

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

JUN 24 1998

BUREAU OF
AIR REGULATION

In the Matter of an
Application for Permit by:

OGC No. 98-1307

Orlando CoGen Limited, L.P.
8275 Exchange Drive
Orlando, FL 32809

DRAFT Permit No.: 0950203-001-AV
Orlando CoGen Plant
Orange County

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, Orlando CoGen Limited, L.P. (Orlando), hereby requests, pursuant to Florida Administrative Code Rules 28-106.111(3) and 62-103.050(1), an extension of time, to and including August 31, 1998, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Orlando states the following:

1. On or about April 3, 1998, the Responsible Official for Orlando received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Permit No. 0950203-001-AV) for the Orlando CoGen Plant located in Orange County, Florida. Along with the Intent to Issue, Orlando received a draft Title V permit and "Public Notice of Intent to Issue Title V Air Operation Permit."

2. Based on Orlando's review, the draft permit and associated documents contain several provisions that warrant clarification or correction.

3. Representatives of Orlando have corresponded with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.

4. The Department previously issued an Order granting an extension of time until June 30, 1998.

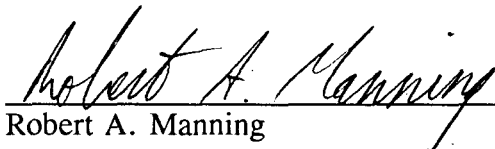
5 This request is filed simply as a protective measure to avoid waiver of Orlando's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing.

6. Lennon Anderson with the Bureau of Air Regulation has agreed to an extension until August 31, 1998, on behalf of the Department.

WHEREFORE, Orlando 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 for Permit No. 0950203-001-AV be formally extended to and including August 31, 1998.

Respectfully submitted this 23 day of June, 1998.

HOPPING GREEN SAMS & SMITH, P.A.


Robert A. Manning
Fla. Bar No. 0035173
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(850) 222-7500

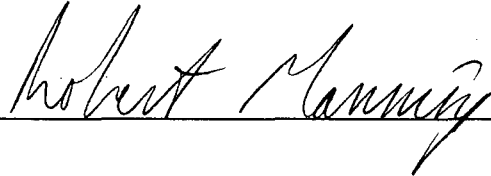
Attorney for ORLANDO COGEN LIMITED, L.P.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following
by U.S. Mail on this 23 day of June, 1998:

Clair H. Fancy, P.E.
Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600

Jeffrey Brown
Office of General Counsel
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600



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The Orlando Sentinel

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State of Florida } S.S. COUNTY OF ORANGE

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Title V DRAFT Permit No.: 0950203-001-AV Orlando CoGen Limited, L.P. Orange County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Orlando CoGen Limited, L.P. for the Orlando CoGen Limited, L.P. Facility located at 8275 Exchange Drive, Orlando, Orange County. The applicant's name and address are: Orlando CoGen Limited, L.P. 8275 Exchange Drive, Orlando, FL 32809.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed Title V DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The permitting authority will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed agency action may petition for an administrative hearing in accordance with sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. A petitioner must mail a

Before the undersigned authority personally appeared Donna Shaver

who on oath says that he/she is the Legal Advertising Representative of The Orlando Sentinel, a daily newspaper published at ORLANDO in ORANGE County, Florida; that the attached copy of advertisement, being a PUBLIC NOTICE OF in the matter of ORLANDO COGEN Limited, L.P.

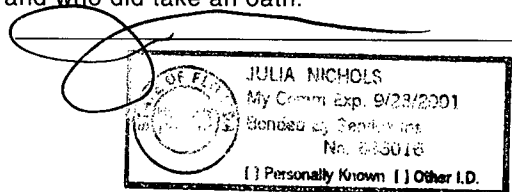
in the ORANGE Court, was published in said newspaper in the issue; of 04/21/98

Affiant further says that the said Orlando Sentinel is a newspaper published at ORLANDO in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each Week Day and has been entered as second-class mail matter at the post office in ORLANDO in said ORANGE County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Donna Shaver

The foregoing instrument was acknowledged before me this 23rd day of April, 1998, by Donna Shaver who is personally known to me and who did take an oath.

(SEAL)



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 (or a request for mediation, as discussed below) within the applicable 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 petition in compliance with the provisions of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number, and the County in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by the petitioner, if any; (e) A statement of the facts the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice.

Because the administrative hearing process is designed to formulate the 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 of intent. 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.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661(d)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661(d)(1), to object to the issuance of any permit. An objection shall be based only on objections with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the Administrator demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of the EPA at 401 M. Street, SW,

Washington, D.C. 20460. 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: Permitting Authority: Department of Environmental Protection, Bureau of Air Regulation, 111 South Magnolia Drive, Suite 4, Tallahassee, FL 32301. Tel: 850/486-1344 Fax: 850/482-6979. Affected District/Local Program: Central District, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803-3767. Tel: 407/894-7565 Fax: 407/897-2966. The complete project file includes the DRAFT Permit application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/486-1344, for additional information. COR2079424 Apr. 21, 1998

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