

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

NOV 09 2004

In the Matter of an  
Application for Permit by:

BUREAU OF AIR REGULATION

OGC CASE NO.: 04-1537

FDEP Draft Permit No.: 1050223-012-AV

1050223-013-AC

Progress Energy Florida, Inc.  
Tiger Bay Power Plant  
Polk County, Florida

---

**NOTICE OF WITHDRAWAL OF ENLARGEMENT OF TIME**

Progress Energy Florida, Inc. ("Progress"), by and through undersigned counsel, hereby withdraws its Second Request for Enlargement of Time to file a petition for formal administrative proceedings in accordance with Chapter 120, Florida Statutes. Progress currently has pending a Second Request for Enlargement of Time until November 15, 2004, in response to the "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 1050223-012-AV) for the Tiger Bay facility, located in Polk County, Florida, to negotiate certain changes in the Draft Title V permit with the Department. Following discussions with Department representatives, Progress and the Department have come to agreement on the issues involved in the above-referenced Draft Title V permit, as reflected in the attached preliminary Proposed Title V Permit dated November 2, 2004. Accordingly, conditioned upon the Department's issuance of the Proposed Title V permit in accordance with our agreement, Progress hereby withdraws its Request for Enlargement of Time.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of November, 2004.

By: \_\_\_\_\_

*Robert A. Manning*  
Robert A. Manning  
Florida Bar ID No. 0035173  
Hopping Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, Florida 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

Attorneys for PROGRESS ENERGY FLORIDA,  
INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 9<sup>th</sup> day of November, 2004.

*Robert A. Manning*  
\_\_\_\_\_  
Robert A. Manning

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Monday, November 01, 2004 9:48 AM  
**To:** Gibson, Victoria  
**Subject:** RE:

Vickie,

I'll be meeting with Mike at 10 on the biggest issue out there on these Title V permits [for GRU Progress Tiger Bay, Progress DeBary, OUC Stanton, Gulf Power's facilities, and FPL Sanford].

If the companies have not filed a NEW request for extension of time- there isn't anything for us to grant or deny yet [we do need to figure out if we can close the case and issue proposed or not]. I'll be sending everyone a note after this meeting with Mike on how we can proceed...

Thanks

-----Original Message-----

**From:** Gibson, Victoria  
**Sent:** Monday, November 01, 2004 9:15 AM  
**To:** Phillips, Cindy  
**Cc:** Vielhauer, Trina  
**Subject:**  
**Importance:** High

Hi,

A couple more extension of time are expiring today:

Tampa Electric Big Bend Station 0570039-016-AC

" " " 0570039-017-AV

TARMAC America 0250020-013-AV

Status of these permits would be?

*Vickie*

Victoria Gibson, Administrative Secretary  
Bureau Chief's Office  
DEP/Bureau of Air Regulation  
victoria.gibson@dep.state.fl.us  
850-921-9504

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Monday, November 01, 2004 4:29 PM  
**To:** Holtom, Jonathan  
**Cc:** Gibson, Victoria; Pennington, Jim  
**Subject:** RE: Proposed Permits

Good news.

On Tiger Bay- go ahead and forward the proposed to Robert [has the 30 day comment period passed yet? If not, be sure to add the "subject of change if 3<sup>rd</sup> party comments received"]. Vickie- let's still hold their request for extension. We will then have them withdraw that request once they have said they are ok with the proposed language.

If you'd let me take a quick look at the proposed determination [I don't need the entire permit], that'd be fine. I'll look at it tonight/first thing tomorrow.

-----Original Message-----

**From:** Holtom, Jonathan  
**Sent:** Monday, November 01, 2004 4:21 PM  
**To:** Vielhauer, Trina  
**Cc:** Gibson, Victoria; Pennington, Jim  
**Subject:** Proposed Permits

Trina,

Dave Meyer has agreed to the loss of the heat input note for Tiger Bay. He is still a little concerned and is not particularly happy, but will not petition the permit because of it. We have also agreed to address the fuel records issue in the SOB with a statement to the effect of "compliance with the heat input limit will be demonstrated through records of fuel usage kept on-site by company personnel". Vickie's list shows that Tiger Bay has requested a 2<sup>nd</sup> request for extension. Should we deny it, or send the Proposed to Robert, first?

Also, I have completed the Proposed determination for Scholz. Do you want to see it, or should I go ahead and send it to Robert?

Jonathan

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Monday, November 01, 2004 1:14 PM  
**To:** Linero, Alvaro; Pennington, Jim; Holtom, Jonathan  
**Cc:** Gibson, Victoria  
**Subject:** Title V renewals

After our meeting with Mike C. this morning on the heat input issue and discussions of how to proceed and what legal actions are pending out there, I thought this would be helpful for you and all of our permittees.

Priority #1: demonstrating that the heat input issue is resolved

The renewals that are affected by this issue [according to my records] follow. For those in which extensions of time have been filed, we need to email a draft proposed permit to their attorney and a cc. to the responsible official. **IF THE COMMENT PERIOD HASN'T EXPIRED YET, WE SHOULD NOTE THAT, BARRING ANY COMMENTS, HERE IS WHAT WE INTEND TO ISSUE.** Once they've reviewed and concurred and the comment period has passed, their attorney will withdraw the extensions of time [or notify us they will not be petitioning]. Mike requested this be done by Tuesday afternoon for as many as possible. I suggest we start with those permits where heat input is the only outstanding issue.

Gulf Power Smith	no outstanding requests for extensions of time
Gulf Power Schultz	no outstanding requests for extensions of time
OUC Stanton	no outstanding requests for extensions of time
KUA	no outstanding requests for extensions of time
GRU	no outstanding requests for extensions of time
Tiger Bay	facility has requested a 2 <sup>nd</sup> extension of time; has not been acted upon [so they'd need to withdraw that request once they see the proposed and are ok with it]
DeBary check LCT: 1270028-007AV.	I'm not showing a list of any extensions requested? Vickie- can you double
Sanford	facility requested an extension of time; has not been acted upon [so they'd need to withdraw that request once they see the proposed and are ok with it]
Crist	just filed new request for extension until November 8 bc. southern company's in house attorney out of town to discuss permit shield language. I told them we need to get these out but the 8 <sup>th</sup> would be ok.
Anclote	we resolved, attorney filed withdrawal of extension of time and has gone proposed already so case can be closed in LCT

Priority #2: getting the other renewals to proposed status

The biggest issues I've heard on drafts have been CAM or heat input. Are there others we need to discuss internally? We need to get these to proposed status in the next 2 weeks also. Here is a status on extensions of time on these other renewals. I'm not sure when each permit's 30 day comment period ends.

Bartow	extension of time expires today
--------	---------------------------------

11/1/2004

Progress Suwannee	extension of time expires today
Progress Turner	we denied 3 <sup>rd</sup> extension request; have until today to file full petition
Progress u of f	we denied extension of time; have until today to file a full petition
Crystal River	extension of time expires today
Seminole	extension of time expires today
TECO Big Bend	extension of time expires today
TECO Bayside	no extensions of time filed
TECO Polk	no extensions of time filed
Reliant Indian River	proposed sent to EPA
Indiantown cogen	Vickie- can you refresh my memory. Did they request extension of time?
Stock Island	no extensions of time filed
FPL Canaveral	proposed sent to EPA

## Gibson, Victoria

---

**From:** Holtom, Jonathan  
**Sent:** Monday, October 18, 2004 10:06 AM  
**To:** Gibson, Victoria  
**Subject:** RE: Progress Energy Florida - Tiger Bay

No, the public comment period ended on Saturday, I would like to issue the Proposed permit this week.

-Jonathan

-----Original Message-----

**From:** Gibson, Victoria  
**Sent:** Monday, October 18, 2004 9:49 AM  
**To:** Holtom, Jonathan; Pennington, Jim  
**Cc:** Vielhauer, Trina  
**Subject:** Progress Energy Florida - Tiger Bay  
**Importance:** High

Hi,

I have received a request (2nd) for an extension of time on:

Progress Energy Florida  
Tiger Bay Power Plant  
1050223-012-AV & 013-AC

Would you like to grant this until November 1st?

Thanks.

*Vickie*

Victoria Gibson, Administrative Secretary  
Bureau Chief's Office  
DEP/Bureau of Air Regulation  
victoria.gibson@dep.state.fl.us  
850-921-9504

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Permit by:

OGC CASE NO.: 04-1537  
FDEP Draft Permit No.: 1050223-012-AV  
1050223-013-AC

Progress Energy Florida, Inc.  
Tiger Bay Power Plant  
Polk County, Florida

---

**SECOND REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 15, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress states the following:

1. On or about August 16, 2004, Progress received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 1050223-012-AV) for the Progress Tiger Bay facility, located in Polk County, Florida. Progress subsequently filed a Request for Enlargement of Time until November 26, 2004, to preserve its right to file a Petition for Administrative Proceeding on this permit.
2. By the letter dated September 2, 2004, the Department issued an "Intent to Issue an Air Construction Permit and a Title V Air Operation Permit" for the Tiger Bay facility.



3. The Department's cover letter to the permit states that the September 2, 2004, "Intent to Issue an Air Construction Permit and a Title V Air Operation Permit" is replacing the initial Draft Title V permit. In reliance on this representation, Progress hereby files this Request for Enlargement of Time on the Draft permits, and understands that no further extensions of time are needed to preserve its rights in relation to the initial Title V permit because it has been effectively withdrawn and replaced. Nonetheless, insofar as the initial Draft Title V permit may be determined to still be in effect, Progress respectfully requests that this Request for Enlargement of Time apply to both the initial and the replacement Draft Title V permits.

4. Based on Progress' review, the Draft permit and associated documents contain several provisions that warrant clarification or correction.

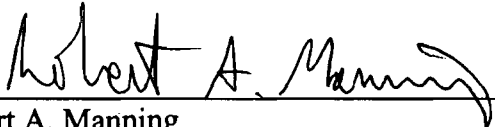
5. The Department granted Progress' first Request for Enlargement of Time, allowing until October 15, 2004, to file a petition in this matter.

6. Progress is now requesting until November 15, 2004, in order to resolve remaining issues before the Department's intended deadline to send all Title V renewals to the Environmental Protection Agency as proposed permits.

7. This second request is filed simply as a protective measure to avoid waiver of Progress' 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 hopefully avoid the need to file a petition and proceed to a formal administrative hearing.

WHEREFORE, Progress 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 Draft Permit No. 1050223-012-AV be formally extended to and including November 15, 2004.

Respectfully submitted this 15<sup>th</sup> day of October, 2004.

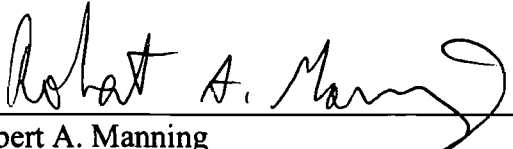
By: 

Robert A. Manning  
Fla. Bar No. 0035173  
Hopping, Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

Attorneys for PROGRESS ENERGY FLORIDA,  
INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 15<sup>th</sup> day of October, 2004.

  
Robert A. Manning

**RECEIVED**

OCT 15 2004

**DIVISION OF ASB  
RESOURCE MANAGEMENT**

## Gibson, Victoria

---

**From:** Holtom, Jonathan  
**Sent:** Friday, October 08, 2004 9:23 AM  
**To:** Gibson, Victoria  
**Subject:** RE: Progress Energy -- Tiger Bay

These have been published and I have not received comments from them, so I guess they will just die by default.

-Jonathan

-----Original Message-----

**From:** Gibson, Victoria  
**Sent:** Friday, October 08, 2004 8:39 AM  
**To:** Holtom, Jonathan  
**Subject:** Progress Energy -- Tiger Bay

Happy Friday!

FYI,

Extension of time will expire on the 15th for Progress Energy Tiger Bay: 1050223-012-AV and 013-AC.

Will more time be needed do you think?

*Vickie*

Victoria Gibson, Administrative Secretary  
Bureau Chief's Office  
DEP/Bureau of Air Regulation  
victoria.gibson@dep.state.fl.us  
850-921-9504

**BEST AVAILABLE COPY**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.  
TIGER BAY POWER PLANT

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

OGC #04-1537  
DEP Permit 1050223-013-AC  
1050223-012-AV

**ORDER GRANTING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING**


This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner PROGRESS ENERGY FLORIDA, INC., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its facility in Polk County, Florida. Because the request shows good cause for the extension of time,

**IT IS ORDERED:**

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until **October 15, 2004**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 7<sup>th</sup> day of October, 2004, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard, M.S. 35  
Tallahassee, Florida 32399-3000  
850-245-2242 facsimile 850-245-2302

**BEST AVAILABLE COPY**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via  
\_\_\_ U. S. Mail  facsimile  only, this 11th day of October, 2004, to:

Robert A. Manning, Esquire  
Hopping Green & Sams, P.A.  
Post Office Box 6526  
Tallahassee, FL 32314

Facsimile 850-224-8551



W. Douglas Beason, Assistant General Counsel  
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION  
3900 Commonwealth Boulevard - Mail Station 35  
Tallahassee, FL 32399-3000  
850-245-2242 facsimile 850-245-2302

with a courtesy copy to:

Trina L. Vielhauer  
Chief  
Bureau of Air Regulation

facsimile: 850-921-9533

## Gibson, Victoria

---

**From:** Gibson, Victoria  
**Sent:** Tuesday, October 05, 2004 8:59 AM  
**To:** Vielhauer, Trina  
**Subject:** DRAFT Order to Grant on Tiger Bay

Hi,

I sent this one over for your review since permit 12 is a TV and permit 13 is an AC.



ordtgrantProgressE  
ngTigerBay....

*Vickie*

Victoria Gibson, Administrative Secretary  
Bureau Chief's Office  
DEP/Bureau of Air Regulation  
victoria.gibson@dep.state.fl.us  
850-921-9504

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.  
TIGER BAY POWER PLANT

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

OGC #04-1537  
DEP Permit1050223-013-AC  
1050223-012-AV

Respondent.  
\_\_\_\_\_ /

**ORDER GRANTING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner PROGRESS ENERGY FLORIDA, INC., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its facility in Polk County, Florida. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until, **October 15, 2004**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this \_\_\_\_\_ day of October, 2004, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard. M.S. 35  
Tallahassee, Florida 32399-3000  
850-245-2242 facsimile 850-245-2302



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via  
\_\_ U. S. Mail \_\_ facsimile \_\_ **only**, this \_\_\_\_ day of October, 2004, to:

Robert A. Manning, Esquire  
Hopping Green & Sams, P.A.  
Post Office Box 6526  
Tallahassee, FL 32314

Facsimile 850-224-8551

---

W. Douglas Beason, Assistant General Counsel  
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION  
3900 Commonwealth Boulevard - Mail Station 35  
Tallahassee, FL 32399-3000  
850-245-2242 facsimile 850-245-2302

with a courtesy copy to:

Trina L. Vielhauer  
Chief  
Bureau of Air Regulation

facsimile: 850-921-9533

*Grant on  
Issue 13*

**Gibson, Victoria**

---

**From:** Vielhauer, Trina  
**Sent:** Friday, October 01, 2004 11:20 AM  
**To:** Gibson, Victoria  
**Subject:** RE: Question in regards to the DRAFT Order to Grant on Progress Energy Tiger Bay

I would think that 13 replaced 12 but I'd check with lisa to see how they usually do that. We have taken 12 off the table by issuing 13 in my opinion.

-----Original Message-----

**From:** Gibson, Victoria  
**Sent:** Friday, October 01, 2004 9:56 AM  
**To:** Vielhauer, Trina  
**Subject:** RE: Question in regards to the DRAFT Order to Grant on Progress Energy Tiger Bay

Okay, thanks. So does this mean that OGC would have to set up a new OGC # in LCT for the second permit #. Right now in LCT they show only the original request on 12. Nothing for 13.

Vickie

-----Original Message-----

**From:** Vielhauer, Trina  
**Sent:** Friday, October 01, 2004 9:54 AM  
**To:** Gibson, Victoria  
**Cc:** Holtom, Jonathan  
**Subject:** RE: Question in regards to the DRAFT Order to Grant on Progress Energy Tiger Bay

The second permit was a combined AC-AV so both would be extended the same amount of time.

-----Original Message-----

**From:** Gibson, Victoria  
**Sent:** Friday, October 01, 2004 9:52 AM  
**To:** Vielhauer, Trina  
**Subject:** FW: Question in regards to the DRAFT Order to Grant on Progress Energy Tiger Bay  
**Importance:** High

FYI,

Vickie

-----Original Message-----

**From:** Gibson, Victoria  
**Sent:** Thursday, September 30, 2004 2:05 PM  
**To:** Light, Lisa  
**Subject:** Question in regards to the DRAFT Order to Grant on Progress Energy Tiger Bay  
**Importance:** High

Hi,

We granted the 1st extension of time on 1050223-012-AV. On the request for the 2nd extension of time, they have asked for not only this permit number .....but also for 1050223-013-AC.

How do you want to handle this?

*Vickie*

Victoria Gibson, Administrative Secretary  
Bureau Chief's Office

DEP/Bureau of Air Regulation  
victoria.gibson@dep.state.fl.us  
850-921-9504

## Gibson, Victoria

---

**From:** Holtom, Jonathan  
**Sent:** Friday, September 24, 2004 5:11 PM  
**To:** Gibson, Victoria  
**Cc:** Vielhauer, Trina  
**Subject:** RE: Progress Energy - Tiger Bay

This is OK to grant until October 15. They published the notice on Sept. 16.

-Jonathan

-----Original Message-----

**From:** Gibson, Victoria  
**Sent:** Friday, September 24, 2004 4:21 PM  
**To:** Holtom, Jonathan  
**Subject:** Progress Energy - Tiger Bay

Hi,

The facility has requested an extension to time to file a petition on the following permit numbers:

1050223-012-AV

1050223-013-AC

Do you have any comments? Trina suggest that we grant until October 15.

Thank you.

*Vickie*

Victoria Gibson, Administrative Secretary  
Bureau Chief's Office  
DEP/Bureau of Air Regulation  
victoria.gibson@dep.state.fl.us  
850-921-9504

**BEST AVAILABLE COPY**

**Air Resource Management**

*Air Permit Documents Search*

Zip files contain working copies of permits and supporting documents posted for review.

The Summary page will open in a new browser window.

Owner/Company Name		Site Name		City	County		
PROGRESS ENERGY FLORIDA, INC.		TIGER BAY COGENERATION FACILITY		FT. MEADE	POLK		
Permit Number	Permit Activity	Issue Date	Expiration Date	Posting Date	Permit Status	CAM	Project Documer
1050223-013-AC	CONSTRUCTION			9/3/2004	DRAFT		<a href="#">Zip File</a>
1050223-012-AV	PERMIT RENEWAL			9/3/2004	DRAFT	N	<a href="#">Zip File</a>
1050223-010-AV	PERMIT REVISION	2/24/2002	12/31/2004	3/20/2002	FINAL	N	<a href="#">Zip File</a>
1050223-002-AV	INITIAL ISSUANCE	8/18/1999	8/18/2004	8/18/1999	FINAL	N	<a href="#">Zip File</a>

**Search Results: 1 Facilities returned with 4 Permits as of 9/23/2004 12:24:47 PM**

Zip files contain working copies of permits and supporting documents posted for review.

Last Updated: 08/23/04

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

SEP 21 2004

In the Matter of an  
Application for Permit by:

OGC CASE NO.: BUREAU OF AIR REGULATION  
FDEP Draft Permit No.: 1050223-012-AV  
1050223-013-AC

Progress Energy Florida, Inc.  
Tiger Bay Power Plant  
Polk County, Florida

REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 26, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress states the following:

1. On or about August 16, 2004, Progress received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 1050223-012-AV) for the Progress Tiger Bay facility, located in Polk County, Florida. Progress subsequently filed a Request for Enlargement of Time until November 26, 2004, to preserve its right to file a Petition for Administrative Proceeding on this permit.

2. By the letter dated September 2, 2004, the Department issued an "Intent to Issue an Air Construction Permit and a Title V Air Operation Permit" for the Tiger Bay facility.

3. The Department's cover letter to the permit states that the September 2, 2004, "Intent to Issue an Air Construction Permit and a Title V Air Operation Permit" is replacing the initial Draft Title V permit. In reliance on this representation, Progress hereby files this Request for Enlargement of Time on the Draft permits, and understands that no further extensions of time are needed to

preserve its rights in relation to the initial Title V permit because it has been effectively withdrawn and replaced. Nonetheless, insofar as the initial Draft Title V permit may be determined to still be in effect, Progress respectfully requests that this Request for Enlargement of Time apply to both the initial and the replacement Draft Title V permits.

4. Based on Progress' review, the Draft permit and associated documents contain several provisions that warrant clarification or correction.

5. This request is filed simply as a protective measure to avoid waiver of Progress' 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 hopefully avoid the need to file a petition and proceed to a formal administrative hearing.

WHEREFORE, Progress 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 Draft Permit No. 1050223-012-AV be formally extended to and including November 26, 2004.

Respectfully submitted this 21<sup>st</sup> day of September, 2004..

By: Robert A. Manning

Robert A. Manning  
Fla. Bar No. 0035173  
Hopping, Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

Attorneys for PROGRESS ENERGY FLORIDA, INC.

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Permit by:

FDEP Draft Permit No.: 1050223-012-AV

Progress Energy Florida, Inc.  
Tiger Bay Power Plant  
Polk County, Florida

---

**REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress Energy) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 26, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress Energy states the following:

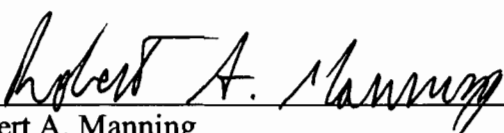
1. On or about August 16, 2004, Progress Energy Florida, Inc. received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" and accompanying "Draft Permit," (Draft Permit No.1050223-012-AV), for the Tiger Bay Power Plant, located in Polk County, Florida.
2. Based on Progress Energy's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.
3. This request is filed simply as a protective measure to avoid waiver of Progress Energy'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 hopefully avoid



the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Progress Energy Florida, Inc. 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 No.1050223-012-AV be formally extended to and including November 26, 2004.

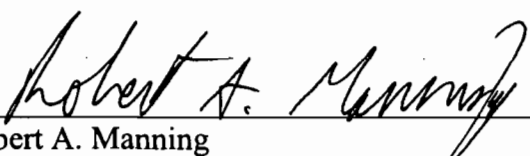
RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of August, 2004.

By:   
Robert A. Manning  
Florida Bar ID No. 0035173  
Hopping Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, Florida 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

Attorneys for PROGRESS ENERGY FLORIDA,  
INC.

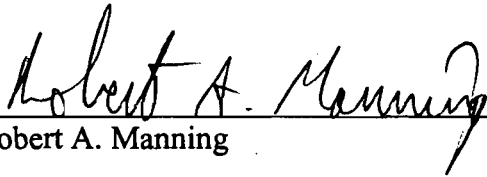
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 27th day of August, 2004.

  
Robert A. Manning

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 27th day of August, 2004.

  
Robert A. Manning

## Gibson, Victoria

---

**From:** Holtom, Jonathan  
**Sent:** Tuesday, August 31, 2004 4:38 PM  
**To:** Vielhauer, Trina  
**Cc:** Gibson, Victoria; Pennington, Jim  
**Subject:** RE: Tiger Bay time extension

No, they did not publish the first one, so this will simply replace it. Under this scenario, it makes sense to grant their request for an extension of time that they submitted in response to the 1st Draft. I'll have Jim sign this one on Thursday and get it to them. Have fun!

-Jonathan

-----Original Message-----

**From:** Vielhauer, Trina  
**Sent:** Tuesday, August 31, 2004 4:14 PM  
**To:** Holtom, Jonathan  
**Subject:** Re: Tiger Bay time extension

Did they publish the 1st one? If they didn't, the 2nd should just replace the 1st. And you can have jim sign it when he get back thursday.  
Trina Vielhauer

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

**From:** Holtom, Jonathan <Jonathan.Holtom@dep.state.fl.us>  
**To:** Vielhauer, Trina <Trina.Vielhauer@dep.state.fl.us>  
**CC:** Gibson, Victoria <Victoria.Gibson@dep.state.fl.us>  
**Sent:** Tue Aug 31 12:08:22 2004  
**Subject:** Tiger Bay time extension

Hi again,

Vickie just told me that you thought it would be best to grant Tiger Bay's request for an extension of time on the permit that we are getting ready to replace (at their request). If we grant it, does it interfere in any way with our ability to issue a new permit? Will they have to withdraw it before we can issue the replacement with the simultaneous AC or does it just go away when we issue a replacement permit?

Or, am I all confused in thinking that we would restart their 14 day petition rights with the issuance of a replaced permit? Did their period end 14 days after issuing the first Draft and this replacement just count as a negotiated changed prior to publication?

Sorry for the bother, but thanks for the clarification.

Jonathan.



