

**BEST AVAILABLE COPY**

**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 25<sup>th</sup> 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

**BEST AVAILABLE COPY**

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

CLERK

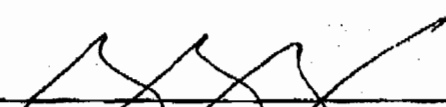
DATE

**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



DENIEDProgressEr  
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 <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

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.

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**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 22<sup>nd</sup> 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  
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:** 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:

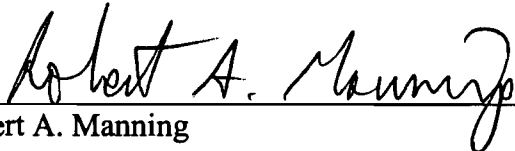
1. On or about August 10, 2004, Progress Energy Florida, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" and accompanying "Draft Permit," (Draft Permit No.1270020-002-AV), for the Turner Power Plant, located in Volusia 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.

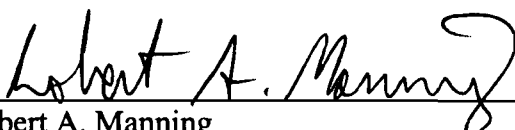
By: 

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

COMMISSION OF THE  
GENERAL ASSEMBLY

## 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

BEST AVAILABLE COPY

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  
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 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

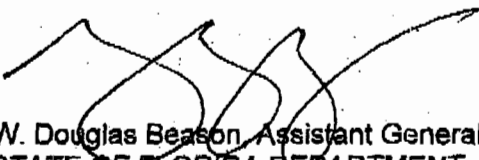
**BEST AVAILABLE COPY**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via  
\_ U. S. Mail  facsimile  only, this 7<sup>th</sup> 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**

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\_\_ 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  
Tallahassee, FL 32399-3000  
850-245-2242 facsimile 850-245-2302

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Chief  
Bureau of Air Regulation

facsimile: 850-921-9533

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**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**PROGRESS ENERGY FLORIDA, INC.  
TURNER POWER PLANT**

Petitioner,

v.

**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,**

Respondent.

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

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

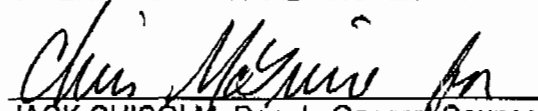
This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner PROGRESS ENERGY FLORIDA, INC., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its facility in 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 **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 26<sup>th</sup> 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

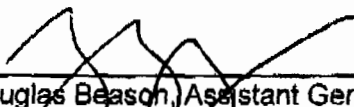
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\_ U. S. Mail  facsimile  ~~only~~, this 26<sup>th</sup> day of August, 2004, to:

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  
PROTECTION,

Respondent.

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

*GRANTED*

**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 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, 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

**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 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

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:

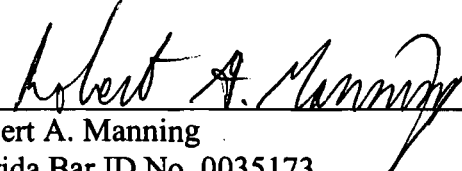
1. On or about August 10, 2004, Progress Energy Florida, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" and accompanying "Draft Permit," (Draft Permit No.1270020-002-AV), for the Turner Power Plant, located in Volusia 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

UNIVERSITY OF ARIZONA  
**RESOURCE 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**

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

**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**

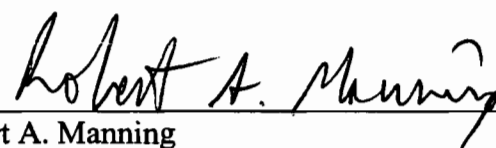
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1. On or about August 10, 2004, Progress Energy Florida, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" and accompanying "Draft Permit," (Draft Permit No.1270020-002-AV), 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 23<sup>rd</sup> day of August, 2004.

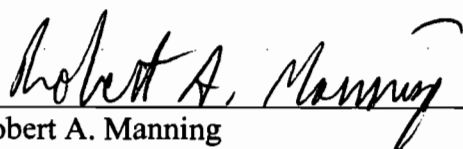
By: 

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.

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Robert A. Manning

### Chronology of Activities

OGC Number     District  County

Style of Case

Program Area  Mode

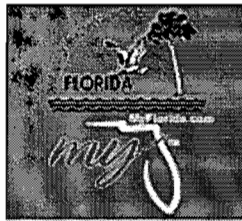
Lead Attorney    Status

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	ADMIN. CASE OPENED IN OGC
08/26/2004		ORDER GRANTING EXTENSION UNTIL 9/30/2004
09/29/2004	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME

**BEST AVAILABLE COPY**



*Florida*  
Department of Environmental Protection

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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	<a href="#">Zip File</a>
1270020-001-AV	INITIAL ISSUANCE	4/5/1999	4/5/2004	5/11/1999	FINAL	N	<a href="#">Zip File</a>

**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