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JAN 10 1997

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AIR REGULATION

Before the undersigned authority personally appeared SHERI L. MILLER, who on oath says that he/she is the Legal Advertising Representative of The Orlando Sentinel, a daily newspaper published at KISSIMMEE in OSCEOLA County, Florida; that the attached copy of advertisement, being a **PUBLIC NOTICE OF 1** in the matter of 0970043-004-AC in the OSCEOLA Court, was published in said newspaper in the issue; of 01/10/97

Affiant further says that the said Orlando Sentinel is a newspaper published at KISSIMMEE in said OSCEOLA County, Florida, and that the said newspaper has heretofore been continuously published in said OSCEOLA County, Florida, each Week Day and has been entered as second-class mail matter at the post office in KISSIMMEE in said OSCEOLA 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.

The foregoing instrument was acknowledged before me this 10 day of January, 19 97, by SHERI L. MILLER who is personally known to me and who did take an oath.

(SEAL)

Sheri L. Miller
Penelope O. Swanson
Notary Public
State of Florida
My Comm. Expires 12/31/97

cc: C. Helladay, BAR
J. Guidry, P.E. Pensacola
B. Beals, EPA
J. Bunyak, NPS
L. Korlov, CD

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AMENDMENT STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DRAFT Permit Amendment No. 0970043-004-AC, PSD-FL-182 Low Sulfur Fuel Oil Usage at Cane Island Facility Osceola County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit amendment to Kissimmee Utility Authority, to allow additional use of very low (0.05%) sulfur distillate No. 2 fuel oil in the combustion turbines located at its Cane Island Facility near Intercession City, Osceola County. 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 amendment will result in small actual increase, nitrogen oxides (NOx), carbon monoxide (CO), sulfur dioxide (SO2), and particulate matter (PM/PM10). These increases are less than the application PSD significant emission rates, therefore, PSD requirements do not apply. The amendment will not result in an increase in any allowable emissions from the facility, and will not cause a violation of any state or federal ambient air quality standards or increments. The application's name and address are: Kissimmee Utility Authority, (KUA), 1701 West Carroll Street, Kissimmee, Florida 34741.

Both units burn natural gas, an inherently clean fuel, and very low sulfur fuel oil when gas is not available. The amendment will allow the use of very low sulfur fuel oil for up to 800 hours even when natural gas is available. Fuel oil with a sulfur content this low is also clean. The option to burn fuel oil will give KUA greater flexibility in fuel use during the winter heating season.

The Department will issue the FINAL Permit Amendment in accordance with the conditions of the enclosed DRAFT Permit Amendment 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 the proposed DRAFT Permit Amendment issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Any 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 Amendment, the Department shall issue a Revised DRAFT Permit Amendment and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Amendment with the conditions of the DRAFT Permit Amendment unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Section 120.569 and 120.57 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9730, fax: 904/487-4938. Petitioners must be filed within fourteen days of publication of this notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The Failure to any person to file a petition (or a request for mediation, as discussed below) with-

in this 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 the 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 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and the 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 petitioner, if any; (e) A statement of facts which petitioner contends warrants 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 petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate 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.

A person whose substantial interests are affected by the Department's proposed permitting

decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone number of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for hold the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representative.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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
111 South Magnolia Drive,
Suite 4
Tallahassee, Florida 32301
Telephone: 904/488-1344
Fax: 904/922-6979

Department of Environmental Protection
Central District
3319 Maguire Boulevard,
Suite 232
Orlando, Florida 32803
Telephone: 407-894-7555
Fax: 407-897-2966

The complete project file includes the Draft Permit Amendment, the application and 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 904/488-1344, for additional information.
OSC1315211 JAN.10.1997



Technical Services, Inc.

December 9, 1996

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DEC 12 1996
BUREAU OF
AIR REGULATION

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

Re: Kissimmee Utility Authority - Cane Island Facility
Permit Number: AC49-205703
Modification Request

Dear Mr. Linero:

This is a followup to two previous letters submitted to you by A. K. Sharma (dated August 22 and September 10) requesting modifications to the above referenced permit. Based on our conversations with your staff, we wish to amend our request to modify the above referenced permit to allow burning of fuel oil when natural gas is available for up to 800 hours per year for each unit. We are working with your staff on other aspects of our previous requests, specifically the testing requirements for this facility, and a resolution may be a few months away. Since Kissimmee Utility Authority would like the option to burn fuel oil during the upcoming winter, we are making this separate request so that this aspect of the permit may be modified before the winter heating season.

Specifically, the following wording changes are suggested:

Specific Condition 4:

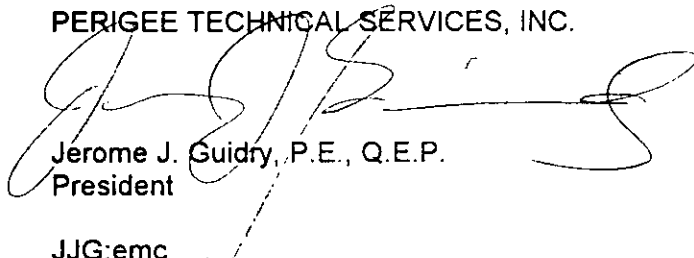
From: "Distillate fuel oil No. 2 (0.05% S) shall not be burned if natural gas is available."

To: "Distillate fuel oil No. 2 (0.05% S) shall not be burned for more than 800 hours per year in each unit if natural gas is available."

Check number 84933 for the modification fee was submitted with the initial modification request. Please call me at (407) 859-7374 if you have any questions.

Very truly yours,

PERIGEE TECHNICAL SERVICES, INC.


Jerome J. Guidry, P.E., Q.E.P.
President

JJG:emc

cc: A. K. Sharma
Jeff Ling

cc: Cleve Holladay

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