

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Permit by:

OGC CASE NO.: 04-1734  
FDEP Draft Permit No.: 1210003-005-AV

Progress Energy Florida, Inc.  
Suwannee River Plant  
Suwannee County, Florida

---

**NOTICE OF WITHDRAWAL OF ENLARGEMENT OF TIME**

Progress Energy Florida, Inc. ("Progress"), by and through undersigned counsel, hereby withdraws its Second Request for Enlargement of Time to file a petition for formal administrative proceedings in accordance with Chapter 120, Florida Statutes. Progress currently has pending a Second Request for Enlargement of Time until November 15, 2004, in response to the "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 1210003-005-AV) for the Suwannee River Plant, located South of U.S. Route 90- Northwest of Live Oak, Suwannee County, Florida, to negotiate certain changes in the Draft Title V permit with the Department. Following discussions with Department representatives, Progress and the Department have come to agreement on the issues involved in the above-referenced Draft Title V permit, as reflected in the attached preliminary Proposed Title V Permit dated November 9, 2004. Accordingly, conditioned upon the Department's issuance of the Proposed Title V permit in accordance with our agreement, Progress hereby withdraws its Request for Enlargement of Time.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of November, 2004.

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

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

Attorneys for PROGRESS ENERGY FLORIDA,  
INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 9<sup>th</sup> day of November, 2004.

*Robert A. Manning*  
\_\_\_\_\_  
Robert A. Manning

## Gibson, Victoria

---

**From:** Vielhauer, Trina  
**Sent:** Monday, November 01, 2004 9:47 AM  
**To:** Gibson, Victoria; Mitchell, Bruce; Pennington, Jim  
**Subject:** RE: GRU and Progress Energy - Suwannee

GRU is tied up in the permitting note issue which I'm meeting with Mike C. about in a few minutes. Suwannee River- have they filed any comments or do we have any outstanding issues with them?

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

**From:** Gibson, Victoria  
**Sent:** Monday, November 01, 2004 9:22 AM  
**To:** Mitchell, Bruce; Pennington, Jim  
**Cc:** Vielhauer, Trina  
**Subject:** GRU and Progress Energy - Suwannee

Good morning.

The extensions of time for the following permits expire today:

City of Gainesville - Gainesville Regional Utilities  
0010006-003-AV

Progress Energy Florida - Suwannee River  
1210003-005-AV

What is the status on both of these permits?

Thank you.

*Vickie*

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

**Gibson, Victoria**

---

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

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

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

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

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

Priority #2: getting the other renewals to proposed status

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

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

11/1/2004

Progress Suwannee	extension of time expires today
Progress Turner	we denied 3 <sup>rd</sup> extension request; have until today to file full petition
Progress u of f	we denied extension of time; have until today to file a full petition
Crystal River	extension of time expires today
Seminole	extension of time expires today
TECO Big Bend	extension of time expires today
TECO Bayside	no extensions of time filed
TECO Polk	no extensions of time filed
Reliant Indian River	proposed sent to EPA
Indiantown cogen	Vickie- can you refresh my memory. Did they request extension of time?
Stock Island	no extensions of time filed
FPL Canaveral	proposed sent to EPA

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED  
NOV 02 2004  
BUREAU OF AIR REGULATION

In the Matter of an  
Application for Permit by:

OGC CASE NO.: 04-1734  
FDEP Draft Permit No.: 1210003-005-AV

Progress Energy Florida, Inc.  
Suwannee River Plant  
Suwannee County, Florida

---

**SECOND REQUEST FOR ENLARGEMENT OF TIME**

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

1. On or about September 29, 2004, Progress Energy Florida, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" and accompanying "Draft Permit," (Draft Permit No.1210003-005-AV), for the Suwannee River Plant, located South of U.S. Route 90 - Northwest of Live Oak, Suwannee County, Florida.
2. Based on Progress Energy's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.
3. Progress Energy and DEP are in the process of discussing possible resolutions to the issues needing clarification or correction.

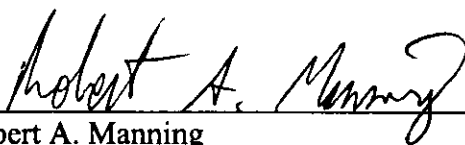
4. The Department granted Progress' first Request for Enlargement of Time, allowing until November 1, 2004, to file a petition in this matter.

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

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

WHEREFORE, Progress Energy Florida, Inc. respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Permit No. 1210003-005-AV be formally extended to and including November 15, 2004.

RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of November, 2004.

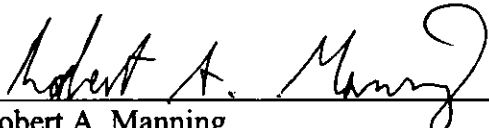
By:  \_\_\_\_\_

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

Attorneys for PROGRESS ENERGY FLORIDA,  
INC.

**CERTIFICATE OF SERVICE**

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

  
Robert A. Manning



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.  
Suwannee River Plant

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

OGC #04-1734  
DEP Permit 1210003-005-AV

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


This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner PROGRESS ENERGY FLORIDA, INC., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its facility in Suwannee County, Florida. Because the request shows good cause for the extension of time,

**IT IS ORDERED:**

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **November 1, 2004**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 18th day of October, 2004, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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

**CERTIFICATE OF SERVICE**

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

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

Facsimile 850-224-8551



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

with a courtesy copy to:

Trina L. Vielhauer  
Chief  
Bureau of Air Regulation

facsimile: 850-921-9533

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.  
Suwannee River Plant

Petitioner,

v.

OGC #04-1734  
DEP Permit 1210003-005-AV

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

---

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

This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner PROGRESS ENERGY FLORIDA, INC., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its facility in Suwannee County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until, **November 1, 2004**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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



# Department of Environmental Protection

CERTIFICATE OF SERVICE

Jeb Bush  
Governor

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via

U. S. Mail \_ facsimile \_ only this 13th day of October, 2004, to:

Colleen M. Castille  
Secretary

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

Facsimile 850-224-8551

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

with a courtesy copy to:

Trina L. Vielhauer  
Chief  
Bureau of Air Regulation

facsimile: 850-921-9533

04-1734:

RECEIVED

OCT 13 2004

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF AIR REGULATION

In the Matter of an  
Application for Permit by:

FDEP Draft Permit No.: 1210003-005-AV

Progress Energy Florida, Inc.  
Suwannee River Plant  
Suwannee County, Florida

---

**REQUEST FOR ENLARGEMENT OF TIME**

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

1. On or about September 29, 2004, Progress Energy Florida, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" and accompanying "Draft Permit," (Draft Permit No.1210003-005-AV), for the Suwannee River Plant, located South of U.S. Route 90 - Northwest of Live Oak, Suwannee County, Florida.
2. Based on Progress Energy's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.
3. This request is filed simply as a protective measure to avoid waiver of Progress Energy's right to challenge certain conditions contained in the Draft Title V Permit. Grant of this

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

WHEREFORE, Progress Energy Florida, Inc. respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Permit No.1210003-005-AV be formally extended to and including November 15, 2004.

RESPECTFULLY SUBMITTED this 13th day of October, 2004.

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

Attorneys for PROGRESS ENERGY FLORIDA,  
INC.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 13<sup>th</sup> day of October, 2004.

Robert A. Manning  
Robert A. Manning

## Gibson, Victoria

---

**From:** Vielhauer, Trina  
**Sent:** Tuesday, October 19, 2004 10:00 AM  
**To:** Gibson, Victoria  
**Subject:** FW: extension request

Vickie,  
You may already have this but I'm forwarding just in case for Suwannee River. Thanks!

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

**From:** Carter, Kathy  
**Sent:** Thursday, October 14, 2004 4:37 PM  
**To:** Vielhauer, Trina  
**Subject:** FW: extension request

Trina:

I received this response from Bruce re: the information on the Suwannee River extension request.

Kathy

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

**From:** Mitchell, Bruce  
**Sent:** Thursday, October 14, 2004 3:14 PM  
**To:** Carter, Kathy  
**Subject:** RE: extension request

10/14/04

Dear Kathy,

Please handle it the same way that Gainesville Regional Utilities's Deerhaven Generating Station extension (0010006-003-AV) was to be handled per Trina's direction. Many thanks.

Bruce

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

**From:** Carter, Kathy  
**Sent:** Thursday, October 14, 2004 11:24 AM  
**To:** Mitchell, Bruce; Chisolm, Jack; Vielhauer, Trina  
**Cc:** Gibson, Victoria; Light, Lisa  
**Subject:** extension request

Bruce:

FYI.

OGC received an extension request from Progress Energy Florida re: Suwannee River Plant, Draft permit No. 1210003-005-AV.

Kathy

Office of General Counsel  
Agency Clerk  
245-2212  
[Kathy.Carter@dep.state.fl.us](mailto:Kathy.Carter@dep.state.fl.us)

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Thursday, October 14, 2004 1:30 PM  
**To:** Mitchell, Bruce; Pennington, Jim  
**Subject:** FW: extension request

**Importance:** High

Hi,

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

Let me know how you would like to proceed.

Thanks.

Vickie

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

**From:** Carter, Kathy  
**Sent:** Thursday, October 14, 2004 11:24 AM  
**To:** Mitchell, Bruce; Chisolm, Jack; Vielhauer, Trina  
**Cc:** Gibson, Victoria; Light, Lisa  
**Subject:** extension request

Bruce:

FYI.

OGC received an extension request from Progress Energy Florida re: Suwannee River Plant, Draft permit No. 1210003-005-AV.

Kathy

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



### Chronology of Activities

OGC Number:    District:  County:

Style of Case:

Program Area:  Mode:

Lead Attorney:    Status:

Forum Name:  Forum Case Number:

Permit Appl:  Final Order Number:

Date *	Code	Activity Description
10/13/2004	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
10/14/2004	AA	ASSIGNED TO LEAD ATTORNEY TRMA L VIELHAUER
10/14/2004	ACO	ADMIN. CASE OPENED IN OGC
10/18/2004		ORDER GRANTING EXTENSION UNTIL 11/1/2004