

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:

FDEP Draft Permit No.: 1270028-006-AC  
1270028-007-AV

Progress Energy Florida, Inc.  
DeBary Facility  
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 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 October 18, 2004, Progress Energy Florida, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Construction Permit and Title V Air Operation Permit Renewal" and accompanying "Draft Permits," (Draft Permit No. 1270028-006-AC and No. 1270028-007-AV), for the DeBary Facility, located at 788 West Highbanks Road, DeBary, Volusia County, Florida.

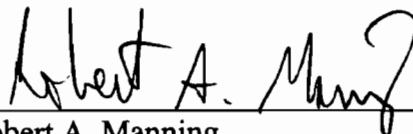
2. Based on Progress Energy's initial review, the Draft permits and associated documents contain several provisions that warrant clarification or corrections.

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 permits. 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 Air Construction Permit and Title V Air Operation Permit Nos. 1270028-006-AC and 1270028-007-AV be formally extended to and including November 15, 2004.

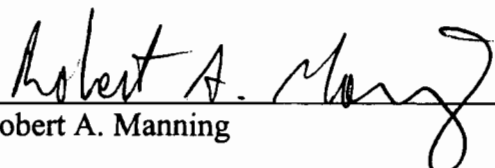
RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of November, 2004.

By:   
Robert A. Manning  
Florida Bar ID No. 0035173  
Hopping Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
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(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

## Gibson, Victoria

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**From:** Vielhauer, Trina  
**Sent:** Monday, November 01, 2004 9:48 AM  
**To:** Gibson, Victoria  
**Subject:** RE:

Vickie,

I'll be ~~meeting~~ with Mike at 10 on the biggest issue out there on these Title V permits [for GRU, Progress Tiger Bay, Progress DeBar, OUC Stanton, Gulf Power's facilities, and FPL Sanford].

If the companies have not filed a NEW request for extension of time- there isn't anything for us to grant or deny yet [we do need to figure out if we can close the case and issue proposed or not]. I'll be sending everyone a note after this meeting with Mike on how we can proceed...

Thanks

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

**From:** Gibson, Victoria  
**Sent:** Monday, November 01, 2004 9:15 AM  
**To:** Phillips, Cindy  
**Cc:** Vielhauer, Trina  
**Subject:**  
**Importance:** High

Hi,

A couple more extension of time are expiring today:

Tampa Electric Big Bend Station 0570039-016-AC

" " " 0570039-017-AV

TARMAC America 0250020-013-AV

Status of these permits would be?

*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**

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**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
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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