

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In Re:

OGC CASE NO.: _____

City of Gainesville
Gainesville Regional Utilities (GRU)
Gainesville, FL 32614-7117

Deerhaven Generating Station
Facility ID No. 0010006
Draft Permit Renewal No. 0010006-003-AV

NOTICE OF WITHDRAWAL OF REQUEST FOR EXTENSION OF TIME

The City of Gainesville, (GRU), by and through undersigned counsel, hereby withdraws its Request for Extension of Time to file a Petition for Administrative Proceedings in accordance with Chapter 120, Florida Statutes. GRU filed its request for extension of time until December 6, 2004, in response to the "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 0010006-003-AV) for the Deerhaven Generating Station, located in Alachua County, Florida, to negotiate certain changes in the Draft Title V permit.

The withdrawal is conditioned upon changes agreed to between the Department of Environmental Protection (DEP) and GRU, which are reflected in the document attached as Exhibit A.


Respectfully submitted this 16th day of November, 2004.

RECEIVED

NOV 16 2004

BUREAU OF AIR REGULATION


HOPPING GREEN & SAMS


Angela R. Morrison
Florida Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526 (32314)
Tallahassee, Florida 32301
(850) 222-7500

Attorney for Gainesville Regional Utilities

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and 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 16th day of November, 2004.



Angela R. Morrison

Gibson, Victoria

From: Vielhauer, Trina
Sent: Monday, November 15, 2004 12:07 PM
To: Gibson, Victoria
Subject: FW: GRU - DH Title V Permit

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

From: Beason, Doug
Sent: Monday, November 15, 2004 12:06 PM
To: Light, Lisa
Cc: Vielhauer, Trina
Subject: FW: GRU - DH Title V Permit

Please see Trina's note about OGC 03-1902; 1230001-016-AV. Can we get her a hard copy?
Thanks.

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

From: Vielhauer, Trina
Sent: Monday, November 15, 2004 11:29 AM
To: Beason, Doug
Subject: RE: GRU - DH Title V Permit

Doug,
I heard you stopped by. Sorry I missed you. I had to take Dylan to the Dr for a 2-week cold that isn't going away [thank goodness it ISNT bronchitis].

I think we've got GRU worked out. I'm waiting for confirmation of that from Angela. I'll let you know, though, if something else comes up.

Thanks
Trina

PS- We are still waiting for hard-copies of extensions of time on Buckeye [OGC 03-1902; 1230001-016-AV]. We have something on project 017 but not the 016. Thanks

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

From: Beason, Doug
Sent: Saturday, November 13, 2004 11:39 AM
To: Vielhauer, Trina
Subject: RE: GRU - DH Title V Permit

I'll be in a meeting Monday a.m. with Region IV - you should be able to call me at 212-5842. Sorry about the mess up.

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

From: Vielhauer, Trina
Sent: Fri 11/12/2004 8:05 PM
To: Beason, Doug
Cc:
Subject: Fw: GRU - DH Title V Permit
This is gru. I'm hoping we have good discussion monday. I never connected with angela today.
Trina Vielhauer

Sent from my BlackBerry Wireless Handheld

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

From: Mitchell, Bruce <Bruce.Mitchell@dep.state.fl.us>
To: Vielhauer, Trina <Trina.Vielhauer@dep.state.fl.us>
Sent: Fri Nov 12 17:12:12 2004
Subject: FW: GRU - DH Title V Permit

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

From: Mitchell, Bruce
Sent: Friday, November 12, 2004 5:12 PM
To: 'Jonynas, Yolanta E'
Subject: RE: GRU - DH Title V Permit

11/12/04

Dear Yolanta,

Based on the Public Notice, the commenting timeframe has already expired. However, we can discuss the comments that were submitted timely.

Bruce

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

From: Jonynas, Yolanta E [mailto:jonynasye@gru.com]
Sent: Friday, November 12, 2004 4:41 PM
To: Mitchell, Bruce
Cc: Vielhauer, Trina; Klemans, Robert W
Subject: GRU - DH Title V Permit
Importance: High

Bruce,

I understand Monday is your "drop-dead" date for the proposed permit. Rob is out-of-town today and I have been able to do only a very quick cursory review but have a few comments as indicated below. I have asked Rob to contact you early Monday AM to resolve any remaining issues.

Comments:

In Condition C.6, we request that footnote (a) be changed to "4-hour rolling average".

In Condition C. 13.a., line 8 we request that the word "average" between "hour" and "NOx concentration" be deleted. The existing wording suggests that we first calculate a three-hour block average and then average it with the hourly NOx value for hour for which we are calculating a 4-hour rolling average. Also, the word "hour" should be changed to "hourly".

In Condition C.13.a, in the last sentence wording should be added such that the sentence reads: "Periods of startup, shutdown, ... shall be monitored and recorded but shall be excluded from the calculation of a 4-hour rolling average."

Gibson, Victoria

From: Vielhauer, Trina
Sent: Friday, November 12, 2004 7:53 AM
To: Beason, Doug; Light, Lisa; Chisolm, Jack
Cc: Gibson, Victoria
Subject: RE: GRU - Deerhaven - Extension

Please give me a call when you get in. I think we can work things out with the applicant/Angela [I don't think there were any outstanding, big issues when we went proposed], but I need to know what's going on with the extension before I speak with them.

Thanks.

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

From: Beason, Doug
Sent: Wednesday, November 10, 2004 9:41 PM
To: Vielhauer, Trina; Light, Lisa; Chisolm, Jack
Cc: Gibson, Victoria
Subject: RE: GRU - Deerhaven - Extension

Lisa, let's chat on Friday.

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

From: Vielhauer, Trina
Sent: Wed 11/10/2004 4:35 PM
To: Light, Lisa; Beason, Doug; Chisolm, Jack
Cc: Gibson, Victoria
Subject: FW: GRU - Deerhaven - Extension

Do you have a copy of the order granting this GRU extension? It has become a problem as we've gone proposed and they are claiming they still have an outstanding extension of time.

Our emails from Vickie to Lisa show us sending for signature a granting through November 1. We sent the orders your way the end of September. Emails from October 11 indicate the order did go out and we'd be receiving a copy. We never received a hard copy after requesting that on a couple of occasions.

I'm guessing it was not signed since they seem to think there's still an outstanding request?

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

From: Becky Berentsen [mailto:BeckyB@hgslaw.com]
Sent: Wednesday, November 10, 2004 3:01 PM
To: Vielhauer, Trina
Cc: ANGELA R MORRISON
Subject: GRU - Deerhaven - Extension

Ms. Vielhauer - Attached please find a copy of the Extension we filed on behalf of GRU on October 8th for your reference.

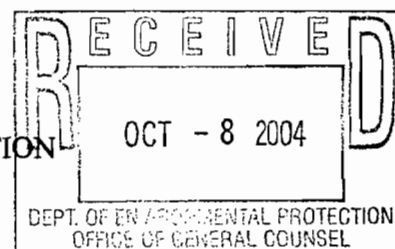
Thank you - Becky

Becky Berentsen
Legal Assistant to Angela Morrison and Mike Collazo
Hopping Green & Sams, P.A.
123 South Calhoun St.
P.O. Box 6526

Tallahassee, FL 32314
(850) 222-7500
Fax: (850) 224-8551
Email: BeckyB@hgslaw.com
Direct No.: (850) 425-3456

Notice: The information contained in this email message is Attorney/Client Privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at (850) 425-3456 and delete the original message. Thank you.

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an
Application for Permit by:

OGC No. _____

City of Gainesville
Gainesville Regional Utilities (GRU)
Post Office Box 147117 (A134)
Gainesville, FL 32614-7117

Deerhaven Generating Station
Facility ID No. 0010006
Draft Permit Renewal No. 0010006-003-AV
Alachua County

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, City of Gainesville (GRU) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an extension of time to and including December 6, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, GRU states the following:

1. On or about October 7, 2004, GRU received from the Department of Environmental Protection (Department) a Title V Air Operation Renewal Permit (Permit No. 0010006-003-AV) for the Deerhaven Generating Station located in Alachua County, Florida.
2. The draft permit contains several provisions that warrant clarification or correction.
3. Representatives of GRU have corresponded and will continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.
4. This request is filed simply as a protective measure to avoid waiver of GRU's right to challenge certain conditions contained in the Title V Air Operation Renewal 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.
5. A GRU representative has contacted Bruce Mitchell with the Department's Bureau of Air Regulation and he has no objection to this request.

Hopping Green & Sams

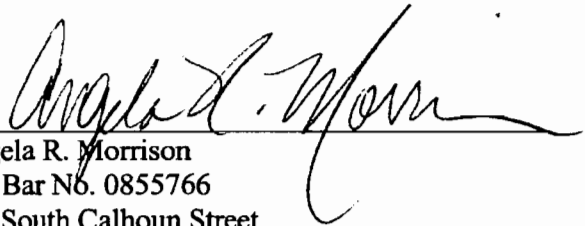
Attorneys and Counselors

6. Counsel for GRU has contacted Douglas Beason with the Department's Office of General Counsel regarding this request, and he has no objection.

WHEREFORE, GRU respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Title V Air Operation Permit Renewal (Permit No. 0010006-003-AV) be formally extended to and including December 6, 2004. If the Department denies this request, GRU requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 8th day of October, 2004.

HOPPING GREEN & SAMS, P.A.



Angela R. Morrison
Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(904) 222-7500

Attorney for CITY OF GAINESVILLE,
GAINESVILLE REGIONAL UTILITIES (GRU)

Hopping Green & Sams

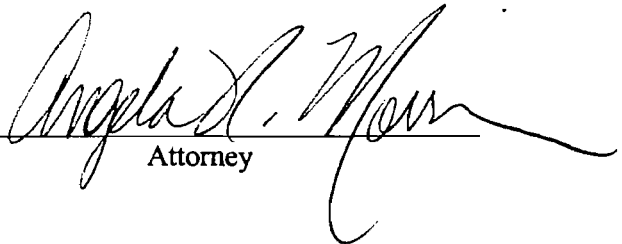
Attorneys and Counselors

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by
U.S. Mail on this 8th day of October, 2004:

Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Douglas Beason, Esquire
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-2600



Attorney

Hopping Green & Sams

Attorneys and Counselors

Gibson, Victoria

From: Vielhauer, Trina
Sent: Monday, October 11, 2004 12:51 PM
To: Gibson, Victoria; Mitchell, Bruce
Cc: Pennington, Jim
Subject: RE: Received today a Request for Extension of time on Gainesville Regional Util.

Vickie,

I think I misspoke-

As long as they have published their notice in the newspaper, third party timeframes to challenge the permit have started. These 3rd parties will have 14 days from date of publication to challenge the permit. To preserve their rights to be a "party" should any 3rd party file a challenge, the company would also need to challenge their own permit. So, I'd say it makes sense to allow them just enough time to see if a third party has, indeed, challenged the permit. We need them to withdraw their extensions by NO later than November 15 [and preferably earlier so we can get proposed to EPA]. Maybe extend until November 1?

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

From: Gibson, Victoria
Sent: Monday, October 11, 2004 12:17 PM
To: Vielhauer, Trina; Mitchell, Bruce
Subject: Received today a Request for Extension of time on Gainesville Regional Util.
Importance: High

Hi,

Received a request for extension of time today from:

Gainesville Regional Utilities - Deerhaven Generating Station 0010006-003-AV

They have requested just about 60 days -- the hard date is 12/6/04.

Should we grant their request...and for how long?

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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CITY OF GAINESVILLE
GAINESVILLE REGIONAL UTILITIES

Petitioner,

v.

OGC #04-1725
DEP Permit 0010006-003-AV

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

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 CITY OF GAINESVILLE, GAINESVILLE REGIONAL UTILITIES, 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 Alachua 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, **November 1, 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

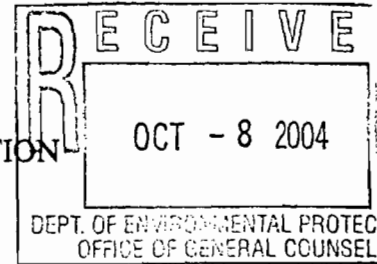
JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard. M.S. 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

BEST AVAILABLE COPY

RECEIVED

OCT 11 2004

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



BUREAU OF AIR REGULATION

In the Matter of: an
Application for Permit by:

OGC No. 04-1725

City of Gainesville
Gainesville Regional Utilities (GRU)
Post Office Box 147117 (A134)
Gainesville, FL 32614-7117

Deerhaven Generating Station
Facility ID No. 0010006
Draft Permit Renewal No. 0010006-003-AV
Alachua County

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1. On or about October 7, 2004, GRU received from the Department of Environmental Protection (Department) a Title V Air Operation Renewal Permit (Permit No. 0010006-003-AV) for the Deerhaven Generating Station located in Alachua County, Florida.
2. The draft permit contains several provisions that warrant clarification or correction.
3. Representatives of GRU have corresponded and will continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.
4. This request is filed simply as a protective measure to avoid waiver of GRU's right to challenge certain conditions contained in the Title V Air Operation Renewal 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.
5. A GRU representative has contacted Bruce Mitchell with the Department's Bureau of Air Regulation and he has no objection to this request.

Hopping Green & Sams

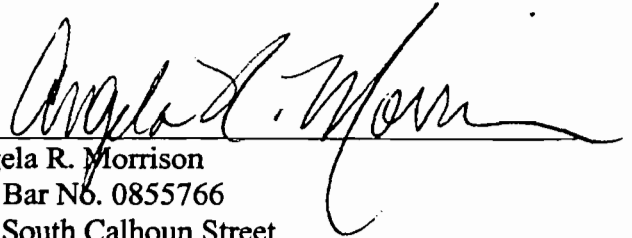
Attorneys and Counselors

6. Counsel for GRU has contacted Douglas Beason with the Department's Office of General Counsel regarding this request, and he has no objection.

WHEREFORE, GRU respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Title V Air Operation Permit Renewal (Permit No. 0010006-003-AV) be formally extended to and including December 6, 2004. If the Department denies this request, GRU requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 8th day of October, 2004.

HOPPING GREEN & SAMS, P.A.



Angela R. Morrison
Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(904) 222-7500

Attorney for CITY OF GAINESVILLE,
GAINESVILLE REGIONAL UTILITIES (GRU)

Hopping Green & Sams

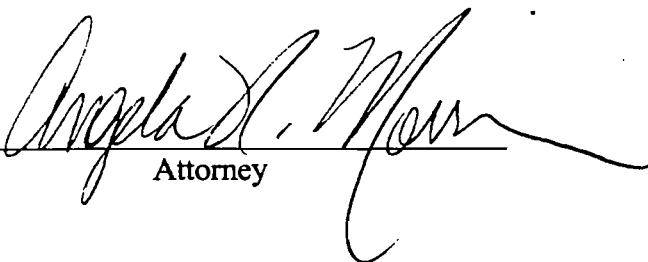
Attorneys and Counselors

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Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

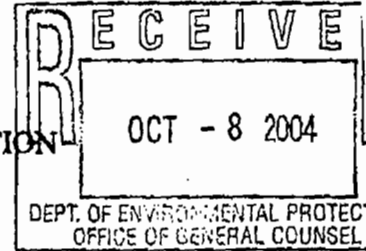
Douglas Beason, Esquire
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-2600



Attorney

BEST AVAILABLE COPY

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an
Application for Permit by:

OGC No. _____

City of Gainesville
Gainesville Regional Utilities (GRU)
Post Office Box 147117 (J134)
Gainesville, FL 32614-7117

Deerhaven Generating Station
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5. A GRU representative has contacted Bruce Mitchell with the Department's Bureau of Air Regulation and he has no objection to this request.

Hopping Green & Sams

Attorneys and Counselors

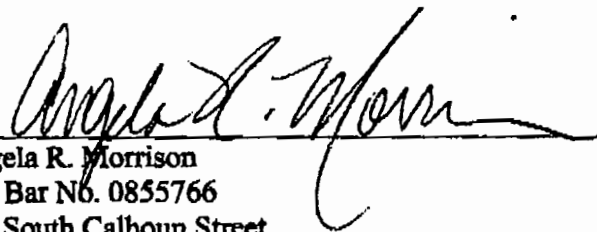
BEST AVAILABLE COPY

6. Counsel for GRU has contacted Douglas Beason with the Department's Office of General Counsel regarding his request, and he has no objection.

WHEREFORE, GRU respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Title V Air Operation Permit Renewal (Permit No. 0010006-003-A/V) be formally extended to and including December 6, 2004. If the Department denies this request, GRU requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 8th day of October, 2004.

HOPPING GREEN & SAMS, P.A.



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Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(904) 222-7500

Attorney for CITY OF GAINESVILLE,
GAINESVILLE REGIONAL UTILITIES (GRU)

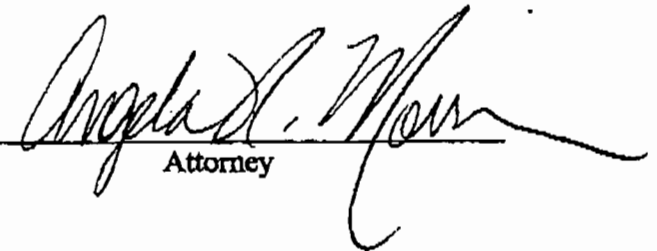
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Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32309-2400

Douglas Beason, Esquire
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32309-2600



Attorney

Hopping Green & Sams

Attorneys and Counselors

Gibson, Victoria

From: Buzick, Gita
Sent: Tuesday, November 02, 2004 5:02 PM
To: Gibson, Victoria
Subject: FW: Order Granted?

*Called Lisa on
 11/2 - left her
 a message on
 both of these
 W*

Hi,

I think I just faxed you the wrong stuff. I look in Lisa's filings and could not find Rod Grant. Time Ext. for these two cases. I found only the Request for 0010006-003-AV OGC # 04-1725. I do not think these documents were done.
 Gita

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

From: Light, Lisa
Sent: Wednesday, October 27, 2004 1:23 PM
To: Buzick, Gita
Subject: RE: Order Granted?

Thanks.... We just really need to find those two orders. Or else I'm going to have to call opposing counsel & get THEM to send me a copy. [How to feel like an idiot in 1 try!!!]

Glad you two are feeling better. When do you move? Cuz I'll be there to help as soon as I get back. If you need to borrow anything to get yourself settled, let me know.

Lisa

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

From: Buzick, Gita
Sent: Wed 10/27/2004 1:10 PM
To: Light, Lisa
Cc:
Subject: RE: Order Granted?

Me and Hayden are sort of alive, I will help you/Vickie with this, just give me some time. Everything else is fine!!!!
 Gita

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

From: Light, Lisa
Sent: Wednesday, October 27, 2004 12:43 PM
To: Buzick, Gita
Subject: FW: Order Granted?
Importance: High

Gita - How are you feeling? The crud is going around up here, big time. Carol spent almost 2 days in bed with a stomach thing. Hopefully I'm going to miss catching it!

Anyway, these 2 cases definitely sound familiar to me. Would you please check the filing piles I put in your office before I left & see if you can find these? If not, check Doug's AIR CASES drawer in my office. If/When you find them, please fax to Vicky. If you truly can't find them, let me know so I can figure something out.

11/3/2004

My cell is dead right now, but I'll call you in a while. And I'll be online for at least another hour.

Lisa

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

From: Gibson, Victoria
Sent: Wed 10/27/2004 12:36 PM
To: Light, Lisa
Cc: Vielhauer, Trina
Subject: RE: Order Granted?

Well hey there world traveler! I hope that you are having a blast up in cool country.

I am looking for the copies of issued grants on the following two items:

City of Gainesville -- Gainesville Regional Utilities
0010006-003-AV OGC # 04-1725
(this would have been issued on October 8th along with a lot of other ones)

Buckeye Florida, L.P.
1230001-016-AV OGC # 03-1902
(this would have been issued on October 7th -- not to be confused with 1230001-017-AV which also was issued on the 7th of October)

Thanks.

Vickie

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

From: Light, Lisa
Sent: Wednesday, October 27, 2004 12:17 PM
To: Gibson, Victoria
Subject: RE: Order Granted?

Vicky - I'm emailing you from Plattsburgh, NY, in the far north heart of the Adirondack Mountains! I'm working part-time while I'm home for my godson's first birthday, and my other best friends 20th anniversary!

Can you please email me the permit & case numbers for the 2 cases you're talking about, so I can get somebody to dig them up? And when do you think they went? And is "Buckeye project 16" just one case, or 16? Cuz now you've scared me!!!!

Anyway, email that info & I'll have people check on the florida end. My cell is dead and on the charger right now, but you can try me at 518-562-0728 for the next couple hours, or on the cell after that 445-6273.

Lisa

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

From: Gibson, Victoria
Sent: Tue 10/26/2004 3:00 PM
To: Vielhauer, Trina; Light, Lisa
Cc:
Subject: RE: Order Granted?

No, I haven't received the copies yet.

Vickie

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

From: Vielhauer, Trina
Sent: Tuesday, October 26, 2004 2:57 PM
To: Gibson, Victoria; Light, Lisa
Subject: RE: Order Granted?

Did we ever get the hard copy of the Gainesville and Buckeye project 16 extensions?

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

From: Gibson, Victoria
Sent: Friday, October 22, 2004 10:28 AM
To: Light, Lisa
Cc: Vielhauer, Trina
Subject: FW: Order Granted?
Importance: High

Did you found out if this was sent out on the 18th with all of the others? I need a copy of that order signed by Doug and Jack.

Thanks.

Vickie

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

From: Light, Lisa
Sent: Monday, October 18, 2004 1:08 PM
To: Gibson, Victoria
Subject: RE: Order Granted?

I'll look for it. Thought it went out.

Lisa ☺

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

From: Gibson, Victoria
Sent: Monday, October 18, 2004 1:01 PM
To: Light, Lisa

Subject: Order Granted?

Importance: High

Hi,

I haven't received a copy of the order signed by Jack and Doug for:

City of Gainesville
Gainesville Regional Utilities
04-1725
0010006-003-AV

Is it under consideration?

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 9:48 AM
To: Gibson, Victoria
Subject: RE:

*called Victoria
11/2 - request
a copy
again
H*

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 9:47 AM
To: Gibson, Victoria; Mitchell, Bruce; Pennington, Jim
Subject: RE: GRU and Progress Energy - Suwannee

GRU is tied up in the permitting note issue which I'm meeting with Mike C. about in a few minutes. Suwannee River- have they filed any comments or do we have any outstanding issues with them?

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

From: Gibson, Victoria
Sent: Monday, November 01, 2004 9:22 AM
To: Mitchell, Bruce; Pennington, Jim
Cc: Vielhauer, Trina
Subject: GRU and Progress Energy - Suwannee

Good morning.

The extensions of time for the following permits expire today:

City of Gainesville - Gainesville Regional Utilities
0010006-003-AV

Progress Energy Florida - Suwannee River
1210003-005-AV

What is the status on both of these permits?

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

Gibson, Victoria

From: Mitchell, Bruce
Sent: Monday, November 01, 2004 1:44 PM
To: Gibson, Victoria
Subject: RE: GRU and Progress Energy - Suwannee

The status is that they are on an extension of time through today, C.O.B.

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

From: Gibson, Victoria
Sent: Monday, November 01, 2004 9:22 AM
To: Mitchell, Bruce; Pennington, Jim
Cc: Vielhauer, Trina
Subject: GRU and Progress Energy - Suwannee

Good morning.

The extensions of time for the following permits expire today:

City of Gainesville - Gainesville Regional Utilities
0010006-003-AV

Progress Energy Florida - Suwannee River
1210003-005-AV

What is the status on both of these permits?

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

Gibson, Victoria

From: Gibson, Victoria
Sent: Friday, October 15, 2004 2:05 PM
To: Light, Lisa; Beason, Doug
Cc: Vielhauer, Trina
Subject: DRAFT Order to Grant for City of Gainesville

Importance: High



OrdtoGrantGRU.doc
c (37 KB)

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: Mitchell, Bruce
Sent: Thursday, October 14, 2004 4:16 PM
To: Gibson, Victoria
Subject: RE: extension request

It should be handled the same way that the Gainesville Regional Utilities's Deerhaven Generating Station was to be handled per Trina's direction. Many thanks.

Bruce

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

From: Gibson, Victoria
Sent: Thursday, October 14, 2004 1:30 PM
To: Mitchell, Bruce; Pennington, Jim
Subject: FW: extension request
Importance: High

Hi,

Would you like to grant this extension of time? If so, for how long? They have requested through and including the 15th of November. Would through the 12th of November be better?

Let me know how you would like to proceed.

Thanks.

Vickie

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

From: Carter, Kathy
Sent: Thursday, October 14, 2004 11:24 AM
To: Mitchell, Bruce; Chisolm, Jack; Vielhauer, Trina
Cc: Gibson, Victoria; Light, Lisa
Subject: extension request

Bruce:

FYI.

OGC received an extension request from Progress Energy Florida re: Suwannee River Plant, Draft permit No. 1210003-005-AV.

Kathy

Office of General Counsel
Agency Clerk
245-2212
Kathy.Carter@dep.state.fl.us

Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, November 03, 2004 7:29 AM
To: Vielhauer, Trina
Subject: FW: Order Granted?
Importance: High

FYI,

What do you think....do we really need the copies anymore?

Vickie

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

From: Buzick, Gita
Sent: Tuesday, November 02, 2004 5:02 PM
To: Gibson, Victoria
Subject: FW: Order Granted?

Hi,

I think I just faxed you the wrong staff. I look in Lisa's filings and could not find Rod. Grant. Time Ext. for these two cases. I found only the Request for 0010006-003-AV OGC # 04-1725. I do not think these documents were done.
Gita

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

From: Light, Lisa
Sent: Wednesday, October 27, 2004 1:23 PM
To: Buzick, Gita
Subject: RE: Order Granted?

Thanks.... We just really need to find those two orders. Or else I'm going to have to call opposing counsel & get THEM to send me a copy. [How to feel like an idiot in 1 try!!!]

Glad you two are feeling better. When do you move? Cuz I'll be there to help as soon as I get back. If you need to borrow anything to get yourself settled, let me know.

Lisa

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

From: Buzick, Gita
Sent: Wed 10/27/2004 1:10 PM
To: Light, Lisa
Cc:
Subject: RE: Order Granted?

Me and Hayden are sort of alive, I will help you/Vickie with this, just give me some time. Everything else is fine!!!!
Gita

Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, November 03, 2004 1:41 PM
To: Light, Lisa
Subject: FW: DRAFT Order to Grant for City of Gainesville

Importance: High

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

From: Gibson, Victoria
Sent: Friday, October 15, 2004 2:05 PM
To: Light, Lisa; Beason, Doug
Cc: Vielhauer, Trina
Subject: DRAFT Order to Grant for City of Gainesville
Importance: High



OrdtoGrantGRU.doc
c (37 KB)

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

CITY OF GAINESVILLE
GAINESVILLE REGIONAL UTILITIES

Petitioner,

v.

OGC #04-1725
DEP Permit 0010006-003-AV

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

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 CITY OF GAINESVILLE, GAINESVILLE REGIONAL UTILITIES, 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 Alachua 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, **November 1, 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:

Angela R. Morrison, 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:

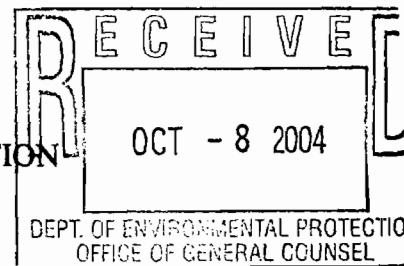
Trina L. Vielhauer
Chief
Bureau of Air Regulation

facsimile: 850-921-9533

RECEIVED

OCT 11 2004

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



BUREAU OF AIR REGULATION

In the Matter of an
Application for Permit by:

OGC No. 04-1725

City of Gainesville
Gainesville Regional Utilities (GRU)
Post Office Box 147117 (A134)
Gainesville, FL 32614-7117

Deerhaven Generating Station
Facility ID No. 0010006
Draft Permit Renewal No. 0010006-003-AV
Alachua County

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, City of Gainesville (GRU) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an extension of time to and including December 6, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, GRU states the following:

1. On or about October 7, 2004, GRU received from the Department of Environmental Protection (Department) a Title V Air Operation Renewal Permit (Permit No. 0010006-003-AV) for the Deerhaven Generating Station located in Alachua County, Florida.
2. The draft permit contains several provisions that warrant clarification or correction.
3. Representatives of GRU have corresponded and will continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.
4. This request is filed simply as a protective measure to avoid waiver of GRU's right to challenge certain conditions contained in the Title V Air Operation Renewal 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.
5. A GRU representative has contacted Bruce Mitchell with the Department's Bureau of Air Regulation and he has no objection to this request.

Hopping Green & Sams

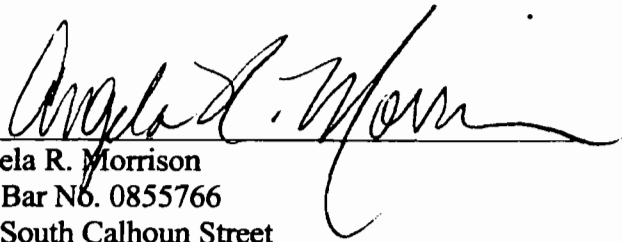
Attorneys and Counselors

6. Counsel for GRU has contacted Douglas Beason with the Department's Office of General Counsel regarding this request, and he has no objection.

WHEREFORE, GRU respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Title V Air Operation Permit Renewal (Permit No. 0010006-003-AV) be formally extended to and including December 6, 2004. If the Department denies this request, GRU requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 8th day of October, 2004.

HOPPING GREEN & SAMS, P.A.



Angela R. Morrison
Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(904) 222-7500

Attorney for CITY OF GAINESVILLE,
GAINESVILLE REGIONAL UTILITIES (GRU)

Hopping Green & Sams

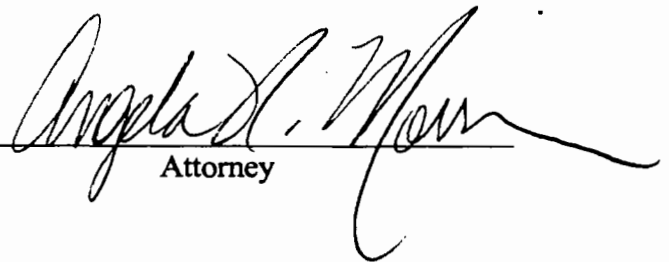
Attorneys and Counselors

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by
U.S. Mail on this 8th day of October, 2004:

Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Douglas Beason, Esquire
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-2600



Attorney

Gibson, Victoria

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

*called Gibson
11/2 request
a copy
again
VH*

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

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- " " " 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 9:47 AM
To: Gibson, Victoria; Mitchell, Bruce; Pennington, Jim
Subject: RE: GRU and Progress Energy - Suwannee

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Progress Energy Florida - Suwannee River
1210003-005-AV

What is the status on both of these permits?

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

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 nd 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 th 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 3rd 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: Gibson, Victoria
Sent: Friday, October 15, 2004 2:05 PM
To: Light, Lisa; Beason, Doug
Cc: Vielhauer, Trina
Subject: DRAFT Order to Grant for City of Gainesville

Importance: High



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c (37 KB)

Vickie

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victoria.gibson@dep.state.fl.us
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Gibson, Victoria

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Sent: Thursday, October 14, 2004 4:16 PM
To: Gibson, Victoria
Subject: RE: extension request

It should be handled the same way that the Gainesville Regional Utilities's Deerhaven Generating Station was to be handled per Trina's direction. Many thanks.

Bruce

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

From: Gibson, Victoria
Sent: Thursday, October 14, 2004 1:30 PM
To: Mitchell, Bruce; Pennington, Jim
Subject: FW: extension request
Importance: High

Hi,

Would you like to grant this extension of time? If so, for how long? They have requested through and including the 15th of November. Would through the 12th of November be better?

Let me know how you would like to proceed.

Thanks.

Vickie

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

From: Carter, Kathy
Sent: Thursday, October 14, 2004 11:24 AM
To: Mitchell, Bruce; Chisolm, Jack; Vielhauer, Trina
Cc: Gibson, Victoria; Light, Lisa
Subject: extension request

Bruce:

FYI.

OGC received an extension request from Progress Energy Florida re: Suwannee River Plant, Draft permit No. 1210003-005-AV.

Kathy

Office of General Counsel
Agency Clerk
245-2212
Kathy.Carter@dep.state.fl.us

Gibson, Victoria

From: Vielhauer, Trina
Sent: Monday, October 11, 2004 12:51 PM
To: Gibson, Victoria; Mitchell, Bruce
Cc: Pennington, Jim
Subject: RE: Received today a Request for Extension of time on Gainesville Regional Util.

Vickie,

I think I misspoke-

As long as they have published their notice in the newspaper, third party timeframes to challenge the permit have started. These 3rd parties will have 14 days from date of publication to challenge the permit. To preserve their rights to be a "party" should any 3rd party file a challenge, the company would also need to challenge their own permit. So, I'd say it makes sense to allow them just enough time to see if a third party has, indeed, challenged the permit. We need them to withdraw their extensions by NO later than November 15 [and preferably earlier so we can get proposed to EPA]. Maybe extend until November 1?

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

From: Gibson, Victoria
Sent: Monday, October 11, 2004 12:17 PM
To: Vielhauer, Trina; Mitchell, Bruce
Subject: Received today a Request for Extension of time on Gainesville Regional Util.
Importance: High

Hi,

Received a request for extension of time today from:

Gainesville Regional Utilities - Deerhaven Generating Station 0010006-003-AV

They have requested just about 60 days -- the hard date is 12/6/04.

Should we grant their request....and for how long?

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

Gibson, Victoria

From: Light, Lisa
Sent: Monday, October 11, 2004 1:01 PM
To: Vielhauer, Trina
Cc: Gibson, Victoria; Beason, Doug
Subject: RE: extensions of time

Those went out last week, I have fax confirmations sending them to Vicky. Do I need to resend?

Lisa ☺

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

From: Vielhauer, Trina
Sent: Monday, October 11, 2004 1:00 PM
To: Light, Lisa
Cc: Gibson, Victoria; Beason, Doug
Subject: extensions of time

We sent several draft orders to grant extensions of time on Title V renewals right around the end of September but we haven't seen final, signed versions of these. Also, on several of these we did not receive copies of the request for extensions- Vickie just noticed in LCT that one had been filed.

Attached is the list of items we are waiting on. The dates at left represent date email was sent to OGC with proposed language; column on right represents the proposed expiration date of the extension of time.

Can you please tell us the status of each of these and send us the copies [Lisa- you can get with Vickie on which we did and didn't receive] of their requests.

Thanks!

Trina