

# PORT ST. JOHN HOMEOWNERS ASSOCIATION

P.O. Box 10044 • Cocoa, Florida 32927

## RECEIVED

January 16, 1998

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BUREAU OF  
AIR REGULATION

State of Florida  
Department of Environmental Protection  
Office of General Counsel  
3900 Commonwealth Boulevard, Mail Station #35  
Tallahassee, Florida 32399-3000

Dear Sir or Madam:

Please consider this a request for reconsideration for an Administrative Hearing concerning objections to the Title 5 Draft Permit Issuance, #0090006-001-AV, Cape Canaveral Plant, Brevard County.

We consider our request of November 12, 1997 to be timely for the following reasons: The information we received from the office of the DEP has been incomplete and untimely. As per our first phone call of October 30, 1997 when we requested information on the permit, the following information was given first by Gary Caburski, Orlando Compliance Officer. He said that the public comment period was in process and would continue until November 25, 1997. When asked about requesting a hearing, he referred us to Scott Sheplak, DEP Tallahassee for further information.

On the same day Scott Sheplak then gave the following information to the Homeowners Association. He told us again that the period of time was 30 days for public comment and that we could request a hearing. We asked specific information about the hearing and were told the information was in the public notice of intent. We then asked for a paper copy to be sent from his office. He concurred and the discussion ended with the impression that there was a three week time window. After waiting a week for the paper copy to arrive, we had to call Scott Sheplak again who said the paper copy was in the mail. We received this copy November 8th and to our concernment found that if we wanted a hearing, it had to be requested in the first two weeks of the public notice.

Therefore, our original request for a hearing was not sent within the two week deadline because of incorrect information given by your office, and because we did not receive the promised papers.

*Scott S.  
pls give  
me an oral briefing  
on this  
ASAP.  
Howard  
1/27*

This lack of communication from FDEP to our organization appears to be continuous. At the date of this letter, in addition to not receiving the original promised paperwork, we have not received a formal reply to either of our November 12, 1997 petitions, even after calls to both Scott Sheplak and your Legal Department.


Because substantive health and safety issues involving the Port St. John community are affected by the proposed permitting decision, we petition for an Administrative Hearing in accordance with Sections 120.569 and 120.570 F.S. All information required has been submitted with the original petition dated November 12, 1997. We do know that this petition reached you, as FPL was forwarded a copy of our request and has since sent us a letter protesting it.

As mentioned in our letter of November 12th, we may be reached as follows: Mary Tees, President (407) 632-4665; Ernest Voegtlin (407) 631-4368; FAX (407)631-4468.

Please acknowledge receipt of same. Thank you.

Sincerely,

  
Mary Tees, President

  
Ernest Voegtlin, Vice President

c: The Honorable Lawton Chiles, Governor  
Senator Patsy Ann Kurth  
Senator Charles Bronson  
Representative Randy Ball  
Representative Bill Posey  
Commissioner Truman Scarborough  
Commissioner Randy O'Brien  
Commissioner Nancy Higgs  
Commissioner Mark Cook  
Commissioner Helen Voltz  
James Broadhead, CEO-FPL  
Leonard G. Sanderson, Jr. FPL  
Howard L. Rhodes, FDEP  
Len Kozlov, FDEP