

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.
Turner Power Plant

Petitioner,
vs.

OGC File No. 04-1504
FDEP File No. 1270020-002-AV

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Respondent.

ORDER DENYING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING

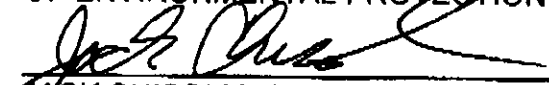
This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner, Progress Energy Florida, Inc., to grant an extension of time to file a petition for administrative proceeding to allow time for further clarification or corrections on the draft permit for its facility in Volusia County, Florida. Because the request fails to show 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 DENIED. Petitioner shall have until November 1, 2004 to file a petition for administrative hearing. The petition must be filed (received) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, facsimile 850-245-2303, by 5:00pm on November 1, 2004.

DONE and ORDERED this 25th 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

FILED on this date, pursuant to S.121.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

CLERK

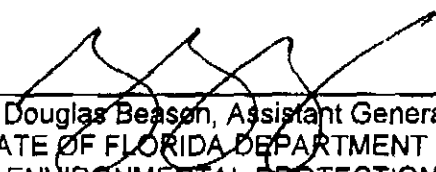
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
__ U. S. Mail __ facsimile __ ON .Y, this 22nd day of October, 2004, to:

Robert A. Manning
Esquire
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
facsimile: 850-224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


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 an internal courtesy copy to:

Trina L. Vielhauer
Chief
Bureau of Air Regulation

via fax only - 850-921-9533

Gibson, Victoria

From: Gibson, Victoria
Sent: Monday, October 25, 2004 7:51 AM
To: Light, Lisa; Beason, Doug
Cc: Vielhauer, Trina
Subject: DRAFT Orders to Deny (2)

Importance: High



DENIEDProgressEn
gTurner.doc (3...



DeniedProgressEng
Univ Fla.doc ...

Vickie

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

Gibson, Victoria

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

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

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

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

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

Priority #2: getting the other renewals to proposed status

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

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

11/1/2004

Progress Suwannee	extension of time expires today
Progress Turner	we denied 3 rd 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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.
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STATE OF FLORIDA DEPARTMENT
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Respondent.

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

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner, Progress Energy Florida, Inc., to grant an extension of time to file a petition for administrative proceeding to allow time for further clarification or corrections on the draft permit for its facility in Volusia County, Florida. Because the request fails to show 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 **DENIED**. Petitioner shall have until **November 1, 2004** to file a petition for administrative hearing. The petition must be filed (received) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, facsimile 850-245-2303, by **5:00pm on November 1, 2004**.

DONE and ORDERED this 22nd 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

FILED on this date, pursuant to S.120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

CLERK

DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
__ U. S. Mail __ facsimile __ ONLY, this 22nd day of October, 2004, to:

Robert A. Manning
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Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
facsimile: 850-224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

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 an internal courtesy copy to:

Trina L. Vielhauer
Chief
Bureau of Air Regulation

via fax only - 850-921-9533

Gibson, Victoria

From: Vielhauer, Trina
Sent: Monday, October 25, 2004 7:43 AM
To: Gibson, Victoria
Subject: RE: go ahead and deny:

I made one change- see attached. If you'd make that change on both- that would be fine to send to Lisa.

Thanks,
Trina

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

From: Gibson, Victoria
Sent: Friday, October 22, 2004 3:13 PM
To: Vielhauer, Trina
Subject: FW: go ahead and deny:
Importance: High

Hi,

If these look fine, do you want to forward them on to Lisa in OGC this afternoon?

Vickie

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

From: Gibson, Victoria
Sent: Friday, October 22, 2004 10:15 AM
To: Vielhauer, Trina
Subject: RE: go ahead and deny:

Attached are the denials for Turner and Univ of Fla for your approval. The deadline for reply is November 1st...is this okay?

Also, I couldn't deny at this time (as far as I know at the moment) for Progress Energy Bartow and Suwannee River since these were granted an extension of time through November 1st.

Vickie

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

From: Vielhauer, Trina
Sent: Thursday, October 21, 2004 7:55 AM
To: Gibson, Victoria
Subject: go ahead and deny:

Progress Turner
Progress Bartow
Progress Suwannee River

Progress U of F

We should be able to get these permits out the door because we did not remove their permitting note. Just double check with the engineers that they don't see a problem with denying the extensions for time. I would deny and give them until November 3 to file a full petition for hearing.

10/25/2004

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC CASE NO.: 04-1504
FDEP Draft Permit No.: 1270020-002-AV

Progress Energy Florida, Inc.
Turner Power Plant
Volusia County, Florida

THIRD 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 August 10, 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.1270020-002-AV), for the Turner Power Plant, located in Volusia County, Florida.

2. Based on Progress Energy's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

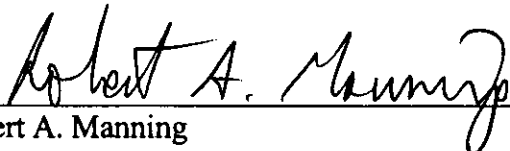
3. The Department granted Progress' second Request for Enlargement of Time, allowing until October 15, 2004, to file a petition in this matter.

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

5. This third 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. 1270020-002-AV be formally extended to and including November 15, 2004.

RESPECTFULLY SUBMITTED this 15th day of October, 2004.

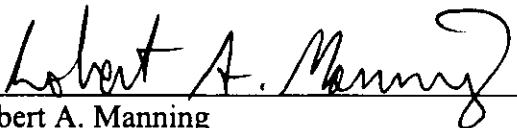
By: 

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 15th day of October, 2004.


Robert A. Manning

RECEIVED

OCT 15 2004

LIBRARY OF CONGRESS
PHOTODUPLICATION SERVICE

Gibson, Victoria

From: Arif, Syed
Sent: Monday, October 18, 2004 10:39 AM
To: Gibson, Victoria
Subject: RE: Progress Energy - Turner

Vickie –

They have already submitted their comments on the DRAFT permit. I don't think they deserve any more extensions.

Syed Arif, P.E
Permit Engineer
Division of Air Resources Management
Department of Environmental Protection
(850) 921-9528 or SC 291-9528

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

From: Gibson, Victoria
Sent: Monday, October 18, 2004 9:38 AM
To: Arif, Syed; Pennington, Jim
Cc: Vielhauer, Trina
Subject: Progress Energy - Turner
Importance: High

Hi,

I have received a request (3rd one) for an extension of time on:

Progress Energy Florida - Turner Power Plant
1270020-002-AV

Would you like to grant them this extension until November 1st?

Thanks.

Vickie

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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.
TURNER POWER PLANT

Petitioner,

v.

OGC #04-1504
DEP Permit 1270020-002-AV

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

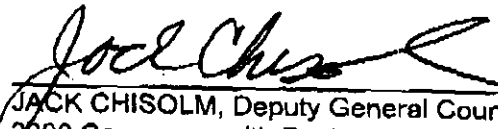
**ORDER GRANTING REQUEST FOR EXTENSION
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This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner PROGRESS ENERGY FLORIDA, INC., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its facility in Volusia 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 15, 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 7th 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 only, this 7th day of ~~September~~ 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

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, September 30, 2004 1:21 PM
To: Light, Lisa; Beason, Doug
Subject: DRAFT Order to Grant

Importance: High

Hi,

Progress Energy Florida has requested an extension of time for their Turner Power plant. They have requested a deadline of November 29th. However, per Trina, we will grant only until October 15th.



OrdGrantProgressE
nergyTurner.d...

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, September 27, 2004 9:03 AM
To: Gibson, Victoria
Subject: Re: Progress Energy - Turner

Yes, that's fine. Thx.

Did you see my note on that lettter? Let me know if you have questions bc mike will be looking for that.

T
Trina Vielhauer

Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Gibson, Victoria <Victoria.Gibson@dep.state.fl.us>
To: Vielhauer, Trina <Trina.Vielhauer@dep.state.fl.us>
Sent: Mon Sep 27 08:50:10 2004
Subject: FW: Progress Energy - Turner

Should I grant this until the 15th then?

Vickie

-----Original Message-----
From: Arif, Syed
Sent: Monday, September 27, 2004 7:58 AM
To: Gibson, Victoria
Subject: RE: Progress Energy - Turner

The applicant will be submitting their comments on the DRAFT permit shortly. We will be able to issue the PROPOSED permit after we receive their comments.

Syed Arif, P.E
Permit Engineer
Division of Air Resources Management
Department of Environmental Protection
(850) 921-9528 or SC 291-9528

-----Original Message-----
From: Gibson, Victoria
Sent: Friday, September 24, 2004 4:18 PM
To: Arif, Syed
Subject: Progress Energy - Turner
Importance: High

Hi,

The extension of time to file a petition on this permit will expire next week on 9/30. What is the status on this permit?

1270020-002-AV

Thank you and have a safe weekend.

Vickie

Victoria Gibson, Administrative Secretary
Bureau Chief's Office

DEP/Bureau of Air Regulation
victoria.gibson@dep.state.fl.us
850-921-9504

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.
TURNER POWER PLANT

Petitioner,

v.

OGC #04-1504
DEP Permit 1270020-002-AV

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

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IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until, October 15, 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 September, 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 __ **only**, this ____ day of September, 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
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Trina L. Vielhauer
Chief
Bureau of Air Regulation

facsimile: 850-921-9533

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.
TURNER POWER PLANT

Petitioner,

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DEPARTMENT OF ENVIRONMENTAL
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OGC #04-1504
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IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **September 30, 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 25th day of August, 2004, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



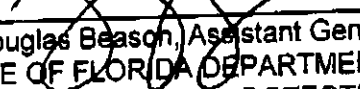
JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard, M.S. 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
_ U. S. Mail facsimile only, this 26th day of August, 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

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, August 26, 2004 1:29 PM
To: Light, Lisa; Beason, Doug
Cc: Vielhauer, Trina
Subject: DRAFT Order to Grant for Progress Energy - Turner Plant

Importance: High

Hi,

Attached is the DRAFT Order to Grant for Progress Energy Florida - Turner Power plant OGC # 04-1504
.....1270020-002-AV.



OrdGrantProgressE
nergyTurner.d...

Is it possible that this could be issued with tomorrow's date?

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: Thursday, August 26, 2004 12:41 PM
To: Gibson, Victoria
Subject: Re: Progress Energy / Turner Power Plant -- Order to Grant

Yep. Thanks!
Trina Vielhauer

Sent from my BlackBerry Wireless Handheld

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

From: Gibson, Victoria <Victoria.Gibson@dep.state.fl.us>
To: Vielhauer, Trina <Trina.Vielhauer@dep.state.fl.us>
Sent: Thu Aug 26 12:05:08 2004
Subject: Progress Energy / Turner Power Plant -- Order to Grant

Hi,

I am sending out to OGC today the draft order to grant on Progress Energy's Turner plant. Does the reason we usually state apply to this situation as well, "allow time to discuss with FDEP several specific permit conditions for its facilities"?

Thanks.

<<OrdGrantProgressEnergyTurner.doc>>

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: Arif, Syed
Sent: Thursday, August 26, 2004 12:58 PM
To: Gibson, Victoria
Subject: RE: Progress Energy Turner Plant

Sounds good, Vickie.

*Syed Arif, P.E
Permit Engineer
Division of Air Resources Management
Department of Environmental Protection
(850) 921-9528 or SC 291-9528*

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

From: Gibson, Victoria
Sent: Thursday, August 26, 2004 11:56 AM
To: Arif, Syed
Subject: Progress Energy Turner Plant
Importance: High

Hi,

Attached is the copy of the order to grant for Progress Energy's Turner plant. Please review the highlighted item to be sure that this reason applies to them, before I send this over to OGC.

Thank you.

<< File: OrdGrantProgressEnergyTurner.doc >>

Vickie

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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.
TURNER POWER PLANT

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL
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Respondent.

DRAFT
OGC #04-1504
DEP Permit 1270020-002-AV

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IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until, September 30, 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 August, 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

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Facsimile 850-224-8551

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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

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

FDEP Draft Permit No.: 1270020-002-AV

Progress Energy Florida, Inc.
Turner Power Plant
Volusia County, Florida

SECOND REQUEST FOR ENLARGEMENT OF TIME

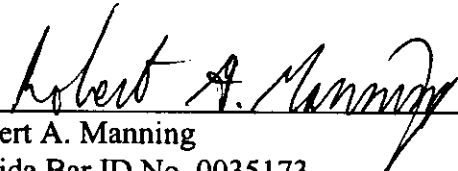
By and through undersigned counsel, Progress Energy Florida, Inc. (Progress Energy) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 29, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress Energy states the following:

1. On or about August 10, 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.1270020-002-AV), for the Turner Power Plant, located in Volusia 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. The Department granted Progress' first Request for Enlargement of Time, allowing until September 30, 2004, to file a petition in this matter.

4. 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.1270020-002-AV be formally extended to and including November 29, 2004.

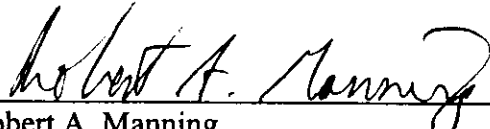
RESPECTFULLY SUBMITTED this 29th day of September, 2004.

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 29th day of September, 2004.


Robert A. Manning

RECEIVED

SEP 29 2004

RECEIVED BY
REQUIRE MANAGEMENT

Gibson, Victoria

From: Arif, Syed
Sent: Monday, August 23, 2004 1:20 PM
To: Vielhauer, Trina
Cc: Gibson, Victoria
Subject: RE: Received Request for Extension of Time

Trina –

You are absolutely right. If we need to issue the final acid rain permits by Dec. 31, I believe time Sept. 30 should be a reasonable date, in case EPA objects on anything on the proposed permit.

*Syed Arif, P.E
Permit Engineer
Division of Air Resources Management
Department of Environmental Protection
(850) 921-9528 or SC 291-9528*

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

From: Vielhauer, Trina
Sent: Monday, August 23, 2004 1:10 PM
To: Gibson, Victoria
Cc: Arif, Syed
Subject: RE: Received Request for Extension of Time

I believe we need to have draft Title V's out the door by mid to late-September in order for facilities to have acid rain permits. SO- I wouldn't grant extensions any longer than September 31 on these renewals.

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

From: Gibson, Victoria
Sent: Monday, August 23, 2004 12:11 PM
To: Vielhauer, Trina; Arif, Syed
Cc: Light, Lisa; Beason, Doug; Carter, Kathy
Subject: Received Request for Extension of Time
Importance: High

Hi,

Hopping Green hand delivered this morning a request for extension of time on the following:

Progress Energy Florida, Inc.
Turner Power Plant
Volusia County

1270020-002-AV

Syed, please let me know if this request should be granted until November 22, 2004.

Kathy, you should received a hand delivered copy as well today, if not, call me tomorrow and I will fax you a copy.

Vickie

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



Florida
Department of
Environmental Protection

Jeb Bush
Governor

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

David Struhs
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 8/23/04

TO: Len Kozlov

PHONE: _____

FAX: sc # 342-5963

FROM: Vickie Gibson

PHONE: sc # 291-9504

Division of Air Resources Management

FAX: **850.922.6979**

RE: Progress Energy - Turner Power Plant

CC: _____

Total number of pages including cover sheet: 3

Message

If there are any problems with this fax transmittal, please call the above phone number.

"Protect, Conserve, and Manage Florida's Environmental and Natural Resources"

Printed on recycled paper

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED
AUG 23 2004
BUREAU OF AIR REGULATION

In the Matter of an
Application for Permit by:

FDEP Draft Permit No.: 1270020-002-AV

Progress Energy Florida, Inc.
Turner Power Plant
Volusia 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 22, 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 August 10, 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.1270020-002-AV), for the Turner Power Plant, located in Volusia 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.1270020-002-AV be formally extended to and including November 22, 2004.

RESPECTFULLY SUBMITTED this 23rd day of August, 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,
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Robert A. Manning
Robert A. Manning

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
08/23/2004	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
08/24/2004	AA	ASSIGNED TO LEAD ATTORNEY TRINA L. VIELHAUER
08/24/2004	ACO	ADMNL CASE OPENED IN OGC
08/26/2004		ORDER GRANTING EXTENSION UNTIL 9/08/2004
09/29/2004	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME



Florida
Department of Environmental Protection

"More Protection, Less Process"

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Air Resource Management

Air Permit Documents Search

Zip files contain working copies of permits and supporting documents posted for review.

The Summary page will open in a new browser window.

Owner/Company Name		Site Name		City	Count		
PROGRESS ENERGY FLORIDA, INC.		TURNER PLANT		DELTONA	VOLUSIA		
Permit Number	Permit Activity	Issue Date	Expiration Date	Posting Date	Permit Status	CAM	Project Docume
1270020-002-AV	PERMIT RENEWAL	PENDING		8/3/2004	DRAFT	N	Zip_File
1270020-001-AV	INITIAL ISSUANCE	4/5/1999	4/5/2004	5/11/1999	FINAL	N	Zip_File

Search Results: 1 Facilities returned with 2 Permits as of 9/23/2004 12:25:29 PM

Zip files contain working copies of permits and supporting documents posted for review.

Last Updated: 08/23/04