

Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

February 13, 2003

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

Dear Mr. Allen:

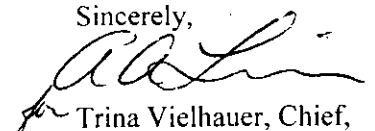
The Department has reviewed your request regarding air permit requirements for the temporary installation of a package boiler at the Indiantown Cogeneration facility (ICLP). According to the information that you have provided, the use of this boiler is required for up to 60 days per calendar year, in order to provide process steam for Louis Dreyfus (formerly Caulkins Indiantown Citrus). Your information additionally indicates that this installation is only required as a result of a concurrent outage of the main boiler and failure of one of the two auxiliary boilers. The temporary boiler will have a nameplate heat input rating of less than 100 MMBtu/hr, and will fire propane or natural gas only.

Based upon the information provided, the Department has determined that the above use of the package boiler will 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. Therefore, in accordance with Rule 62-4.040 of the Florida Administrative Code (F.A.C.), the Department conditionally exempts the package boiler from the requirement to obtain an air construction permit subject to the attached conditions. The Department's Intent to Issue Specific Exemption and the Public Notice of Intent to Issue Specific Exemption are also included.

The Public Notice of Intent to Issue Specific Exemption must be published one time only, as soon as possible, in the legal advertisement section of a newspaper of general circulation in the area affected, pursuant to the requirements Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the exemption.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Michael P. Halpin or Mr. Linero at 850/921-9519.

Sincerely,



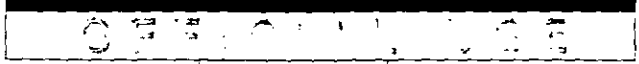
Trina Vielhauer, Chief,
Bureau of Air Regulation

"More Protection, Less Process"

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Sent to **George K. Allen**
 Street, Apt. No.,
 or P.O. Box No. **PO Box 1799**
 City, State, ZIP+4 **Indiantown, FL 34956**

In the Matter of an
Application for Specific Exemption by:

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

DEP File No. 0850102
Indiantown Cogeneration Facility
Martin County

INTENT TO ISSUE SPECIFIC EXEMPTION

The Department of Environmental Protection (Department) gives notice of its intent to issue an exemption to air construction permitting to Indiantown Cogeneration, L.P. for the Indiantown Cogeneration Facility located at 13301 SW Silver Fox Lane, Indiantown, Martin County. The exemption allows for the temporary installation of a small package boiler (less than 100 MMBtu/hr) at the existing facility, for the purpose of providing steam to the adjacent citrus processing facility. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's mailing address is: Indiantown Cogeneration, L.P., P.O. Box 1799, Indiantown, Florida 34956.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that a specific exemption to an air construction permit is required in order to provide for the above temporary installation.

The Department intends to issue this exemption based on the belief that reasonable assurances have been provided to indicate that operation of this emission unit will not adversely impact air quality, and the emission unit will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Specific Exemption. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the exemption pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final exemption with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed exemption issuance action for a period of 14 (fourteen) days from the date of publication of Public Notice of Intent to Issue Specific Exemption. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed exemption and require, if applicable, another Public Notice.

The Department will issue the exemption with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

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.

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.

Executed in Tallahassee,


for Trina Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

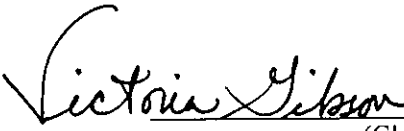
The undersigned duly designated deputy agency clerk hereby certifies that this PERMIT EXEMPTION was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on

February 11, 2003 to the person(s) listed:

Mr. George K. Allen, General Manager ICLP *
Mr. Nicholas Lareya, ICLP
Mr. Tom Tittle, SED
Mr. Hamilton S. Oven
Mr. David S. Dee, Landers & Parsons
Mr. A.J. Jablonowski, Earth Tech

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.

 / February 11, 2003
(Clerk) (Date)

Attachments: Letter (01/21/03), Indiantown Cogeneration, L.P.
TV/mph

Project Description

Indiantown Cogeneration, L.P. will (from time to time) install a trailer-mounted package boiler rated at less than 100MMBtu/hr as a temporary (back-up) unit. 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, for up to 60 days per calendar year, a temporary package boiler may be utilized. The package boiler is to fire propane or natural gas only. NO_x emissions will be less than 0.15 lb/MMBtu, which is equivalent to approximately 15 lb/hr. These values are significantly below the permitted ratings of each auxiliary boiler.

Discussion

Given that the temporary package boiler will generate emissions well below those that are currently permitted for an out-of-service auxiliary boiler, there is no reason to expect any emissions increase. However, since the boiler is expected to be a source of pollution, it is not permissible to operate, maintain, construct, expand or modify it without first obtaining valid permits, unless the source is exempted. This application then gives rise to the question of the type of permit or exemption required.

A tabulation of anticipated emissions for the temporary boiler indicates that the maximum annual NO_x emissions are approximately 11 TPY, followed by CO emissions at 5 TPY, PM emissions at 2 TPY and SO₂ emissions at less than 1 TPY. Therefore, neither a PSD review nor an EPA mandated BACT Determination is required. The maximum annual throughput of natural gas is estimated at 144,000 MMBtu/year or 144 MMCF.

Subject to 62-296.406, F.A.C. small boilers (< 250 MMBtu/hr) are subject to a "State BACT" determination for PM and SO₂. Currently, this is the firing of natural gas, propane or distillate oil containing no more than 0.05% sulfur by weight. As described, this project complies with the requirement. Additionally, subject to NSPS Subpart Dc (10 MMBtu/hr < Boilers < 100 MMBtu/hr), gas only units are required to comply with notification and record keeping requirements. Again, the project will comply with this requirement.

Generic exemptions are codified in the Florida Administrative Code, Chapter 62-210.300 (3)(b). Since the temporary boiler exceeds 5 TPY of a regulated pollutant, and is to be located at a Title V source, such an exemption is not applicable. Categorical exemptions are codified in Chapter 62-210.300(3)(a), F.A.C. A review of these exemptions suggests that the unit could potentially be categorically exempt as described in subparagraph (2). This exemption applies to an individual fossil fuel steam generator with a rated heat input of 100 MMBtu/hr or less, burning annually 150 MMCF or less of natural gas. However, the unit must have been constructed prior to June 9, 1989 (the Subpart Dc effective date), have never been modified or reconstructed and be exempt from the Federal Acid Rain Program. Given that boilers constructed after this date (and subject to Subpart Dc) are generally more efficient and less polluting than those built in earlier years, this categorical exemption appears to provide a reasonable basis for the development of a specific exemption for ICLP. The conditions of this specific exemption will be structured such that the temporary package boiler must be shutdown once either the main boiler or both auxiliary boilers are operable. This provides the Department with further assurance that a facility emissions increase cannot possibly 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 Department exempts utilization of this temporary package boiler from the requirement to obtain an air construction permit, subject to the following conditions:

DRAFT

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 or propane only, and throughput shall be measured and recorded. No more than 150 million standard cubic feet (combined) shall be fired annually and operating hours plus fuel usage shall be tracked, separately identified and attributed to the annual throughput of the auxiliary boilers.
3. ICLP will notify the Department prior to the delivery of the temporary boiler and upon its removal. The notifications shall include proof that all other permit conditions identified herein can be or have been met.
4. Under no circumstance shall the temporary package boiler be on-site for more than 90 calendar days, nor operated for more than 60 calendar days during any calendar year.
5. The package boiler shall meet the ASME and Pressure Vessel Code Accreditation and utilize an ASME Code Symbol Stamp.
6. The package boiler shall be guaranteed to be capable of meeting a NO_x emission limit of 0.15 lb/MMBtu.
7. The package boiler shall not be operated at the same time as both auxiliary boilers.
8. The package boiler shall be disconnected and removed from the plant site within 15 days of the date that either the main PC boiler or both auxiliary boilers become operable.
9. ICLP shall request that Conditions 1 - 8 (above) be included within its Title V permit. This request shall be made in conjunction with the upcoming Title V permit renewal, or earlier as deemed appropriate by the applicant. The current Title V permit expires on August 23, 2004.

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.

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.

DRAFT

PUBLIC NOTICE OF INTENT TO ISSUE SPECIFIC EXEMPTION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0850102

Indiantown Cogeneration Facility
Indiantown, Martin County

The Department of Environmental Protection (Department) gives notice of its intent to issue an exemption to air construction permitting to Indiantown Cogeneration, L.P. for the Indiantown Cogeneration Facility located at 13301 SW Silver Fox Lane, Indiantown, Martin County. The exemption allows the temporary installation of a small package boiler (less than 100 MMBtu/hr) at the existing facility, for the purpose of providing steam to the adjacent citrus processing facility. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's mailing address is: Indiantown Cogeneration, L.P., P.O. Box 1799, Indiantown, Florida 34956.

The temporary package boiler will be authorized for use up to 60 days per calendar year, and may be physically on-site for up to 90 days per calendar year. The exemption is subject to a number of conditions, in order to ensure that a PSD review and BACT determination are unnecessary. Of particular importance, the temporary package boiler will fire natural gas or propane only and cannot be utilized if either the main boiler or both auxiliary boilers are available. This requirement will satisfy the Department's small boiler BACT rule, 62-296.406, F.A.C. An air quality impact analysis was not required, nor conducted, as previously authorized facility-wide emissions will not increase. The Department will issue the Specific Exemption with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed exemption issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Specific Exemption. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed exemption and require, if applicable, another Public Notice.

The Department will issue the exemption with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

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. 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) of the Florida Statutes 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), 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 of the Florida Administrative Code.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

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

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.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection
Bureau of Air Regulation
Suite 4, 111 S. Magnolia Drive
Tallahassee, Florida, 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Department of Environmental Protection
Southeast District
400 North Congress Avenue
West Palm Beach, Florida 33416-5425
Telephone: 561/681-6600
Fax: 561/681-6755

The complete project file includes the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Source Review Section, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

Indiantown Cogeneration, L.P.

Indiantown Cogeneration, L.P.
PO Box 1799
13303 SW Silver Fox Lane
Indiantown, FL 34956

772.597.6500
Fax: 772.597.6210

January 21, 2003

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

RECEIVED

JAN 27 2003

BUREAU OF AIR REGULATION

**Subject: Indiantown Cogeneration., L.P.
Permit PSD-FL-168 – Temporary Boiler**

Dear Mr. Linero:

Indiantown Cogeneration, L.P. (ICLP) would like to modify its air permits to allow operation of a temporary rental boiler in the event that ICLP's main pulverized coal (PC) boiler and the auxiliary boilers are unavailable. This letter proposes a framework for permit modifications; we are requesting Department guidance before proceeding with the formal permits application process.

Background

In May 2002 ICLP was performing scheduled repairs on the main PC boiler when an explosion rendered auxiliary boiler "B" inoperative. ICLP received emergency authorization from the Department to use a rental boiler that was needed to supply steam to our steam host, Louis Dreyfus (formerly Caulkins Indiantown Citrus), for the period until the main boiler came back on-line. While steps have been taken to prevent similar accidents, there is always a possibility that sometime over the plant life another malfunction will limit ICLP's ability to supply steam to our steam host, and a rental boiler will once again be required. Given this possibility, we wish to have a permit in place to address this situation, so that ICLP can meet its contractual steam supply obligations, without jeopardizing ICLP's compliance with environmental regulations.

Proposed Framework

Triggering Event: The new permit conditions would be triggered in the event that a malfunction causes the main PC boiler and at least one auxiliary boiler to be offline simultaneously. The new permit conditions will only be triggered if the steam host needs more steam than can be reasonably supplied with ICLP's existing, operational equipment.

Under such circumstances, the following permit conditions would govern ICLP's use of a temporary boiler. Proposed Conditions:

1. ICLP will promptly notify the Department of the situation and the need for the rental boiler.
2. ICLP will provide the specifications for the rental boiler to the Department. The boiler must meet the minimum specifications established by the Department. (The minimum specifications will be set when the Department approves the permit conditions authorizing the use of the temporary boiler).
3. ICLP will provide calculations to the Department documenting that the full load mass emission rate for the rental boiler will be below the full load mass emission rate for one auxiliary boiler, for all criteria pollutants.
4. The rental boiler will have a NO_x emission rate of 0.15 pounds per million Btu or lower.
5. The rental boiler will be rated at 99 MMBtu/hr or less, and will therefore not be subject to 40 CFR 60 Subpart Db.
6. The rental boiler will fire natural gas and propane only, and will therefore be subject only to simple notification requirements under 40 CFR 60 Subpart Dc.
7. ICLP will issue the notification letters required by 40 CFR 60 Subpart Dc.

8. Steam from the rental boiler will not be used to generate electricity.
9. The rental boiler will not be operated at the same time as the main PC boiler is in normal operation. (I.e. not including startup).
10. The rental boiler will not be operated at the same time as both auxiliary boilers.
11. Fuel use will be tracked and included in the annual totals for the auxiliary boilers.
12. Operating hours will be tracked and included in the annual totals for the auxiliary boilers.
13. Emissions will be tracked and included in the annual totals for the auxiliary boilers. Subject to the Department's approval, emissions will be tracked based on fuel use, vendor data, and emissions factors, or in the alternative, by using the existing emissions monitoring equipment at the facility.
14. Rental boiler operation will be limited to eight operating weeks per calendar year.

PSD Applicability

There are two key reasons why use of the rental boiler does not trigger PSD review:

- The change will not increase the facility's emissions; and
- The change is not a significant change in operation.

The use of the rental boiler will directly replace the use of the (already permitted) auxiliary boiler. Given the permit conditions proposed above, the facility's emissions of criteria pollutants will not increase.

The use of the rental boiler is not a significant change in the overall method of plant operation. Natural gas and propane are still being combusted to produce steam, to supply to the steam host.

The temporary use of the rental equipment does not involve the replacement or reconstruction of facility equipment.

We request that language be added to the PSD and Title V permits so that additional permitting is not needed in the event that a malfunction occurs and a temporary boiler is needed. We would like to address this issue now, as part of a prudent and cooperative planning effort with the Department, rather than waiting for emergency conditions to develop. Prior to moving forward with the permit application, we would appreciate your review and concurrence with our proposed approach. We would be following this letter with a phone call to schedule a meeting with you to further discuss the details of our request.

Please contact Nick Laryea at 772-597-6500, extension 19 if you have any questions. Thank you for your assistance with this matter.

Sincerely,



George K. Allen
General Manager

Cc: Tom Fromm, PG&E NEG
David Dee, Landers & Parsons
AJ Jablonowski, Earth Tech
Nicholas Laryea, ICLP