

Best Available Copy**LANDERS & PARSONS, P.A.**

Attorneys at law
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FAX COVER SHEET

DATE: May 10, 2002

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

<u>PLEASE DELIVER FAX TO:</u>	<u>FAX NO.</u>
Jeff Koerner	922-6979
FROM: DAVID DEE	
IF ANY PROBLEMS, please contact Nanci at: (850) 681-0311.	

MESSAGE: FOR YOUR FILE.

DAVID DEE

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. If you have received this communication in error, please immediately notify us by telephone. Thank you.

Best Available Copy**Indiantown Cogeneration, L.P.**

Indiantown Cogeneration, L.P.
P.O. Box 1780
13303 SW Silver Fox Lane
Indiantown, FL 34956
Tel: 881.887.6500
Fax: 881.887.8210

May 9, 2002

Mr. Michael Halpin
Florida Department of Environmental Protection
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Indiantown Cogeneration, L.P. Request for Emergency Authorization
Package Boiler Permit No.: PSD-FL-168, 0850102-001-AV

Dear Mr. Halpin:

Per your recent discussions with Michelle Golden and Nicholas Laryca, we are submitting the attached request for emergency authorization for temporary operation of a rental boiler.

An explosion has rendered auxiliary boiler "B" at the facility inoperative. The rental boiler is needed to supply steam to our steam host Louis Dreyfus (formerly Caulkins Indiantown Citrus), for the 1 to 2 week period until the main boiler comes back on-line.

Regarding the rental boiler:

- It is a trailer mounted, Nebraska Boiler with Low-NOx burners and Flue Gas Recirculation capability;
- It will fire natural gas only;
- Its maximum rated heat input is 97.6 MMBtu/hr, which is smaller than the auxiliary boiler it will be replacing (179 MMBtu/hr);
- Fuel use will be tracked and included in the annual totals for the auxiliary boilers;
- Operating hours will be tracked and included in the annual totals for the auxiliary boilers; and
- Emissions will be tracked based on fuel use, vendor data, and emission factors, and included in the annual totals for the auxiliary boilers.

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2

Mr. Michael Halpin
FDEP
May 9, 2002

Attached is the following:

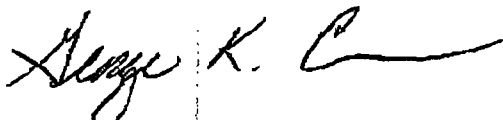
- Air permit application forms
- Specifications for the Rental Boiler
- Simple block process flow diagram for the rental boiler
- Calculation spreadsheet documenting that the mass flow emission rate for the rental boiler will be less than the package boiler.

Once the main (pulverized coal) boiler is back online and supplying steam, the rental boiler will be removed from service. We expect this to happen before May 23, 2002.

Repairs to the auxiliary boiler will be performed, but will not be completed before the main boiler comes back online.

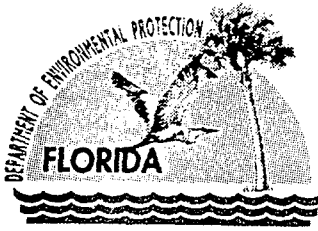
We understand that David Dee of Landers and Parsons will be contacting you regarding this emergency authorization. Thank you for your time and consideration. If you have any questions please contact Nicholas Laryea at 561-597-6500 ext. 19.

Sincerely,



George K. "Chip" Allen
General Manager

cc: Nicholas Laryea, Indiantown Cogeneration LP
David S. Dee, Landers & Parsons
A J. Jablonowski, Earth Tech
A Vogel-Marr, PG&E NEG
USEPA Region IV
File



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

May 10, 2002

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. George K. Allen
General Manager
Indiantown Cogeneration, L.P.
P.O. Box 1799
Indiantown, Florida 34956

Re: Temporary Package Boiler Installation

Post-it® Fax Note	7671	Date	05-10-02	# of pages	4
To	David Dee	From	Jeff Koerner		
Co./Dept.	Landers & Parsons	Co.	FDEP - NSR		
Phone #	850-681-0311	Phone #	850-921-9536		
Fax #	850-224-5595	Fax #	850-921-6979		

Dear Mr. Allen:

The Department has reviewed your request regarding air permit requirements for the temporary installation of a package boiler at the Indiantown Cogeneration facility. According to the information that you have provided, the use of this boiler is required for approximately 14 days in order to provide process steam for Louis Dreyfus (formerly Caulkins Indiantown Citrus). Your information additionally indicates that this installation is required due to the concurrent outage of the main boiler and failure of one of the two auxiliary boilers; and that the main boiler outage should be completed within approximately 14 days. During the last week in May, the main boiler should be capable of providing steam for the citrus processing plant in the normal fashion, at which time the package boiler is to be shutdown and removed.

Based upon the information provided, the Department has determined that the above use of the package boiler not cause the issuance of air contaminants in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified. Therefore, in accordance with Rule 62-4.040 of the Florida Administrative Code (F.A.C.), the Department conditionally exempts the package boiler from air permitting requirements subject to the attached conditions.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

"More Protection, Less Process"

Printed on recycled paper.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee,



C. H. Fancy, P.E., Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this PERMIT EXEMPTION was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on

May 10, 2002 to the person(s) listed:

Mr. George K. Allen, General Manager *
Mr. Tom Tittle, SED
Mr. Hamilton S. Oven
Mr. David S. Dee, Landers & Parsons

Clerk Stamp

**FILING AND ACKNOWLEDGMENT
FILED**, on this date, pursuant to §120.52,
Florida Statutes, with the designated Department
Clerk, receipt of which is hereby acknowledged.

Victoria Gibson May 10, 2002
(Clerk) (Date)

Attachments: Letter (05/09/02), Indiantown Cogeneration, L.P. (w/o application)

CHF/mph

CONDITIONS OF EXEMPTION

Project Description

Indiantown Cogeneration, L.P. will install a trailer-mounted package boiler rated at < 100MMBtu/hr during the second week of May, 2002. This package boiler is exclusively required to provide steam for the adjacent citrus processing facility. Under normal conditions, such steam is provided by the main (PC) boiler or the combination of two auxiliary boilers. However, during the first week of May, 2002 one of the auxiliary boilers failed during a period when the main boiler was undergoing a planned outage. As a result, the facility is unable to provide adequate processing steam for the adjacent steam host. The package boiler is rated at 97.6 MMBtu/hr and fires exclusively natural gas. NO_x emissions are guaranteed by the supplier to be less than 0.15 lb/MMBtu, which is equivalent to approximately 15 lb/hr. Both values are significantly below the permitted ratings of each auxiliary boiler.

Emissions

Given that the temporary package boiler will generate emissions well below those that are currently permitted for the (failed) auxiliary boiler, there is no reason to expect any emissions increase. Additionally, the conditions of this exemption will be structured such that the temporary package boiler must be shutdown once the main boiler is proven operable (shortly after the outage completion). This provides the Department with further assurance that no emissions increase can result.

Based upon the information submitted and the conditions below, NO_x emissions from the package boiler will be less than 4 TPY, CO emissions will be less than 2 TPY and both SO₂ and PM emissions will be less than 1 TPY. As noted, since concurrent emission unit shutdowns are required, a net emissions decrease will result. Accordingly, the Department determines that this project will not cause air pollution in sufficient quantity as to contribute significantly to the pollution problems within the state. The package boiler shall comply with the following conditions:

Conditions

1. The package boiler shall be operated such that:
 - a. No visible emissions (5 percent opacity) are observed, except that visible emissions not exceeding 20 percent opacity are allowed for up to three minutes in any one-hour period
 - b. No objectionable odors are observed
 - c. Manufacturers guidelines are followed
2. The package boiler shall fire natural gas only, and throughput shall be measured and recorded. No more than 50,000 MMBtu of natural gas shall be fired.
3. The package boiler shall be disconnected and removed within 7 days of the conclusion of the outage on the main boiler, within 1 day of the repair of the failed auxiliary boiler, or by June 1, 2002 (whichever occurs first).
4. If the information providing the basis of this exemption is substantially changed, the owner or operator shall notify the Department's Bureau of Air Regulation at which time this exemption may be revoked.
5. Issuance of this conditional exemption does not relieve the owner or operator from compliance with any other applicable federal, state, or local requirements for approval and operation of these units. It does not preclude complying with Department rules regarding any future requirements to obtain an air permit should these units become subject to such requirements through rule changes.

May 9, 2002

Mr. Michael Halpin
Florida Department of Environmental Protection
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

**Subject: Indiantown Cogeneration, L.P. Request for Emergency Authorization
Package Boiler
Permit No.: PSD-FL-168, 0850102-001-AV**

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- Its maximum rated heat input is 97.6 MMBtu/hr, which is smaller than the auxiliary boiler it will be replacing (179 MMBtu/hr);
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Attached is the following:

- Air permit application forms
- Specifications for the Rental Boiler
- Simple block process flow diagram for the rental boiler

Mr. Michael Halpin
FDEP
May 9, 2002

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- Calculation spreadsheet documenting that the mass flow emission rate for the rental boiler will be less than the package boiler.

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We understand that David Dee of Landers and Parsons will be contacting you regarding this emergency authorization. Thank you for your time and consideration. Please contact me at 561-597-6500 ext. 19 to discuss.

Sincerely,

Nicholas Laryea
Environmental Manager

cc: G.K. Chip Allen, Indiantown Cogeneration LP
David S. Dee, Landers & Parsons

RENTAL BOILER EXHAUST AND EMISSIONS CHARACTERISTICS
INDIANTOWN COGENERATION
5/9/2002

NATURAL GAS ONLY
97.6 MMBTU/HR, BASED ON 1,000 BTU/CF GAS

0.0976 MMCF/HR GAS FIRING RATE

NOx EMISSIONS

0.15 LB/MMBTU, FROM RENTAL BOILER SPECIFICATIONS
14.64 LB/HR MAXIMUM

OTHER CRITERIA POLLUTANT EMISSIONS

FROM EPA AP-42 TABLE 1.4-1

	LB/MMCF	LB/HR
CO	84	8.2
PM10	7.6	0.7
SO2	0.6	0.1
VOC	5.5	0.5

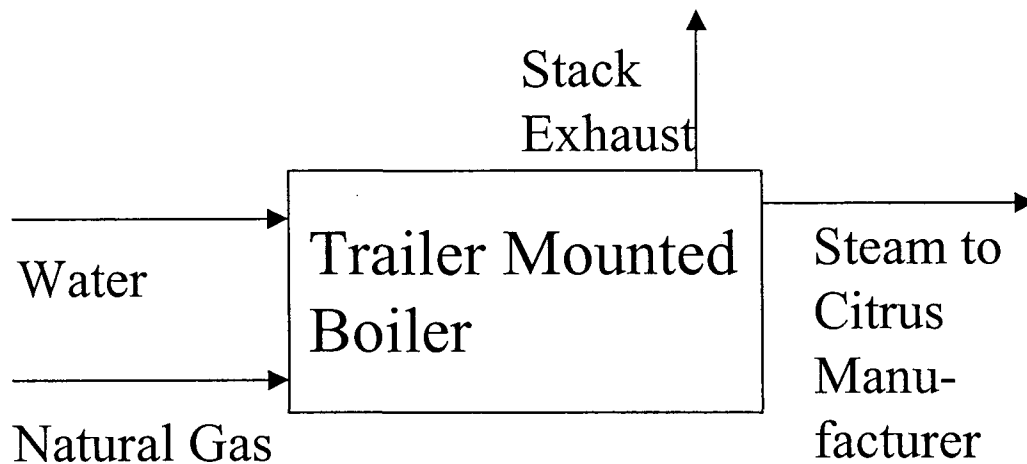
Since emission factors are used, emissions are approximate.

COMPARISON OF SHORT TERM EMISSION RATES

Aux boiler emission rates are one-half the potential emission rates for the two aux. boilers as presented in the Title V application. Emissions are in lb/hr.

	Rental	Aux Boiler B
NOx	14.64	35.8
CO	8.2	24
PM10	0.7	5.1
SO2	0.1	9
VOC	0.5	4.9

Indiantown Cogeneration Package Boiler



- Process Flow Diagram as required by application forms Section C.3
- Emergency authorization requested to replace output of auxiliary boiler
- 96.7 MMBtu/hr, gas only, low-NOx burners