deterioration (PSD) for these pollutants (Rule 62-212.400, F.A.C.). The Draft Permit includes the best Available Control technology (BACT) for each PSD-significant pollutant. In addition, an air quality impact analysis was conducted. Maximum predicted impacts due to proposed emissions from the project are less than the applicable PSD Class I and Class II significant impact levels applicable to all PSD Class I and II areas and including the nearest PSD Class I area which is Okefenokee National Wildlife Area. Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or contribute to a violation of any state or Federal ambient air quality standard.

Permitting Authority. Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from the permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS# 5606, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and

a petition within fourteen (14) 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 file a petition 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 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, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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, for service purposes during the course of the proceedings; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact; if there are none, the petitioner shall so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority'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, F.A.C.

Because the administrative hearing process is designated to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be





March 28, 2007

Trina Vielhauer  
Florida Department of Environmental Protection  
Division of Air Resource Management  
111 South Magnolia Drive, Suite 23  
Tallahassee, FL 32399

RECEIVED

MAR 29 2007

BUREAU OF AIR REGULATION

RE: Incorporation of Agreement Into Seminole Unit 3 PSD Permit  
Draft Permit No. PSD-FL-375

Dear Ms. Vielhauer:

Seminole Electric Cooperative, Inc. (Seminole) and the Sierra Club entered into the attached Agreement regarding the issuance of a PSD permit for the construction of Unit 3 at the Seminole Generating Station in Putnam County, Florida. As reflected in the Agreement, and with Sierra Club's concurrence, Seminole requests that the terms of this Agreement be incorporated into the final PSD permit.

Thank you for your attention to this matter, and please contact me if there are any questions.

Sincerely,

James R. Frauen, Project Director SGS3  
Seminole Electric Cooperative, Inc.

cc: Mike Halpin, DEP  
Rebecca Robinette, DEP  
Robert Manning, HGS  
Joanne Spalding, Sierra Club

## **SETTLEMENT AGREEMENT**

This Settlement Agreement ("Agreement") is entered into by and between Seminole Electric Cooperative, Inc, ("Seminole") and the Sierra Club ("Sierra Club"). Seminole and Sierra Club shall be referred to herein collectively as the "Parties" for the purposes of this Agreement.

### **RECITALS**

A. Seminole operates two existing electrical generating units at the Seminole Generating Station site ("Site") in unincorporated Putnam County, Florida. Those existing units, referred to as Units 1 and 2, originally were licensed pursuant to the Florida Power Plant Siting Act (PPSA) Certification Order PA-10 and PSD permit PSD-FL-018.

~~B. On March 9, 2006, Seminole filed a site certification application ("SCA") under the PPSA, with the Florida Department of Environmental Protection ("FDEP") seeking approval for the construction and operation of the proposed Unit 3 Project. The new proposed Unit 3 will be located adjacent to the existing two units and will utilize some of the existing facilities and infrastructure at the Site. The SCA was assigned FDEP number PA78-10A2; FDEP OGC Case No. 06-0780 and Florida Division of Administrative Hearings Case No. 06-0929EPP.~~

C. The Sierra Club was a party to the original PPSA site certification proceeding for the existing two units at the Site as well as the current site certification proceeding for the proposed Unit 3 Project.

D. On March 9, 2006, Seminole also filed with FDEP a separate application for a prevention of significant deterioration ("PSD") permit to authorize construction of Unit 3. The PSD permit is being processed by FDEP pursuant to its authority to issue such federally-required PSD permits in Florida. A draft PSD permit was issued by FDEP on August 24, 2006; the FDEP PSD permit number is PSD-FL-375.

E. On October 9, 2006, the Sierra Club submitted written comments to the FDEP Bureau of Air Regulation concerning FDEP's proposed PSD permit for the Unit 3 Project.

F. In a separate Settlement Agreement signed by both Parties on January 7, 2007, the Parties resolved all issues raised or which could be raised concerning Seminole's Unit 3 Project in the PPSA proceeding, except for issues related to the PSD permit. The Parties also set a framework for continued settlement negotiations concerning the PSD permit.

G. This Agreement reflects the Parties agreement to settle all remaining issues related to the PSD permit for Unit 3. The Parties concur that this Agreement consists of full and fair consideration for the release of all claims of the Sierra Club with respect to issuance of the PSD permit for Unit 3. Provided that the final PSD permit is issued in accordance with the terms and conditions of this Agreement, Sierra Club agrees not to contest FDEP's issuance of the final PSD permit in any administrative or judicial forum. Seminole agrees not to contest any conditions in the final PSD permit if it is issued in accordance with the terms and conditions of this Agreement.

## TERMS AND CONDITIONS

1. Following the commencement of commercial operation of Unit 3, it is agreed that Seminole will be subject to the following system-wide emission rates for Units 1, 2, and 3, combined:

- (a) Sulfur Dioxide (SO<sub>2</sub>) 95 percent control efficiency across the scrubbers based on a 30-day rolling average, including periods of start-up and shut down, and annual emissions of no more than 17,900 tons per year based on a 12-month rolling average, including periods of start-up and shut down.
- ~~(b) Nitrogen Oxides (NO<sub>x</sub>) 0.07 lb/MMBtu based on 30-day rolling average, and annual emissions of no more than 5,450 tons per year based on a 12-month rolling average. The tons per year limit includes periods of startup and shutdown; the lb/MMBtu does not.~~
- (c) Sulfuric Acid Mist (H<sub>2</sub>SO<sub>4</sub>) 1,665 Tons Per Year
- (d) Mercury (Hg) 118 Pounds Per Year
- (e) Particulate Matter (PM) 1,470 Tons Per Year
- (f) Volatile Organic Compounds (VOC) 259 Tons Per Year
- (g) Carbon Monoxide (CO) 17,493 Tons Per Year

2. Following the commencement of full-time commercial operation of Unit 3, the following emission rates shall apply specifically to Unit 3:

- (a) Sulfur Dioxide (SO<sub>2</sub>) 98 percent control efficiency across the scrubber based on a 30-day rolling average, including periods of start-up and shut down.
- (b) Nitrogen Oxides (NO<sub>x</sub>) 0.05 lb/MMBtu, based on a 30-day rolling average, excluding periods of start-up and shut down
- (c) Total PM (filterable + condensable) 0.030 lb/MMBtu, based on a 3-hour performance test, based on modified Method 202 test

(d) Opacity

10 percent

3. The last sentence of Draft Permit Condition III.A.4. shall be amended to read as follows: "The steam generator ~~shall be designed for a maximum heat input of~~ maximum heat input rate shall not exceed 7,500 MMBtu per hour of coal, based on fuel sampling and analysis."

4. Draft Permit Condition III.A.5. shall be deleted.

5. Draft Permit Condition III.7.c. shall be revised as follows: "SAM removal shall be accomplished by the use of the FGD system and the wet ESP, which shall be operated at all times, including startup and shutdown, in accordance with good operating practices and manufacturer requirements."

6. Draft Permit Condition III.A.9.a. shall be amended to read as follows: "Coal-SGS Unit 3 may combust bituminous coal, up to 318.3 tons per hour based upon ~~11,300~~ 11,780 Btu/lb HHV."

7. In Draft Permit Condition III.A.10., the "lb/hr equivalent VOC emission limit" shall be changed from 16.7 to 25.5.

8. Draft Permit Condition III.A.13. shall be amended to read as follows: "Sulfur Dioxide (SO<sub>2</sub>): Emissions of SO<sub>2</sub> from SGS Unit 3 shall not exceed 1.4 pounds per megawatt hour (lb/MW-hr) gross energy output or 98% reduction on a 30-day rolling average basis including periods of start-up and shut down, nor 0.165 lb/MMBtu, based upon a 24-hour rolling average as determined by CEMS. In addition, SO<sub>2</sub> emissions shall not exceed ~~29,074~~ 17,900 tons per 12-month rolling period (facility-wide), based upon CEMS. [62-210.200 (Net Emissions Increase), and 62-212.400(12) (Source Obligation), F.A.C.]

9. New Permit Condition III.A.20.c. shall be included as follows: "The permittee shall maintain monthly records describing actions taken to comply with this condition."

10. The parties agree that all other conditions in the Draft Permit shall be included in the Final Permit.

11. Seminole agrees to ask FDEP to include the foregoing limits and conditions in the Final PSD permit for Seminole Unit 3 and agrees to be bound to these limits and conditions. Sierra Club agrees to not object, challenge, appeal, or initiate or assist in any challenge or appeal by others, or in any other way impede or interfere with the issuance of a final PSD permit in accordance with the terms and conditions identified in this Agreement.

12. By September 1, 2007, Seminole agrees to publish a Request for Proposal (RFP) soliciting bids for up to 100 MW of renewable energy, which may include solar, wind, geothermal and/or biomass. Seminole is committed to pursuing renewable energy opportunities, and agrees to evaluate and implement, in good faith, viable bids. In accordance with Seminole's existing bid evaluation policy, a viable bid is one that is reasonable based on an analysis of

technical, commercial and economic issues, including reliability, fuel supply (as applicable), siting issues, transmission, and financial viability of vendor, and whether the project is in the best interest of Seminole and its members. If Seminole does not receive viable bids in response to this RFP, Seminole will publish another such RFP within eighteen months of the first. Seminole will continue to actively pursue renewable energy opportunities, and will evaluate and implement, in good faith, viable bids in the manner described above.

#### GENERAL PROVISIONS

13. This Settlement Agreement represents a complete settlement of all Unit 3 issues related to issuance of the PSD permit.

14. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign.

15. This Agreement shall never at any time or for any purpose be considered an admission of liability or responsibility on the part of any party herein released.

16. This Agreement is the product of negotiation and preparation by and among each party hereto and his or her respective attorneys. Accordingly, all Parties hereto acknowledge and agree that the Agreement shall not be deemed prepared or drafted by one party or another, or the attorneys for one party or another, and the Agreement shall be construed accordingly.

17. This Agreement shall be interpreted in accordance with and governed in all respects by the laws of the State of Florida. Exclusive jurisdiction and venue for any litigation brought to enforce this Agreement shall be in the Circuit Court for Putnam County, Florida, and the Parties do hereby specifically waive any other jurisdiction and venue. In any such litigation, the parties shall seek only declaratory or injunctive relief or specific performance. Neither party shall file any lawsuit to enforce this Agreement unless it has first provided written notice of the alleged violation to the other party thirty days prior to filing suit and the other party has failed to cure the alleged violation.

18. If any provision or any part of any provision of this Agreement is for any reason held by a court of competent jurisdiction to be invalid, unenforceable or contrary to public policy or any law, then the remainder of this Agreement shall not be affected thereby and shall remain in full force and effect.

19. No amendments or modifications of this Settlement Agreement shall be valid unless set forth in writing and signed by the duly authorized representatives of each Party.

20. This Agreement shall be deemed to be effective immediately upon its full execution by all Parties.

21. This Agreement contains the entire understanding among the Parties with regard to the matters herein set forth, and is intended to be and is a final integration thereof. There are no representations, warranties, agreements, arrangements, undertakings, oral or written, between or among the Parties hereto relating to this Agreement which are not fully expressed herein.

SEMINOLE ELECTRIC COOPERATIVE, INC.

Date: 3/28/07

By: W.P. Opal

Its: VP, Technical Services

SIERRA CLUB

Date: 3/9/07

By: Kristin A. Henry

Its: Staff attorney

## Gibson, Victoria

---

**From:** Vielhauer, Trina  
**Sent:** Friday, January 19, 2007 2:21 PM  
**To:** Gibson, Victoria; Adams, Patty  
**Subject:** FW: Notification Request for Future Actions regarding coal-fired power plants

**Attachments:** Notice for Air Permits.PDF



Notice for Air  
Permits.PDF (30...

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

From: Kristin.Henry@sierraclub.org [mailto:Kristin.Henry@sierraclub.org]  
Sent: Tuesday, December 19, 2006 7:46 PM  
To: Halpin, Mike; Koerner, Jeff; Vielhauer, Trina  
Subject: Notification Request for Future Actions regarding coal-fired power plants

Dear Ms. Vielhauer, Mr. Halpin and Mr. Koerner,

Please see the attached request for notification regarding future actions related to coal-fired power plants.

(See attached file: Notice for Air Permits.PDF)

Kristin Henry  
Staff Attorney  
Sierra Club  
85 Second Street  
San Francisco, CA 94105-3441  
415.977.5716 phone  
415.977.5793 fax  
kristin.henry@sierraclub.org

### PRIVILEGE AND CONFIDENTIALITY NOTICE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law as attorney-client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying this communication or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, immediately notify me by telephone number above.



December 19, 2006

Via Electronic Mail: [mike.halpin@dep.state.fl.us](mailto:mike.halpin@dep.state.fl.us)  
[jeff.koerner@dep.state.fl.us](mailto:jeff.koerner@dep.state.fl.us)  
[trina.vielhauer@dep.state.fl.us](mailto:trina.vielhauer@dep.state.fl.us)

Trina Vielhauer  
Mike Halpin  
Jeff Koerner  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road, MS #5505  
Tallahassee, FL 32399-2400

RE: Notification of all future actions taken regarding power plants in Florida

Dear Ms. Vielhauer, Mr. Halpin and Mr. Koerner,

I am writing on behalf of the Sierra Club to request that the Club be notified of all future proposed or final actions by the Florida Department of Environmental Protection related to any power plant in Florida. The phrase "all future proposed or final actions" includes, but is not limited to, all future notifications regarding initiation of certification processes, proposed draft air permits, such as "Written Notices of Intent to Issue Air Permit," final air permits, comments submitted to the agency regarding proposed power plants, and Florida Department of Environmental Protection's response to such comments. The phrase "any power plant in Florida" includes any proposed new coal-fired power plants and expansion of existing coal-fired power plants. In addition to this general notification request, the Club specifically requests notification of all future Florida Department of Environmental Protection proposed or final actions for the following power plants:

- Florida Power & Light Glades Power Park
- Lakeland Electric's Expansion of its McIntosh Facility
- Orlando Utilities Commission and Southern Power Company proposed power plant in Orange County, Florida
- Gainesville Regional Utilities proposed power plant in Gainesville, Florida



- Seminole Electric Cooperative Palatka Generating Station
- Taylor Energy Center

All future notifications should be sent to the following individuals at the Sierra Club:

Kristin Henry  
Sierra Club  
85 Second Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94105  
[kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org)  
415-977-5716

Joanne Spalding  
Sierra Club  
85 Second Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94105  
[joanne.spalding@sierraclub.org](mailto:joanne.spalding@sierraclub.org)  
415-977-5725

Please note that this request does not supersede any prior or future requests for notification submitted by individual Sierra Club members or representatives. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

Kristin Henry



Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

December 22, 2006

*Electronically Sent – Received Receipt Requested*

Ms. Kristin Henry  
Sierra Club  
85 Second Street, 2<sup>nd</sup> Floor  
San Francisco, California 94105  
[kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org)

RE: Notification Request

Dear Ms. Henry:

We are in receipt of your letter dated December 19, 2006 regarding notifications of all future actions taken regarding power plants in Florida. We appreciate Sierra Club's interest in power plant permitting activities in Florida. We will add the Sierra Club (c/o Ms. Henry and Ms. Spalding) to our mailing list for our recently received application for the Florida Power & Light Glades Power Park and the pending Seminole Electric Cooperative Palatka Generating Station project. However, our statutes do not require nor our tracking systems allow us to track notification requests for as yet unsubmitted PSD applications or Site Certification projects. Upon issuance of any Department action, the applicant will publish notice in a newspaper of general circulation. Please contact our Office of General Counsel if you have questions regarding the petition or official comment period requirements.

The Department will be posting documents related to power plant Site Certification at the following websites:

Main Website for Siting Coordination Office:

<http://www.dep.state.fl.us/siting/default.htm>

Web Site for Power Plant Siting Overview:

[http://www.dep.state.fl.us/siting/Programs/Power\\_Plant\\_Siting\\_Overview.htm](http://www.dep.state.fl.us/siting/Programs/Power_Plant_Siting_Overview.htm)

Web Site for Power Plant Applications in Process:

[http://www.dep.state.fl.us/siting/Highlights/applications\\_in\\_process.htm](http://www.dep.state.fl.us/siting/Highlights/applications_in_process.htm)

In addition, the Department's Division of Air Resource Management will be posting documents related to power plant PSD projects at the following websites:

Main Website for Division of Air Resource Management:

<http://www.dep.state.fl.us/Air/default.htm>

Web Site for New Source Review PSD Construction Permits:

<http://www.dep.state.fl.us/Air/permitting/construction.htm>

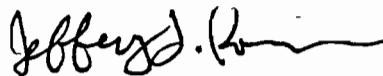
"More Protection, Less Process"

Printed on recycled paper.

You may also email or telephone Mr. Koerner, Mr. Halpin or myself to inquire about the status of power plant applications. Upon identification of a specific pending project the Sierra Club is interested in, please email us your request to be notified of further actions on that pending project.

If you have any questions, please contact Mr. Koerner or me at 850/488-0114 and Mr. Halpin at 850/245-8002. In addition, you may contact Ms. Robinette or Mr. Goorland in our Office of General Counsel at 850/245-2242.

Sincerely,



For

Trina L. Vielhauer, Chief  
Bureau of Air Regulation

TLV/jk

cc: Ms. Joanne Spalding, Sierra Club\* [joanne.spalding@sierraclub.org](mailto:joanne.spalding@sierraclub.org)  
Mr. Michael Halpin, DEP Siting Coordination Office\* [mike.halpin@dep.state.fl.us](mailto:mike.halpin@dep.state.fl.us)  
Mr. Scott Goorland, DEP Office of General Counsel\* [scott.goorland@dep.state.fl.us](mailto:scott.goorland@dep.state.fl.us)  
Ms. Rebecca Robinette, DEP Office of General Counsel\* [rebecca.robinette@dep.state.fl.us](mailto:rebecca.robinette@dep.state.fl.us)

(\*) All of the above cc's were sent an electronic copy with received receipt requested.

## **Gibson, Victoria**

---

**From:** Kristin.Henry@sierraclub.org  
**Sent:** Tuesday, January 02, 2007 5:08 PM  
**To:** Gibson, Victoria  
**Subject:** Reponse Letter to Notification Request from the Sierra Club

### Return Receipt

Your Reponse Letter to Notification Request from the Sierra Club  
document:

was Kristin Henry/Sierraclub  
received  
by:

at: 01/02/2007 02:07:37 PM

**Gibson, Victoria**

---

**From:** Joanne.Spalding@sierraclub.org  
**Sent:** Thursday, December 28, 2006 2:43 PM  
**To:** Gibson, Victoria  
**Subject:** Re: Reponse Letter to Notification Request from the Sierra Club  
**Attachments:** Response Letter for Notifications - Sierra Club.pdf

Thank you for your letter. Happy New Year.

Joanne Spalding  
Staff Attorney  
Sierra Club  
85 Second Street, Second Floor  
San Francisco, CA 94105  
415-977-5725  
415-977-5793 (Fax)  
[joanne.spalding@sierraclub.org](mailto:joanne.spalding@sierraclub.org)

-----"Gibson, Victoria" <Victoria.Gibson@dep.state.fl.us> wrote: -----

To: <kristin.henry@sierraclub.org>, <joanne.spalding@sierraclub.org>, "Halpin, Mike" <Mike.Halpin@dep.state.fl.us>, "Goorland, Scott" <Scott.Goorland@dep.state.fl.us>, "Robinette. Rebecca" <Rebecca.Robinette@dep.state.fl.us>  
From: "Gibson, Victoria" <Victoria.Gibson@dep.state.fl.us>  
Date: 12/22/2006 10:53AM  
cc: "Vielhauer, Trina" <Trina.Vielhauer@dep.state.fl.us>, "Koerner, Jeff" <Jeff.Koerner@dep.state.fl.us>, "Gibson, Victoria" <Victoria.Gibson@dep.state.fl.us>  
Subject: Reponse Letter to Notification Request from the Sierra Club

<<Response Letter for Notifications - Sierra Club.pdf>>

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document. This may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the documents.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site:

<http://www.adobe.com/products/acrobat/readstep.html>.

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicants, the engineering community, and the public. Please advise this office of any changes to your e-mail address.

Thank you,  
DEP, Bureau of Air Regulation

1/4/2007

## Gibson, Victoria

---

**From:** Joanne.Spalding@sierraclub.org  
**Sent:** Friday, December 22, 2006 6:10 PM  
**To:** Gibson, Victoria  
**Subject:** Reponse Letter to Notification Request from the Sierra Club

### Return Receipt

Your document: Reponse Letter to Notification Request from the Sierra Club  
was received by: Joanne Spalding/Sierraclub  
at: 12/22/2006 03:09:55 PM

## Gibson, Victoria

---

**From:** Halpin, Mike  
**To:** Gibson, Victoria  
**Sent:** Friday, December 22, 2006 3:45 PM  
**Subject:** Read: Reponse Letter to Notification Request from the Sierra Club

Your message

**To:** 'kristin.henry@sierraclub.org'; 'joanne.spalding@sierraclub.org'; Halpin, Mike; Goorland, Scott; Robinette, Rebecca  
**Cc:** Vielhauer, Trina; Koerner, Jeff; Gibson, Victoria  
**Subject:** Reponse Letter to Notification Request from the Sierra Club  
**Sent:** 12/22/2006 1:54 PM

was read on 12/22/2006 3:45 PM.

## Gibson, Victoria

---

**From:** Goorland, Scott  
**To:** Gibson, Victoria  
**Sent:** Friday, December 22, 2006 2:00 PM  
**Subject:** Read: Reponse Letter to Notification Request from the Sierra Club

### Your message

**To:** 'kristin.henry@sierraclub.org'; 'joanne.spalding@sierraclub.org'; Halpin, Mike; Goorland, Scott; Robinette, Rebecca  
**Cc:** Vielhauer, Trina; Koerner, Jeff; Gibson, Victoria  
**Subject:** Reponse Letter to Notification Request from the Sierra Club  
**Sent:** 12/22/2006 1:54 PM

was read on 12/22/2006 2:00 PM.



## Gibson, Victoria

---

**From:** Robinette. Rebecca  
**To:** Gibson, Victoria  
**Sent:** Tuesday, December 26, 2006 12:00 PM  
**Subject:** Read: Reponse Letter to Notification Request from the Sierra Club

Your message

**To:** 'kristin.henry@sierraclub.org'; 'joanne.spalding@sierraclub.org'; Halpin, Mike; Goorland, Scott; Robinette. Rebecca  
**Cc:** Vielhauer, Trina; Koerner, Jeff; Gibson, Victoria  
**Subject:** Reponse Letter to Notification Request from the Sierra Club  
**Sent:** 12/22/2006 1:54 PM

was read on 12/26/2006 12:00 PM.

## Gibson, Victoria

---

**From:** Robinette, Rebecca  
**Sent:** Tuesday, December 26, 2006 12:01 PM  
**To:** Gibson, Victoria  
**Subject:** RE: Reponses Letter to Notification Request from the Sierra Club

got it

Rebecca Robinette  
Sr. Ass't. General Counsel  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd., MS 35  
Tallahassee, Florida 32399-3000  
(850) 245-2278  
Fax. 245-2302  
Rebecca.Robinette@dep.state.fl.us

Please Note: Florida has a very broad public records law. Electronic communications regarding state business are public records available to the public upon request. Your e-mail communications may therefore be subject to public disclosure.

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

**From:** Gibson, Victoria  
**Sent:** Friday, December 22, 2006 1:54 PM  
**To:** 'kristin.henry@sierraclub.org'; 'joanne.spalding@sierraclub.org'; Halpin, Mike; Goorland, Scott; Robinette, Rebecca  
**Cc:** Vielhauer, Trina; Koerner, Jeff; Gibson, Victoria  
**Subject:** Reponse Letter to Notification Request from the Sierra Club  
**Importance:** High

<< File: Response Letter for Notifications - Sierra Club.pdf >>

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document. This may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the documents.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <http://www.adobe.com/products/acrobat/readstep.html>.

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicants, the engineering community, and the public. Please advise this office of any changes to your e-mail address.

Thank you,

DEP, Bureau of Air Regulation

## Gibson, Victoria

---

**From:** Vielhauer, Trina  
**To:** Gibson, Victoria  
**Sent:** Tuesday, December 26, 2006 8:35 AM  
**Subject:** Read: Reponse Letter to Notification Request from the Sierra Club

### Your message

**To:** 'kristin.henry@sierraclub.org'; 'joanne.spalding@sierraclub.org'; Halpin, Mike; Goorland, Scott; Robinette, Rebecca  
**Cc:** Vielhauer, Trina; Koerner, Jeff; Gibson, Victoria  
**Subject:** Reponse Letter to Notification Request from the Sierra Club  
**Sent:** 12/22/2006 1:54 PM

was read on 12/26/2006 8:35 AM.

## OGC # 06-1976

[illegible]

## **Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Monday, October 16, 2006 3:27 PM  
**To:** Halpin, Mike; Comer, Patricia  
**Cc:** Koerner, Jeff; Crandall, Lea; Gibson, Victoria; Chisolm, Jack; Kahn, Joseph  
**Subject:** RE: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

Yes, it is not timely. Please deny this request.

---

**From:** Halpin, Mike  
**Sent:** Monday, October 16, 2006 1:53 PM  
**To:** Comer, Patricia  
**Cc:** Vielhauer, Trina; Koerner, Jeff; Crandall, Lea; Gibson, Victoria; Chisolm, Jack  
**Subject:** RE: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

Pat –

Can you assist with this (as we have discussed). It is not timely by a long shot (see attached) and I am fairly certain that we do not wish to accept it.

Mike

<< File: Proof of Pub.pdf >>

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**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 1:47 PM  
**To:** Chisolm, Jack; Gingery, Betsy; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

FYI, a Request for Extension of Time & Petition for Admin. Hearing was rec'd. from Sierra Club re: 1070025-005-AC - Seminole Electric Coop.

Thanks,  
Lea

### **Lea Crandall**

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Monday, October 16, 2006 2:13 PM  
**To:** Gingery, Betsy  
**Subject:** FW: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

**Attachments:** Proof of Pub.pdf

FYI,

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
DEP/Bureau of Air Regulation  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

---

**From:** Halpin, Mike  
**Sent:** Monday, October 16, 2006 1:53 PM  
**To:** Comer, Patricia  
**Cc:** Vielhauer, Trina; Koerner, Jeff; Crandall, Lea; Gibson, Victoria; Chisolm, Jack  
**Subject:** RE: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

Pat -

Can you assist with this (as we have discussed). It is not timely by a long shot (see attached) and I am fairly certain that we do not wish to accept it.

Mike



Proof of Pub.pdf  
(228 KB)

---

**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 1:47 PM  
**To:** Chisolm, Jack; Gingery, Betsy; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

FYI, a Request for Extension of Time & Petition for Admin. Hearing was rec'd. from Sierra Club re: 1070025-005-AC - Seminole Electric Coop.

Thanks,  
Lea

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

## Gibson, Victoria

---

**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 2:47 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

**Attachments:** Sierra Club's Moiton for Ext. of Time & Petition.pdf

Okay, let's try this one more time!

Thanks!



Sierra Club's Moiton  
for Ext. ...

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

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

**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 2:15 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

Here is the document!

Thanks,  
Lea

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

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

**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 1:47 PM  
**To:** Chisolm, Jack; Gingery, Betsy; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop. .

FYI, a Request for Extension of Time & Petition for Admin. Hearing was rec'd. from Sierra Club re: 1070025-005-AC - Seminole Electric Coop.

Thanks,  
Lea

**Lea Crandall**

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303



## **Gibson, Victoria**

---

**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 2:15 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

**Attachments:** Seminole's Responses to Sierra Club's Amended Exceptions.pdf

Here is the document!

Thanks,  
Lea



Seminole's  
Responses to Sierra.

### **Lea Crandall**

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

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

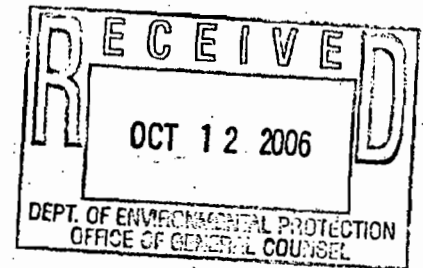
**From:** Crandall, Lea  
**Sent:** Monday, October 16, 2006 1:47 PM  
**To:** Chisolm, Jack; Gingery, Betsy; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time & Petition for Admin. Hearing - 1070025-005-AC - Seminole Electric Coop.

FYI, a Request for Extension of Time & Petition for Admin. Hearing was rec'd. from Sierra Club re: 1070025-005-AC - Seminole Electric Coop.

Thanks,  
Lea

### **Lea Crandall**

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

THE STATE OF FLORIDA  
THE SITING BOARD

In Re: Seminole Electric Cooperative )  
Seminole Generating Station Unit 3 )  
Power Plant Siting Application )  
No. PA 78-10A2. )

DOAH CASE NO. 06-0929EPP

**SEMINOLE ELECTRIC COOPERATIVE, INC.'S**  
**RESPONSES TO SIERRA CLUB, INC.'S**  
**AMENDED EXCEPTIONS TO RECOMMENDED ORDER**  
**ON LAND USE AND ZONING**

Seminole Electric Cooperative, Inc. (Seminole Electric), by and through its undersigned counsel submits the following Responses to the Amended Exceptions to Recommended Order on Land Use and Zoning filed by Sierra Club, Inc. (Sierra Club) on September 28, 2006.

**Background**

As recited in the Administrative Law Judge's (ALJ) Recommended Order on Land Use and Zoning (Recommended Order), Seminole Electric proposes to build a new, third unit at Seminole's existing power plant site located in the unincorporated area of Putnam County, Florida. That existing site contains Units 1 and 2, representing a 1300 megawatt (MW) coal-fired facility which began operation in 1984. Seminole proposes to add a new third unit of 750 megawatts at that site which will be much like the existing facilities. See Findings of Fact 3, 4, and 10.

The site for the existing and proposed unit is approximately 2000 acres in size. The site is comprised of a larger parcel, which contains the existing two units, and a smaller 4.5 acre parcel along the St. Johns River which contains an intake pump house. The smaller parcel is connected to the larger parcel by an existing privately-granted easement that contains underground water pipelines to supply water to the generating units and a duct bank containing electrical conduit. Facilities for the new Unit 3 will be located adjacent to and integrated with,

the existing facilities within the larger parcel and a new pipeline and a new duct bank will be added in the existing pipeline easement. Pumps within the existing pump house will be upgraded but no changes will be made to the pump house building itself. See Findings of Fact 4, 6, 10 and 12.

The site for the existing and proposed units was certified under the Florida Electrical Power Plant Siting Act (PPSA) in 1979. In its final Order Relating to Land Use and Zoning, dated March 21, 1979, the Siting Board determined that the site for the two now-existing units was "consistent and in compliance with the land use plans and zoning regulations [of Putnam County] in effect at that time." The Siting Board also ordered that the "responsible zoning and planning authorities [are] to refrain from hereafter changing such land use plans or zoning ordinances so as to affect the proposed site." See In Re: Seminole Electric Cooperative, Inc., Application for Power Plant Site Certification, Putnam County, DOAH Case No. 78-1388, 1979 Fla. ENV LEXIS 10 Siting Board, March 21, 1979, which is Seminole Exhibit 1. Sierra Club was a party to that 1979 site certification proceeding in which the site was determined to be consistent and in compliance with Putnam County's land use plans and zoning ordinances. See Findings of Fact 7, 8 and 9.

In 1978, Putnam County had adopted PUD zoning for the Seminole Electric plant site. Putnam County did not have an adopted comprehensive plan or future land use map (FLUM) when the site was first certified in 1979. See Finding of Fact 7.

Putnam County subsequently adopted a comprehensive plan and future land use map, which designated the larger parcel of the site where the existing units are located as "Industrial" and designated the parcel containing the pump house as part "Rural Residential" and part

"Agricultural II": The lands occupied by the pipeline easement were designated "Agricultural II". See Findings of Fact 18, 19 and 20.

On January 10, 2006, the Putnam County Board of County Commissioners adopted an ordinance that amended the PUD zoning for both parcels of the site to accommodate the construction of the proposed Unit 3. In making its decision to amend the PUD zoning, the County Commission determined the Unit 3 project and its proposed site are consistent with the County's Comprehensive Plan and met the requirements of the County's land development code. Sierra Club participated in the County's public hearing on January 10, 2006 and did not object to or appeal the County's decision to amend the PUD zoning for the proposed Unit 3. See Findings of Fact 22, 23, 24 and 25.

All of the Sierra Club's exceptions relate only to the portions of the Recommended Order that address the existing pump house and pipeline/duct bank easement. These are particularly benign features of the Unit 3 Project. The only changes will be upgraded pumps inside the pump house, and the additional installations, beneath the land surface of the existing easement, of pipes and conduit similar to that already located in that easement. Unrebutted testimony demonstrated that there would be no adverse impacts on adjacent land uses from these activities. (Zwolak, Tr. II, pp. 12-13) The record demonstrates that Putnam County explicitly considered these features of the Unit 3 Project to be consistent and in compliance with applicable land use plans and zoning laws when the County adopted its amended PUD ordinance for the Project site.

#### Standards Of Administrative Review

In reviewing a recommended order such as the one now before the Siting Board, the findings of fact entered by the administrative law judge may not be rejected or modified by a reviewing agency "unless the agency first determines from a review of the entire record, and

states with particularity in the order, that the findings of fact are not based on competent substantial evidence". Subsection 120.57(1)(b)(I), F.S.; Dunham v. Highlands County School Board, 652 So.2d 894 (Fla. 2d DCA 1995). An agency reviewing a recommended order from an administrative law judge may not reweigh the evidence, resolve conflicts therein, or judge the credibility of witnesses, as those are evidentiary matters within the province of the administrative law judge as the trier of fact. Belleau v. Dept. of Environmental Protection, 695 So.2d 1305, 1307 (Fla. 1st DCA 1997); Maynard v. Unemployment Appeals Commission, 609 So.2d 143, 145 (Fla. 4th DCA 1992). Furthermore, an agency reviewing a recommended order has no authority to make independent or supplemental findings of fact in its final order. North Port, Fla. v. Consolidated Minerals, Inc., 645 So.2d 485 (Fla. 2d DCA 1994).

The scope of agency review of a DOAH recommended order involves ascertaining whether the administrative law judge's findings of fact are supported by competent substantial evidence of record. North Port, 645 So.2d at 487. Competent substantial evidence is such evidence that it is sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. Perdue v. T.J. Palm Associates, Ltd., 755 So. 2d 660 (Fla. 4<sup>th</sup> DCA 1999); De Groot v. Sheffield, 95 So. 2d 912, 916 (Fla. 1957).

Interpretations of its own ordinances and regulations by an agency such as Putnam County are entitled to great deference and should not be overturned, unless "clearly erroneous." Falk v. Beard, 614 So.2d 1086, 1089 (Fla. 1993); State Contracting & Engineering Corp. v. Dept. of Transportation, 709 So.2d 607, 610 (Fla. 1st DCA 1998). An agency's interpretation of statutes, ordinances and rules within its regulatory jurisdiction does not have to be the only reasonable interpretation. It is enough if such agency interpretations are "permissible" ones. Falk

v. Beard, 614 So.2d 1086, 1089 (Fla. 1993); Suddath Van Lines, Inc. v. Dept. of Environmental Protection, 668 So.2d 209, 212 (Fla. 1st DCA 1996).

On administrative review, an agency is not bound by the labels affixed by an administrative law judge designating various portions of a recommended order as "findings of fact" or "conclusions of law." Battaglia Properties v. Land and Water Adjudicatory Commission, 629 So.2d 161, 168 (Fla. 5th DCA 1993). Thus, the labeling of a finding of fact as a conclusion of law in a recommended order will be treated either as harmless error or as a mixed finding of fact and conclusion of law.

#### Seminole Electric's Responses to Sierra Club's Exceptions

Addressing the substance of Sierra Club's four exceptions to the ALJ's Recommended Order on Land Use and Zoning, Seminole offers the following.<sup>1</sup>

##### Preliminary Considerations

As a preliminary matter, two issues should be addressed. The Siting Board's March 21, 1979 Order Relating to Land Use and Zoning is a significant legal precedent that bound and otherwise restricted the subsequent land use and zoning decisions of Putnam County as those decisions related to the certified site for the Seminole Electric power plant in Putnam County. The ALJ in this case found in the August 31, 2006, Recommended Order, that Putnam County "has assigned future land use categories to all of the properties occupied by SECI's facilities,

---

<sup>1</sup> Sierra Club did not number its individual exceptions but instead referenced individual numbered Findings of Fact or Conclusions of Law in its exceptions. In this response, Seminole will address the Sierra Club's exceptions in numerical order. The first response will be addressed to the exception to Finding of Fact 19; the second response addresses the Sierra Club's exception to Finding of Fact 32; Seminole's third response addresses Sierra Club's exception to Conclusion of Law 40 and 42, and; Seminole's fourth response addresses Sierra Club's exception to Conclusion of Law 43.

including the electrical generating Units 1 and 2, the pump house and the pipeline easement, that are consistent with the Siting Board's Order relating to land use and zoning and do not affect the use of those properties for such uses." The ALJ further found that "Putnam County has not taken any subsequent land use or zoning action which affect the continued use of the site for electrical generating facilities." See Conclusions of Law 37 and 38, (which constitute mixed Findings of Fact and Conclusions of Law.) The Sierra Club has not taken exception to those significant factual findings and legal conclusions concerning the effect of the March 21, 1979 Siting Board Order Relating to Land Use and Zoning. In its exceptions, Sierra Club does not acknowledge that prior 1979 Order of the Siting Board relating to the site for the existing and proposed units. The Sierra Club would apparently have the Siting Board ignore its own express directive to local officials to not affect the use of the site in the future in adopting land use plans or zoning. Based on this omission by Sierra Club, to take exception to these key factual findings regarding the effect of the Siting Board's 1979 Order and the County's land use and zoning decisions in accord with that Order, the Sierra Club's more limited exceptions would not change the outcome recommended by the ALJ.

Additionally, as the ALJ found in Finding of Fact 9, Sierra Club was a party to the original site certification proceeding and is bound by the Siting Board's determination of the consistency of the existing site with the County's land use plans and zoning ordinances. Further, in Finding of Fact 25, the ALJ found that Sierra Club also participated in the Putnam County Commission's public hearing on January 10, 2006 at which the existing PUD zoning for the site was amended to accommodate the placement of Unit 3 and its related facilities. At that hearing, the Putnam County Commission also determined that the Unit 3 project was consistent with the County's comprehensive plan and land development code. The ALJ found that the Sierra Club

did not object to the adoption of the amended PUD zoning ordinance and that no one appealed the County's amended PUD zoning ordinance. Therefore, the ALJ found in Finding of Fact 25, that "Sierra Club is now bound by the determinations of land use and zoning consistency in these prior proceedings, as well as in the original site certification proceeding." Sierra Club has not filed exceptions to Findings of Fact No. 9 and 25 that found Sierra Club is bound by these prior proceedings; Sierra Club has not attempted to explain why it should not be bound by the determinations from the prior proceedings in which it participated. State, Dept. of Revenue v. Bridger, 935 So.2d 536 (Fla. 3rd DCA 2006); Wendel v. Wendel, 852 So.2d 277 (Fla. 2<sup>nd</sup> DCA2003) ("Under the law of the case doctrine, questions of law that have actually been decided on appeal must govern the case in the same court and in the trial court through all subsequent stages of the proceedings); Advisory Opinion to Attorney General re Referenda Required For Adoption and Amendment of Local Government Comprehensive Land Use --- So.2d ---, 2006 WL 1699568 (Fla. 2006) ("Res judicata bars the litigation of issues that were raised or could have been raised in a prior proceeding between the same parties.") Sierra Club thus has no basis to take exception to issues that have been resolved in prior proceedings in which it participated. Again, the Sierra Club has filed exceptions to a small handful of limited issues, but has not taken issues with critical factual findings and conclusions that are outcome determinative in this matter related to its prior conduct.

Sierra Club provided no evidence in support of its allegations during the land use and zoning hearing. Seminole provided expert testimony, in addition to a number of exhibits, to support its position. Sierra Club made no effort to rebut the testimony of Seminole's experts and cannot do so now by questioning the propriety of the ALJ's findings of fact. So long as the



ALJ's Findings of Fact are supported by competent substantial evidence, and Sierra Club having provided no evidence to the contrary, the Siting Board must reject Sierra Club's exceptions.

Response to Exception No. 1

In its first exception, related to Finding of Fact 19, Sierra Club takes exception to the portion of the ALJ's finding that the "existing pump house and underground water pipes and electrical duct bank are allowed uses in both the Agricultural II and in the Rural Residential future land use districts as a Type 2 community facility." Sierra Club cites to provisions of the County's comprehensive plan in support of this contention, as well as arguing for supplemental evidentiary findings on the incompatibility of such facilities to support this exception. Sierra Club provided no evidence to the contrary at the hearing.

First, these future land use categories for the parcel containing the pump house and for the pipeline and duct bank easement must be considered in light of the March 21, 1979 Siting Board Order Relating to Land Use and Zoning for the Seminole Electric site, which included this pump house parcel and the pipeline easement. To now find, as the Sierra Club's exception would require, that the existing pump house and water pipelines are not allowed uses in those future land use districts, would be inconsistent with the Siting Board's directive that the Seminole site not be affected by a change in land use plans or zoning ordinances subsequent to that 1979 Order. Sierra Club's interpretation would mean the existing pump house and pipelines are not consistent and in compliance with Putnam County's land use plans and zoning regulations. To find that the pump house and pipeline and duct bank are now not consistent with the County's land use plans would also mean that Putnam County has acted contrary to the Siting Board's 1979 order by affecting the use of these lands in an adverse way.

The ALJ correctly concluded that "Putnam County has assigned future land use categories to all of the properties occupied by SECI's facilities, including the electrical generating Units 1 and 2, the pump house and the pipeline easement, that are consistent with the Siting Board's Order Relating to Land Use and Zoning and do not affect the use of those properties for such uses." Sierra Club has taken no exception to these findings as to the County's actions which were taken in accordance with the Siting Board's 1979 directive. In the face of these findings to which it did not take exception, Sierra Club's exception to Finding of Fact 19 is untenable.

Further, Sierra Club's exception to Finding of Fact 19 involves re-argument of the evidence presented to the ALJ, and is an improper attempt to have the Siting Board make supplemental findings of fact. The County's comprehensive plan defines a Type 2 Community Facility as "light infrastructure facilities, including but not limited to, water wells, water tanks, sewage pump stations, electrical substations, and water and wastewater treatment plants with a capacity of less than 500,000 gallons per day." Type 2 Community Facilities are allowed in all eleven of Putnam County's Future Land Use categories. See Finding of Fact 30. The expert planning witness testified without any rebuttal testimony, that the pump house and water pipeline met this County definition for a Type 2 Community Facility. (Zwolak, Tr. II, p. 28). Thus, there is competent substantial evidence to support this Finding of Fact.

Contrary to the Sierra Club's argument on incompatibility, the ALJ found in Finding of Fact 17 (to which Sierra Club took no exception) that the addition of the proposed Unit 3, which includes the existing pump house and new water pipeline, "would be compatible with the existing land uses at and near the Site" and that the "new Unit 3 will be able to co-exist with existing land uses in that the new Unit 3 is not expected to have a significant adverse impact to

nearby residential development.” [Emphasis added] This finding was based on the expert planning testimony of Seminole Electric’s witness Richard Zwolak. (Zwolak, Tr. II, p. 12-13) Thus, the requirements of the cited comprehensive plan policy A.1.9.3.A.4.e are fulfilled, that Type 2 Community Facilities such as the pump house and pipeline be compatible with the overall character of the existing and future development of the area. Sierra Club provided no evidence to the contrary and cannot do so now through the filing of exceptions.

Sierra Club would also have the Siting Board engage in supplemental fact finding related to land use compatibility and interpretations of the County’s comprehensive plan in granting this exception. Sierra Club seeks to have the Siting Board make a finding of fact that those facilities are not compatible with surrounding land uses, when the ALJ’s Finding of Fact 17 finds that they are and will be compatible. The ALJ has made those factual findings contrary to Sierra Club’s assertions. The Siting Board may not engage in supplemental fact finding on this issue. North Port, Fla. v. Consolidated Minerals, 645 So.2d 485 (Fla. 2d DCA 1994)

Sierra Club also cites to Putnam County Comprehensive Plan Policy A.1.9.3.A.10.c for the proposition that “a Type 2 community facility must be directly related to Agricultural uses.” However, a reading of that cited policy, found in Seminole Exhibit 10A at page AA-29, reveals that Sierra Club has misquoted the policy in a manner to incorrectly represent that Type 2 Community Facilities are not allowed in areas designated Agricultural II if those facilities are not “directly related to agricultural uses.” First, the comprehensive plan policy cited by Sierra Club relates to Industrial Uses and not to Type 2 Community Facilities. Second, Policy A.1.9.3.A.10.c, which Sierra Club cites to, instead provides that “Industrial Uses that are directly related to Agricultural uses shall be located on sites within the area that they are designed to serve and are accessible by one or more transportation facilities. . . .” That same cited policy

goes on to provide that "Other Industrial uses larger than 10 acres . . . may be permitted [in Agricultural II areas] through a PUD. . . ." Thus, there is simply no prohibition on either Type 2 Community Facilities or Industrial Uses including electrical power plants in Agricultural II areas when properly sited and zoned in accordance with the County's comprehensive plan and other regulations.

The correct comprehensive policy for Type 2 Community Facilities located in Agricultural II areas is found in Putnam County Comprehensive Plan Policy A.1.9.3.A.10.d , which immediately follows the policy to which Sierra Club cites. Policy A.1.9.3.A.10.d provides that

d. Community Facilities and Services Types 1, 2, and 3 are permitted subject to compliance with standards provided in the land development code. Community Facilities and Services shall be located on sites that are accessible to their intended service area and do not require significant non-residential vehicular traffic to pass through established neighborhoods. The location, scale and intensity of Community Facilities and Services Types 1, 2 and 3 shall be compatible with the overall character of the existing and future development of the area. Community Facilities and Services acreage in each distinct Agriculture II area shall not exceed 5 percent of its total land area without a comprehensive plan amendment to designate the area as Public Facilities future land use.

See Seminole Ex. 10A at page AA-29. There is simply no restriction or limitation in the relevant Putnam County comprehensive plan policy that requires that Type 2 community facilities in Agricultural II areas "must be directly related to Agricultural uses" as Sierra Club would now have the Siting Board find.

Sierra Club offers no citation to the Recommended Order or the record evidence to support its claim that "Industrial activities by their nature and classification are incompatible with residential uses. . . ." In fact, the Recommended Order in Finding of Fact 17 finds that the proposed Seminole Unit 3 is compatible with nearby residential development. That finding was

based on record evidence and the expert planning testimony of Mr. Zwolak. (Zwolak, Tr. II, pp. 12-13) There is no basis in the record evidence or the law to accept the Sierra Club's assertion that the proposed power plant at this location is incompatible with nearby residential development. Nor is there any basis for concluding that the pump house or pipeline/duct bank easement would be incompatible with nearby development. The record demonstrates that there will be no visible changes to the pump house or the easement. The Sierra Club has not linked any of its contentions to an ascertainable rationale related to land use policy.

Sierra Club in its exception fails to cite to any record evidence to support its proposition that the pumps in the existing pump house are not Type 2 Community Facilities and instead constitute heavy industrial activities. One need only consider that when it adopted its comprehensive plan, Putnam County did not designate the pump house and water pipeline easement as Industrial as would have been the case if Putnam County believed the pump house, and the pipelines are Industrial facilities. Putnam County did designate the portion of the site containing the two existing electrical generating units as Industrial when it adopted its comprehensive plan.

The Sierra Club's proffered factual finding that "pumps are not Type 2 Community Facilities as defined by the comprehensive plan's glossary because they are not 'light infrastructure facilities'" is expressly contrary to the ALJ's Finding of Fact 30 and contrary to the unrebutted evidence and expert testimony in the case as noted by the ALJ in Finding of Fact 30. Thus, even if it were legally permissible to do so, there is no evidentiary basis to make the Sierra Club's proffered supplemental factual finding that the pump is "part and parcel of the heavy industrial activities associated with electrical production" in a way that would make them ineligible to be a Type 2 Community Facility. North Port, 645 So.2d at 485.

Sierra Club's reference to the "definition of electrical power plant" in section 403.503(12), Florida Statutes (F.S.) is not explicated or understandable in the context of this exception. To the extent necessary, this issue is addressed in the response to Sierra Club's second exception. For the foregoing reasons, Sierra Club's first exception should be denied.

Response to Exception No. 2

In its second exception, Sierra Club challenges Finding of Fact 32, in which the ALJ found that Sierra Club offered no contradictory evidence of the County's interpretation of its plan, offered no evidence as to how the community could be adversely affected by the continued use of the pump house, and offered no evidence that these facilities constituted industrial uses under the Putnam County land use plans and zoning regulations.

Sierra Club erroneously argues that this finding "misplaces the burden of proof and creates evidentiary requirements that do not exist." However, Sierra Club's argument on this issue is contrary to the holding in Department of Transportation v. J.W.C. Co., Inc., 396 So. 2d 778 (Fla. 1<sup>st</sup> DCA 1981). Under the burden shifting nature of an administrative hearing, J.W.C. stands for the proposition that Seminole Electric, as the applicant, had the initial burden to demonstrate that in this circumstance that the site for its proposed Unit 3 project was consistent and in compliance with the adopted land use plans and zoning ordinances of Putnam County, in accordance with section 403.508(2), F.S. (2005). Seminole made that showing through evidence including the expert testimony of Mr. Richard Zwolak, a land use planner, to support that conclusion. Under J.W.C., the burden then shifted to the Sierra Club, as the opponent on land use issues, to offer "contrary evidence of equivalent quality" to contradict Putnam County's interpretation of its comprehensive plan, and to counter Seminole Electric's competent substantial evidence that the community would not be adversely affected by the continued use of

the pump house and that the pump house and pipeline are not an industrial use under the County's comprehensive plan. The ALJ did not misplace the burden of proof and did not create new evidentiary requirements for Sierra Club.

In this exception, Sierra Club also asserts that "Seminole's contention that the pump house is not an industrial facility contradicts the statutory definition of electrical power plant, which makes no such distinction and instead, specifically includes 'associated facilities which directly support the operation of the plant,'" citing to section 403.503(12), F.S. Sierra Club offers no additional analysis beyond this simple assertion to explain its notion that the PPSA's definition of "electrical power plant" compels the conclusion that a pump house must be regulated as an industrial facility under local government land use plans and zoning regulations. Nothing in the Power Plant Siting Act or the cited PPSA definition of "electrical power plant" stands for the proposition that all parts of a power plant must be considered to be "industrial" and therefore designated industrial or zoned industrial in a county's future land use plans or zoning laws, respectively. Nothing in the Power Plant Siting Act says that Seminole had to demonstrate that all of the associated facilities of the Unit 3 project, including the pump house and pipeline, were placed in an industrial future land use designation or an industrial zoning category.

Further, under Sierra Club's logic that all components of a power plant must be designated or zoned "industrial" if they are related to the operation of the plant, is impractical. That analysis would suggest that every potable water line, sewer line, roadway, and transmission line that supports a power plant as an associated facility would have to be designated or zoned "industrial" on that basis. This would be an outcome that lacks a rationale and would usurp the authority of local governments on land use and zoning issues. Further, there is no precedent in 30 years of cases under the PPSA in Florida to support such a conclusion.

Response to Exception No. 3

In its third exception, Sierra Club challenges the ALJ's Conclusions of Law 40 and 42 that Putnam County's definition of "development" in its adopted land development code exempts from that definition "work by any utility or other persons engaged in the distribution or transmission of gas or water for the purpose of inspecting, repairing, renewing or construction on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like." This exception involves the issue of whether the installation of a new pipeline within the existing pipeline easement established by Seminole Electric in 1979 is exempt from the definition of "development" which is subject to the County's comprehensive plan. The record evidence at this hearing clearly demonstrates that the installation of a pipeline and a duct bank in that long-established pipeline easement is exempt from the County's definition of "development."<sup>2</sup>

This exception by Sierra Club also reflects a fundamental misunderstanding of the Power Plant Siting Act and the manner in which local comprehensive plans are considered. Under the Power Plant Siting Act, a local comprehensive plan is addressed at two stages of the proceeding. First, the future land use element and future land use map are considered at the land use hearing to determine if the proposed site for an electrical power plant is consistent and in compliance with the land use plans and zoning ordinances of the jurisdictional local government. See Section 403.508(2), F.S. (2005). At the land use hearing stage of the proceeding, only a limited portion of the County's comprehensive plan is at issue, specifically the future land use element

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<sup>2</sup> Sierra Club cites a similar exemption for agricultural activities from the State's definition of "development" found in Section 380.04(3)(e), F.S. Sierra then cites to agricultural-related policies in the County's comprehensive plan. However, the Florida Department of Community Affairs has concluded that "agricultural activities are exempt from the definition of "development" which applies to comprehensive plan [sic]. Sections 163.3164(6) and 380.04(4), Florida Statutes." McSherry v. Alachua County and Department of Community Affairs, 27 FALR 2686, (Fla. Dept. of Community Affairs 2004) (See page 27 FALR 2774, at paragraph 237.)



and future land use map as they relate to a determination of whether the proposed site is an allowed use under the County's comprehensive plan and zoning regulations. See Conclusion of Law 35, in which the ALJ concluded that the "applicable land use plan" is the Future Land Use Element of the Putnam County Comprehensive Plan and the accompanying FLUM" or Future Land Use Map.

The balance of the County's comprehensive plan beyond the land use element and the balance of the land development code beyond zoning regulations are addressed at the later site certification hearing stage of the proceeding. Under Section 403.507(2)(a)4., F.S. (2005), the jurisdictional local government, in this case Putnam County, may address issues related to the "adopted local comprehensive plans and land development regulations" in its agency report submitted under that provision of the PPSA. Thus, any other policies that may be contained in the Putnam County comprehensive plan beyond consistency and compliance with the future land use map and zoning regulations of the County can be addressed at this second phase of the site certification hearing. Any policies of the County's comprehensive plan that were not at issue in the land use hearing can be considered at this later stage of the proceeding.

In this third exception, Sierra Club also excepts to Conclusion of Law 42 in which the ALJ concludes, if the new water pipeline within the existing easement is not exempt from the County's definition of "development", then the pipeline and duct bank would be Type 2 Community Facilities under the County's comprehensive plan. Sierra Club then recites to its earlier exception to the Finding of Fact 19, as to whether the pipeline constitutes a Type 2 Community Facility. In a similar fashion, Seminole Electric adopts its response to that first exception by Sierra Club to Finding of Fact 19. For the foregoing reasons, Sierra Club's third exception should be denied.

Response to Exception No. 4

In its fourth exception, Sierra Club takes exceptions to the ultimate Conclusion of Law in paragraph 43 that "competent, substantial evidence received at the hearing demonstrates that the site and the Unit 3 project, including the pump house and additional underground water pipe and electrical duct banks, are consistent and in compliance with Putnam County's land use plans."

Sierra Club makes no effort to show that this conclusion is not supported by competent substantial evidence. Instead, in this exception, Sierra Club seeks to induce the Siting Board to engage in supplemental fact finding concerning whether the pumping of water to and from the River are "industrial activities conducted on land designated for residential or agricultural uses." To the contrary, the expert testimony established that the pump house and pipeline are not industrial activities under the County's comprehensive plan. (Zwolak, Tr. II, pp. 27-28, 41-42) Significantly, Putnam County specifically acknowledged and approved these activities within these land use categories and zoning districts when the County amended the PUD zoning for the Project site in January, 2006. In this proceeding, the County's unchallenged interpretation of its Comprehensive Plan is entitled to deference unless shown to be "clearly erroneous." Falk v. Beard, 614 So.2d 1086, 1089 (Fla. 1993); Suddath Van Lines, Inc. v. Dept. of Environmental Protection, 668 So.2d 209 (Fla. 1st DCA 1996).

The record is devoid of any evidence to support the Sierra Club's proposition that the activity of pumping water is "industrial" under the County's comprehensive plan, while the record evidence supports the ALJ's conclusions. Sierra Club offered no evidence to support this position and is unable to cite to any record evidence to support this proposition or to show that the County's interpretation of its own adopted comprehensive plan is "clearly erroneous." Falk v. Beard, 614 So.2d at 1086.

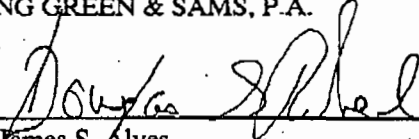
Similarly in this exception, Sierra Club seeks to have the Siting Board render a factual finding that the pump house is "not compatible with surrounding residential uses." But the Sierra Club produced no evidence whatsoever to support such a finding. Seminole, on the other hand, produced substantial competent evidence supporting the ALJ's finding of fact that the pump house was compatible with surrounding residential uses. See Finding of Fact 17 and Seminole Electric's response to Sierra Club's first exception above. Based on the foregoing, Sierra Club's fourth exception should be denied.

For the foregoing reasons, each of the four exceptions filed by Sierra Club should be rejected and the Siting Board should enter a final order adopting the ALJ's Recommended Order.

Respectfully submitted this 12<sup>th</sup> day of October, 2006.

HOPPING GREEN & SAMS, P.A.

By:

  
James S. Alves  
Fla. Bar No. 0443750  
Douglas S. Roberts  
Fla. Bar No. 0559466  
P.O. Box 6526  
Tallahassee, FL 32314  
(850) 222-7500

Attorneys for SEMINOLE ELECTRIC COOPERATIVE,  
INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of the foregoing have been furnished to the following by U.S. Mail on this 12<sup>th</sup> day of October, 2006:

Scott A. Goorland, Esq.  
Senior Assistant General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000

James V. Antista, Esq.  
Fish and Wildlife Conservation Commission  
620 South Meridian Street  
Tallahassee, FL 32399-1600

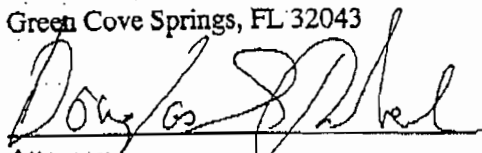
Kelly A. Martinson, Esq.  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Sheauching Yu, Esq.  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street, MS 58  
Tallahassee, FL 32399-0450

Martha Carter Brown, Esq.  
~~Florida Public Service Commission~~  
Gerald Gunter Building  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Gordon B. Johnston, Esq.  
County Attorney  
601 Southeast 25<sup>th</sup> Avenue  
Ocala, FL 34471

Mark Scruby, Esq.  
Clay County Attorney  
Post Office Box 1366  
Green Cove Springs, FL 32043

  
Attorney

Vance W. Kidder, Esq.  
St. Johns River Water Management District  
4049 Reid Street  
Palatka, FL 32177

Charles Justice  
North Central Florida Regional Planning  
Council  
2009 Northwest 67<sup>th</sup> Place, Suite A  
Gainesville, FL 32653

Hamilton S. Oven, P.E.  
Office of Siting Coordination  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399

Russell D. Castleberry, Esq.  
Post Office Box 758  
Palatka, FL 32178

Patrick Gilligan  
Attorney for City of Ocala  
1531 SE 36 Avenue  
Ocala, FL 34471

Wayne Smith  
Union County Board of County Comm.  
15 Northeast First Street  
Lake Butler, FL 32054

Ronald Williams  
Columbia County Board of County Comm.  
Post Office Drawer 1529  
Lake City, FL 32058

Timothy Keyser, Esq.  
Sierra Club  
Post Office Box 62  
Interlachen, FL 32148-0092

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEMINOLE ELECTRIC COOPERATIVE, INC.,

Petitioner,

v.

OGC No. 06-1976  
DEP Permit No. 1070025-005-AC

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

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

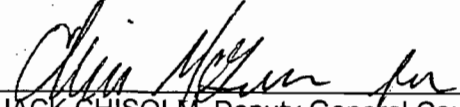
This cause has come before the Florida Department of Environmental Protection (FDEP) upon receipt of a request made by Petitioner, Seminole Electric Cooperative, Inc., to grant an extension of time to file a petition for administrative hearing challenging the Intent to Issue DEP Permit No. 1070025-005-AC. If granted this extension will 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 **October 23, 2006**, to file a petition in this matter. Filing shall be complete upon 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 10<sup>th</sup> day of September, 2006, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

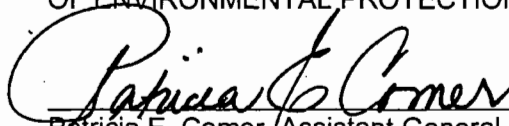
  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
850-245-2242 facsimile 850-245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via  
U. S. Mail this 18<sup>th</sup> day of September, 2006, to:

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

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Patricia E. Comer, Assistant General Counsel  
FL Bar 0224146  
Department of Environmental Protection  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
Telephone: (850) 245-2288  
Facsimile: (850) 245-2302

with courtesy copies via electronic mail to:

Jeff Koerner, FDEP – BAR, Air Permitting North

## Gibson, Victoria

---

**From:** Miskelley, Valerie  
**Sent:** Monday, September 18, 2006 10:23 AM  
**To:** Koerner, Jeff; Gibson, Victoria  
**Subject:** Seminole 1070025-005-AC

**Attachments:** Ord to Grant on Seminole Electric 06-1976.PDF

Here is the Order Granting on Seminole Electric (OGC Case No. 06-1976).



Ord to Grant on  
Seminole Elect...

Thanks,  
Valerie Miskelley  
Administrative Secretary  
FDEP Office of General Counsel  
3900 Commonwealth Blvd. MS 35  
Tallahassee, FL 32399-3000  
(850) 245-2260 SC 205-2260  
Fax: (850) 245-2302  
Valerie.Miskelley@dep.state.fl.us

## Gibson, Victoria

---

**From:** Koerner, Jeff  
**Sent:** Thursday, September 14, 2006 12:24 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Seminole Unit 3 - Extension Request

Sorry ... forgot to copy you on this.

Jeff

---

**From:** Koerner, Jeff  
**Sent:** Thursday, September 14, 2006 11:12 AM  
**To:** Miskelley, Valerie  
**Cc:** Halpin, Mike  
**Subject:** FW: Seminole Unit 3 - Extension Request

Valerie,

I spoke with Trina yesterday and we have no problem with a 30-day extension.

Thanks!

Jeff Koerner, BAR - Air Permitting North  
Florida Department of Environmental Protection  
850/921-9536

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**From:** Koerner, Jeff  
**Sent:** Tuesday, September 12, 2006 1:49 PM  
**To:** Miskelley, Valerie  
**Cc:** Halpin, Mike  
**Subject:** Seminole Unit 3 - Extension Request

Valerie,

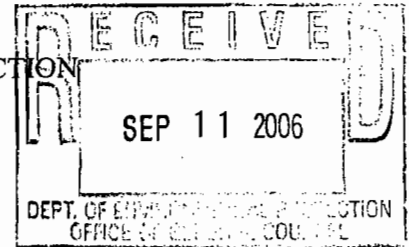
I would like to discuss this with Trina Vielhauer before we agree to the extension. She's out today, but will be back tomorrow. We'll give you call then.

Thanks!

Jeff Koerner, BAR - Air Permitting North  
Florida Department of Environmental Protection  
850/921-9536



THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an  
Application for Permit by:

FDEP Draft Permit No.: PSD-FL-375  
Project No.: 1070025-005-AC  
Siting No. PA78-10A2

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

**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 October 23, 2006, 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 August 28, 2006, Seminole Electric Cooperative, Inc. (Seminole) received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit," (Draft Permit No. 1070025-005-AC), to add a new Unit 3 at the Seminole Generating Station, located in Putnam County, Florida.

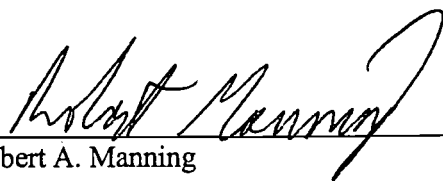
2. Based on Seminole's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections. Seminole will be filing comments shortly and meeting with the Department to work towards a resolution.

3. This request is filed simply as a protective measure to avoid waiver of Seminole's right to challenge certain conditions contained in the Draft Air 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. Seminole will promptly withdraw this request after its comments are resolved, and the 30-day public comment period is passed.

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 Air Permit No.1070025-005-AC be formally extended to and including October 23, 2006.

RESPECTFULLY SUBMITTED this 11 day of September, 2006.

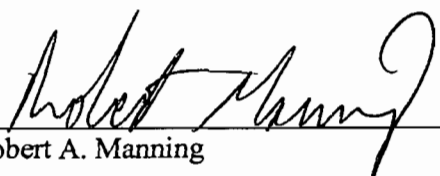
By: \_\_\_\_\_

  
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 Leigh Crandell, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000; and Mike Halpin, Florida Department of Environmental Protection, Program Administrator, 2600 Blair Stone Road, Room 625, Tallahassee, Florida 32399, this 11 day of September, 2006.

  
Robert A. Manning

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Tuesday, September 12, 2006 9:31 AM  
**To:** Halpin, Mike; Koerner, Jeff  
**Subject:** FW: Request for Extension of Time rec'd. - 1070025-005-AC - Seminole Electric Cooperative, Inc.  
  
**Attachments:** Di4700609110343.PDF

FYI,

Let me know if Pat Comer will be granting or denying this request for you.

Thanks.

Vickie

---

**From:** Crandall, Lea  
**Sent:** Tuesday, September 12, 2006 8:32 AM  
**To:** Gibson, Victoria  
**Subject:** FW: Request for Extension of Time rec'd. - 1070025-005-AC - Seminole Electric Cooperative, Inc.

Good Morning,

Attached is a copy of the Request.

Thanks,  
Lea



Di4700609110343.  
PDF (486 KB)

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

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

**From:** Crandall, Lea  
**Sent:** Monday, September 11, 2006 4:28 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time rec'd. - 1070025-005-AC - Seminole Electric Cooperative, Inc.

FYI, a Request for Extension of Time was rec'd. today re: 1070025-005-AC - Seminole Electric Cooperative, Inc.

Thanks,  
Lea

### Lea Crandall

Agency Clerk

Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

## Gibson, Victoria

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**From:** Gibson, Victoria  
**Sent:** Monday, September 11, 2006 4:32 PM  
**To:** Koerner, Jeff; Vielhauer, Trina  
**Subject:** FW: Request for Extension of Time rec'd. - 1070025-005-AC - Seminole Electric Cooperative, Inc.

FYI,

Vickie

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**From:** Crandall, Lea  
**Sent:** Monday, September 11, 2006 4:28 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Halpin, Mike  
**Subject:** Request for Extension of Time rec'd. - 1070025-005-AC - Seminole Electric Cooperative, Inc.

FYI, a Request for Extension of Time was rec'd. today re: 1070025-005-AC - Seminole Electric Cooperative, Inc.

Thanks,  
Lea

### Lea Crandall

Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212 SC: 205-2212  
Fax: (850) 245-2303

## Chronology of Activities

OGC Number **06 1976 54 AC** District **NORTHEAST** County **PUTNAM**  
Style of Case **SEMINOLE ELECTRIC COOPERATIVE, INC. VS. DEP**  
Program Area **AIR CONSTRUCT** Mode **ADMINISTRATIVE**  
Lead Attorney **PATRICIA E COMER** Status **CLOSED**  
Forum Name Forum Case Number  
Permit Appl **1070025-005-AC** Final Order Number

Date *	Code	Activity Description
09/11/2006	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
09/11/2006	ACO	ADMIN. CASE OPENED IN OGC
09/11/2006	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
09/12/2006	AR	RE-ASSIGNED TO LEAD ATTORNEY PATRICIA E COMER
09/18/2006		ORD GRANTING REQ FOR EXT OF TIME - UNTIL 10/23/06
10/30/2006		NO ADDITIONAL REQ FOR EXT OF TIME OR PET REC'D
10/30/2006	CC	CASE CLOSED IN OGC

STATE OF FLORIDA

County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

PUBLIC NOTICE OF INTENT TO IS

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

09/08/2006

RECEIVED

SEP 29 2006

BUREAU OF AIR REGULATION

The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice and/or advertisement.

Allison Waters

Sworn to and subscribed to before me this 8th day of September, 2006 by Allison Waters, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

Mary Kaye Wells

Mary Kaye Wells, Notary Public

My commission expires July 22, 2007

Notary Seal  
Seal of Office:



Personally known to me, or  
Produced identification:  
Did take an oath

PUBLIC NOTICE

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection  
Project No. 1070025-005-AC/  
Draft Air Permit No. PSD-FL-375  
Seminole Electric Cooperative, Inc. Seminole Generating Station, Putnam County, Florida

Applicant: The applicant for this project is the Seminole Electric Cooperative, Inc. The applicant's authorized representative and mailing address is: James R. Frauen, Director, SGS-3, Seminole Electric Cooperative, 16313 North Dale Mabry, Tampa, Florida 33618. Facility: Location: Seminole Electric Cooperative, Inc. operates the existing Seminole Generating Station (SGS) north of Palatka at 890 North U.S. Highway 17, north of Palatka, in Putnam County, Florida.

Project: The applicant proposes to construct a new supercritical coal-fired steam generating unit referred to as SGS Unit 3. Seminole proposes to integrate SGS Unit 3 into the existing, certified SGS Site located north of Palatka in Putnam County and will locate Unit 3 adjacent to the existing SGS Units 1 and 2. Seminole anticipates beginning commercial operation of Unit 3 in 2012. The addition of SGS Unit 3 will increase the total output capability of the SGS by almost 60 percent. The design of SGS Unit 3 will maximize the co-use of existing site facilities to the greatest extent possible, including fuel handling facilities. SGS Unit 3 proposes the same fuel slate as SGS Units 1 and 2.

SGS Unit 3 will feature supercritical pulverized coal technology with modern emission controls. The Unit 3 air pollution control equipment will include wet Flue Gas Desulfurization (FDG) for SO<sub>2</sub> removal, selective catalytic reduction (SCR) for control of nitrogen oxides (NO<sub>x</sub>), electrostatic precipitator (ESP) for collection and removal of fine particles, a Wet ESP (WESP) for control of sulfuric acid mist (SAM), with fluoride (HF) and mercury (Hg) removal to be accomplished through co-benefits of the above technologies. Fuel (coal and petroleum coke) for SGS Unit 3 will be delivered by an existing rail system. Continuous Emission Monitoring Systems (CEMS) will be installed for SO<sub>2</sub>, NO<sub>x</sub>, CO and Hg.

Net environmental impacts associated with Unit 3 in combination with the Units 1 and 2 pollution controls upgrade. Project No. 1070025-004-AC can be summarized as follows:

- 1) No increase in facility-wide SO<sub>2</sub>, NO<sub>x</sub>, SAM and mercury when compared to historical (baseline) air emissions. The applicant has accepted facility-wide caps for each above pollutant eliminating the requirement for a PSD review.
  - 2) PSD-significant increases in facility-wide PMPM10, CO, VOC and fluoride air emissions.
  - 3) reuse of FDG product, fly ash and bottom ash.
- The maximum potential annual emissions increases in tons per year based on the draft permit are summarized below:

Pollutants:  
PMPM10  
HF

97 Mercury Sable Runs  
Good Call for more information \$2500 OBO  
Call Kelly 386-227-0272

Four Wheel Drive Vehicle

04 Chevy Ext Cab 63/592 miles Auto, CD, BW, PL Bedliner, Taking Bids 386-326-5330

1990 Chevrolet Ext Cab cold air, elec windows & doors, cruise, alum. tool box, metal bumper, Runs great. \$3900 386-937-2674

1994 GM Sonoma LS 4x4 full power, cruise, a/c

the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority at the above address before the close of business (5:00 p.m.) on or before the end of this 30-day period. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mall Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by any person other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of this Public Notice or receipt of written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the



ions per year based on the draft permit are summarized below:

Pollutants:  
PM/PM10  
HF  
VOC

Maximum Potential Emissions (TPY)
429.3
7.6
73.2
4927.5

PSD Significant Emission Rate (TPY)
25/15
3.8
40
100

Based on the emissions increases shown above, the project is subject to preconstruction review for the Prevention of Significant Deterioration (PSD) for these pollutants. (Rule 62-212.400, F.A.C.). The Draft Permit includes preliminary determinations of the best Available Control technology (BACT) for each PSD-significant pollutant. In addition, an air quality impact analysis was conducted. Maximum predicted impacts due to proposed emissions from the project are less than the applicable PSD Class I and Class II significant impact levels applicable to all PSD Class I and II areas and including the nearest PSD Class I area which is Okefenokee National Wildlife Area. Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or contribute to a violation of any state or federal ambient air quality standard. The proposed project is subject to PSD review. Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2800 Blair Stone Road, MS# 5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone numbers are 850/488-0114. Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday (except legal holidays) at the address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and

F.S., must be filed within fourteen (14) days of publication of this Public Notice or receipt of written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) 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 file a petition 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 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, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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 each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact; if there are none, the petitioner shall so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority'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, F.A.C. Because the administrative hearing process is designated to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be



**Mike Roddy, M.S. M.P.H.**  
Manager of Environmental Affairs

16313 North Dale Mabry Highway, Tampa, Florida 33618  
P.O. Box 272000, Tampa, Florida 33688-2000  
813.739.1224 Fax 813.264.7906  
wmroddy@seminole-electric.com

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEMINOLE ELECTRIC COOPERATIVE, INC.,

Petitioner,

v.

OGC No. 06-1976  
DEP Permit No. 1070025-005-AC

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

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

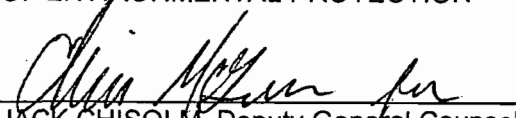
This cause has come before the Florida Department of Environmental Protection (FDEP) upon receipt of a request made by Petitioner, Seminole Electric Cooperative, Inc., to grant an extension of time to file a petition for administrative hearing challenging the Intent to Issue DEP Permit No. 1070025-005-AC. If granted this extension will 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 **October 23, 2006**, to file a petition in this matter. Filing shall be complete upon 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 10<sup>th</sup> day of September, 2006, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

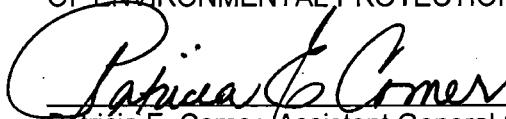
  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
850-245-2242 facsimile 850-245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via  
U. S. Mail this 18<sup>th</sup> day of September, 2006, to:

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

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

A handwritten signature in black ink, appearing to read "Patricia E. Comer", is written over a horizontal line.

Patricia E. Comer, Assistant General Counsel  
FL Bar 0224146

Department of Environmental Protection  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000

Telephone: (850) 245-2288

Facsimile: (850) 245-2302

with courtesy copies via electronic mail to:

Jeff Koerner, FDEP – BAR, Air Permitting North