

Florida
Department of
Environmental Protection

Jeb Bush
Governor

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

David Struhs
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 8-24-99

TO: JAY LAVIA

PHONE: _____

FAX: 224-5595

FROM: MIKE HALPIN

PHONE: 921-9530

Division of Air Resources Management

FAX: 850.922.6979

RE: _____

CC: _____

Total number of pages including cover sheet: 2

Message

JAY -

It appeared on 8/23/99
According to Beverly at the
Orlando Sentinel.

Mike HALPIN

If there are any problems with this fax transmittal, please call the above phone number.

"Protect, Conserve, and Manage Florida's Environmental and Natural Resources"

Printed on recycled paper

NOTICE
Department of Environmental Protection
 Air Resources
 3319 Maguire Boulevard,
 Suite 232
 Orlando, Florida 32803-3767

NOTICE
 The Department of Environmental Protection, Division of Air Resources Management, announces a public hearing (40 CFR 51.102 hearing) to which all persons are invited.

DATE AND TIME: March 3, 1999 at 7:00 pm

PLACE: Brevard County Agricultural Center, 3695 Lake Drive, Cocoa, FL 32926

PURPOSE: Oleander Power Project Air Permit Application

A copy of the workshop agenda and proposed amendments may be obtained by writing to Mr. Michael P. Hahn, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mall Station 5505, Tallahassee, Florida 32399-2400 or by calling Ms. Kim Tober at (850) 921-9533. These materials will also be available for public inspection during normal business hours at the following offices:

Department Of Environmental Protection
 Central Florida District
 Air Resources
 3319 Maguire Boulevard,
 Suite 232
 Orlando, Florida 32803-3767

Orange County Environmental Protection Department
 Air Program Section
 2002 East Michigan Street
 Orlando, Florida 32806

All persons desiring to be heard on the proposed agency action will be given the opportunity to do so. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist at (850) 488-2996. If you are hearing or speech impaired, please contact the agency by calling (800) 955-0771 (TDD).

BRE2279970 Feb. 24, 1999

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 The Orlando Sentinel
 P.O. BOX 2833
 Orlando, FL 32802-2833

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11
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TAKE A TRIP EACH WEEK — With the Transportation section in Thursday's Orlando Sentinel. Call 1-800-741-8883 to reserve your Sentinel seven day home delivery.

25
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- Be cautious if requested to accept third party phone charges.
- Insist on personally collecting the missing pet or item yourself.
- Do not give reward or other money until you are absolutely certain that the caller has YOUR pet or item. It is best to part with nothing until your pet or item is actually in your possession.

27
Miscellaneous Announcements

CARPET — STORE GOING-OUT-OF-BUSINESS PRICES. Thick, Thick & Flusher & Thick, Thick Berbers, Commercial Carpet, (nyl) Was \$6.99-\$29.99/yd, NOW \$2.99-\$3.99/yd. ONE WEEK ONLY! (407) 673 9888.

Professional Services

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32
Telepersonals

NOTICE
 The Orlando Sentinel

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 Personal ads appear in this section on Sunday and Wednesday. On Friday Personal ads may be seen in The Orlando Sentinel CALENDAR section.

35
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MEET SINGLES — CURIOUS? LISTEN-RECORD ADS FREE! 407-695-8823 CODE 4114

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39
Vacation Information/Sites

NOTICE
 Selling property? Beware of any fees until it's sold. For free information about avoiding timeshare and real estate scams, write the Federal Trade Commission at Washington, D.C. 20580 or call the National Fraud Information Center, 1-800-876-7090

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 FL Seller Travel #21704 BKR

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training and education

50

50 Training & Education
 50 Most Interesting
 Rates subject to Classified policies.

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PLEASE NOTE
 Check the address and use the specific number following the phrase, "Reply Orlando Sentinel Ad ###".

50
Training & Education

MYA SCHOOLS — TRACTOR TRAILER 8/or BUS DRIVER TRAINING in 3 wks or 7 1/2 Weeks (4 Hrs), Financial Assistance, Job Placement and Tuition Reimbursement. Call 1-800-346-5920

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124 Per Year (This Week)
103 Best Listing/Retreat Services
 103 Best Wanted (sympagmam) Rates subject to Classified policies.

103
Resumes Employment Services

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Next time you're on America Online, use the Sentinel's online classifieds to find your next job (AOL Keyword: OSO Classified). OSO's lightning-fast search engine uses your specifications to locate potential jobs current in the Sentinel database 24/7 all in a matter of seconds. If you're not plugged into America Online yet, order your free America Online start-up kit with 15 free hours of online time. Just call 1/800/475-9944, and click an OSO today! Keyword: OSO Classified!

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 Individual companies do offer certain features of their services free of charge. However, not all services offered are free. All companies do expect to be reimbursed for their time and/or expenses. Please ask questions to be completely informed of any charges or fees.

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 Call 407-420-5353 for home delivery.



Oleander Power Project

BOX 1151
799 E. MERRITT ISLAND CAUSEWAY
MERRITT ISLAND, FL 32952
TELEPHONE (407) 452-5312 FAX (407) 452-7312

RECEIVED

APR 21 1999

BUREAU OF
AIR REGULATION

April 20, 1999

Mr. Mike Halpin
Air Regulations
2600 Blairstone Road
Twin Towers
Tallahassee, FL 32399-2400

Dear Mr. Halpin,

Enclosed is the notarized proof of insertion in the legal advertisement section of Florida Today Newspaper for the "NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT" for the Oleander Power Project. The advertisement appeared on April 8, 1999.

Sincerely,

Gwendolyn Anello

cc: File
EPA
NPS
CD

The Star Advocate
Published Weekly on Wednesday



The Bay B
Published Weekly

Published Daily

STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared MAUREEN FARRELL

oath says that she is LEGAL ADVERTISING CLERK

of the FLORIDA TODAY, a newspaper published in

Florida; that the attached copy of advertising being a LEGAL NOTICE (3

in the matter of OLEANDER POWER PROJECT

in the DEP NOTICE Court

was published in the FLORIDA TODAY NEWSPAPER

in the issues of APRIL 8, 1999

Alliant further says that the said FLORIDA TODAY NEWSPAPER

is a newspaper published in said Brevard County, Florida, and that the said newspaper

heretofore been continuously published in said Brevard County, Florida, regularly and

and has been entered as second class mail matter at the post office in MELBOURN

said Brevard County, Florida, for a period of one year next preceeding the first publication

of the attached copy of advertisement; and alliant further says that she has neither paid nor

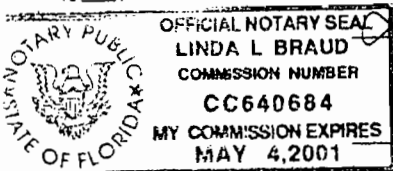
person, firm or corporation any discount, rebate, commission or refund for the purpose of

obtaining this advertisement for publication in said newspaper.

Maureen Farrell
(Signature of Alliant)

Sworn to and subscribed before me this 8th day of APRIL

1999



Linda L. Braud
(Signature of Notary Public)

LINDA L. BRAUD
(Name of Notary Typed, Printed)

Personally Known or Produced Identification

Type of Identification Produced _____

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEP File No: 0090180-001-AC (PSD-FL-258)
Oleander Power Project, L.P.
Oleander Power Project - Unit Nos. 1-5
Brevard County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit under the requirements for the Provision of Significant Deterioration (PSD) of Air Quality to Oleander Power Project, L.P. The permit is to construct five 190 megawatt (MW) dual-fuel "F" class combustion turbines with 60-foot stacks and two 2.8 million gallon fuel oil storage tanks for Oleander Power Project located at 3527 Townsend Road, Cocoa, Brevard County. A Best Available Control Technology (BACT) determination was required for sulfur dioxide (SO₂), particulate matter (PM₁₀), nitrogen oxides (NO_x), sulfuric acid mist (SAM), volatile organic compounds (VOC) and carbon monoxide (CO) pursuant to Rule 62-212.400. The applicant's name and address are Oleander Power Project, L.P., 250 West Pratt Street, 23rd Floor, Baltimore, MD 21201.

The new units are General Electric "E" class 190 MW combustion turbine electrical generators, which will operate in simple cycle mode as peaking units. The units will operate primarily on natural gas and will be permitted to operate 3390 hours (each) per year of which no more than 1000 equivalent hours will be on maximum 0.05 percent sulfur distillate fuel oil.

NO_x emissions will be controlled by Dry Low NO_x technology combustors capable of achieving emissions of 9 ppm @ 15% O₂. Emissions of NO_x will be controlled to 42 ppm under the back-up (fuel oil) operation by water injection. SO₂ and PM₁₀ will be limited by use of clean fuels. Emissions of VOC and CO will be controlled by good combustion practices.

The maximum potential annual emissions in tons per year based on the revised application are summarized below:

Pollutants	Maximum Potential Emissions	PSD Significant Emission Rate
PM ₁₀	96	25/15
SO ₂	291	40
NO _x	1235	40
VOC	64	40
CO	412	100

An air quality impact analysis was conducted. Maximum predicted impacts due to proposed emissions from the project are less than the applicable PSD Class I and Class II significant impact levels.

The Department will issue the FINAL Permit, in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department will accept written comment concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If comments received result in a significant change in this DRAFT Permit, the Department shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. Written and oral comments will also be received at a public meeting, scheduled for May 13, 1999 at 7:00 p.m. in the Brevard County Agricultural Center, 3695 Lake Drive, Cocoa, Florida 32926.

The Department will issue FINAL Permit with the conditions of the DRAFT Permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. The procedures for petitioning for a hearing are set forth below. Mediation is not available for the proposed action.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding, and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

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

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice 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 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:

Florida Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: (850) 488-0114 Fax: (850) 922-6979	Florida Department of Environmental Protection Central District Office 3319 Maguire Blvd. Orlando, Florida 32803 Telephone: (407) 894-7555 Fax: (407) 897-2966
--	---

The complete project file includes the application, technical evaluations, Draft Permit, 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 Resource Review Section at 11 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-0114 for additional information.



mailing/billing info

Florida
Department of
Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road - MS 5500
Tallahassee, Florida 32399-2400

David Struhs
Secretary

ATTN: Sharolyn Wood

F A X T R A N S M I T T A L S H E E T

DATE: 2-22-99

TO: Julia

PHONE: 407-420-5160

FAX: _____

FROM: Kim Tober or Mike Halpin

PHONE: 850-921-9533 or 488-0114

Division of Air Resources Management

FAX: 850.922.6979

RE: notice to be published

CC: _____

Total number of pages including cover sheet: 2

Message

Hi Julia,

Please publish this notice in the Brevard section of the Orlando Sentinel on Wednesday, Feb. 24. The estimate you gave me was \$103.43 - our P.O. # for billing is 900212. This is a very important environmental issue & would like verification after it is published. You can call me at the above mentioned number after it is published.
If there are any problems with this fax transmittal, please call the above phone number.

"Protect, Conserve, and Manage Florida's Environmental and Natural Resources"

Printed on recycled paper

HAVE A GREAT DAY!



Thanks A lot
Julia, Kim

NOTICE OF HEARING

The Department of Environmental Protection, Division of Air Resources Management, announces an administrative hearing. Administrative Law Judge Daniel Manry has been assigned by the Division of Administrative Hearings and will preside.

DATE AND TIME: August 30, 1999 at 9:30am

PLACE: Brevard County Government Center, Housing and Human Services, Building B, First Floor Conference Room, 2725 Fran Jamison Way, Viera, Florida

PURPOSE: Oleander Power Project Air (PSD) Permit

ISSUE: Whether the Department of Environmental Protection should issue a PSD permit for the Oleander Power project

AUTHORITY: Section 230.23(4)(M), Florida Statutes; and Chapter 28-106, Parts I and II, Florida Administrative Code.



Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Jeb Bush
Governor

David Struhs
Secretary

FAX COVER SHEET

TO:

Kim Lober

TELEPHONE NUMBER:

FAX NUMBER:

FROM:

Heather

FAX NUMBER:

921-3000

DATE OF TRANSMISSION:

8-5-99

NUMBER OF PAGES INCLUDING COVER:

2

If there are problems with this transmission, please contact _____ at
(850) 488-9314

COMMENTS:

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CLARENCE ROWE,)	
)	
Petitioner,)	
)	
vs.)	Case No. 99-2581
)	
OLEANDER POWER PROJECT, L.P.,)	
and DEPARTMENT OF ENVIRONMENTAL)	
PROTECTION,)	
)	
Respondent.)	
_____)	

NOTICE OF HEARING

A hearing will be held in this case beginning on August 25, 1999, commencing at 9:30 a.m., or as soon thereafter as possible, at the Brevard County Government Center, Housing and Human Services, Building B, First Floor Conference Room, 2725 Judge Fran Jamison Way, Viera, Florida. Continuances will be granted only by order of the Administrative Law Judge for good cause shown.

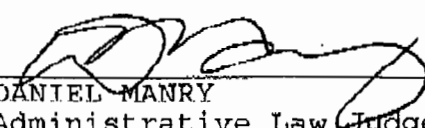
ISSUES: As stated in the Petition For Administrative Hearing.

AUTHORITY: Section 230.23(4)(m), Florida Statutes; and Chapter 28-106, Parts I and II, Florida Administrative Code.

The parties shall arrange to have all witnesses and evidence present at the time and place of hearing. Arrangements for the court reporter will be made by the agency. Subpoenas will be issued by the Administrative Law Judge upon request of the parties. All parties have the right to present oral argument and to cross-examine opposing witnesses. All parties have the right

to be represented by counsel or other qualified representative, in accordance with Rule 28-106.106, Florida Administrative Code. As envisioned by Rule 28-106.211, Florida Administrative Code, failure to appear at this hearing may be grounds for entry of an order of dismissal or recommended order of dismissal, as appropriate.

July 27, 1999



DANIEL MANRY
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

COPIES FURNISHED:

Clarence Rowe
418 Pennsylvania Avenue
Rockledge, Florida 32955

W. Douglas Beason
Assistant General Counsel
Department of Environmental Protection
3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, Florida 32399-3000

Michael H. Stallings
121 Rosewood Drive
Cocoa Beach, Florida 32926

John M. Harris, Esquire
Stadler & Harris, P.A.
1820 Garden Street
Titusville, Florida 32796

David Dee, Esquire
Landers & Parsons, P.A.
Post Office Box 271
Tallahassee, Florida 32302-0271

NOTICE

The Department of Environmental Protection, Division of Air Resources Management, announces a public workshop (40 CFR 51.102 hearing) to which all persons are invited.

DATE AND TIME: March 3, 1999 at 7:00pm

PLACE: Brevard County Agricultural Center, 3695 Lake Drive,
Cocoa, FL 32926

PURPOSE: Oleander Power Project Air Permit Application

A copy of the workshop agenda and proposed amendments may be obtained by writing to Mr. Michael P. Halpin, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station 5505, Tallahassee, Florida 32399-2400 or by calling Ms. Kim Tober at (850)921-9533. These materials will also be available for public inspection during normal business hours at the following offices:

Department Of Environmental Protection
Central Florida District
Air Resources
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Orange County Environmental Protection Department
Air Program Section
2002 East Michigan Street
Orlando, Florida 32806

All persons desiring to be heard on the proposed agency action will be given the opportunity to do so. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist at (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771 (TDD).

INTEROFFICE MEMORANDUM

Date: 17-Dec-1998 11:01am
From: Mike Halpin TAL
HALPIN_M
Dept: Air Resources Management
Tel No: 850/488-0114

OK
see me
Mike

To: Alvaro Linero TAL
CC: Susan DeVore TAL

(LINERO_A)
(DEVORE_S)

Kim + Mike

Subject: Re: FWD: Re: time clocks for controversial PSD permits

Al -

1) When is our 90 days up? Am I correct in assuming that it hasn't begun (yet) since the application has not been deemed complete?

2) I agree the we would want to set this up as soon as the (legal) time constraints allow. It seems appropriate to me that we would draft an agenda that would put the burden of presenting the project (to the public) in the hands of the permittee (based upon our drafted agenda). Of course, we would provide points for question and answer. Is this typical? [Other than for Oromulsion, I've only been to one of these.]

3) Would we have a rep. from here (other than Susan and I) to "officially preside" over the meeting?

If you are OK with this, it seems to me that we ought to be shooting for a day between late January and mid-February when we can get Oleander's commitment to support it and get a meeting place secured. So, we have (at least) 4 action items:

- a) Draft an agenda which gets the key facts out when - ASAP
- b) Contact Oleander to get their commitment to make appropriate presentations and see if there are any dates that are bad for them in the above time frame. when - after agenda drafted, but by 12/24
- c) Contact locals to obtain a meeting place (can we use the Central District to support us on this?) I did this today - Kim has details.

- d) Pubic Notice the above Agenda, time and place when - by 2nd week in January

Al - please advise before Susan and I proceed.
Thanks, Mike

Take Over! Susan was briefed this morning.

We sent incomplete memo letter went today so we are on day negative 30 or so.
purpose of our meeting is to accept comment - not even to consider questions - but we'll try!
- Vivien Gurtin, District Manager + Jen Kozlov, Air Admin. Director - there will be roles for us too!
Tentative for March 3rd at A & Center in Cocoa. Can be 1 week before or after.

Oleander can't make presentations at our meeting. However, before our meeting they can set up information stations.

- Need to advertise in a local newspaper too - like a Brevard version of Sentinel or Florida Today.

Attached memo:

Given the public notice requirements and FAW drag time for those notices, I doubt that it is practicable to include public meetings in the 90 days.

For public meetings, under state law (s. 120.525 FS, Ch 28-102 FAC), you need at least 7 days published notice in the FAW, but the reality is that 7 days is not enough lead time and the public doesn't ever see the FAW anyway. If you really want public input, you need to publish in a local newspaper in addition to the FAW and give probably two weeks notice.

There is a requirement that an agenda be made available to anyone who asks for one (again s. 120.525 FS, Ch 28-102 FAC). The rule specifies the format. The agenda must be made up in time so that anyone requesting one can RECEIVE it at least 7 days prior to hearing (this could be 17 days ahead, if you factor in mail time). You cannot deviate from the agenda after it is made available, except in narrow circumstances.

This all tends to indicate that you need the application to be complete BEFORE you schedule the hearing. But once the application is complete, you have only 90 days. And there has to be time to work through whatever information is presented at the meeting, so some of that time needs to be reserved. And there is a significant drag time on public noticing anything..

The FAW is only published on a Friday. All notices have to be filed by noon Wednesday the week before the publication week (10 days before publication). All notices have to come through OGC and be signed off by me and a deputy and then they have to be collected, etc., so they must be here, in final form, with all cover sheets filled out and all disk copies correct no later than two weeks before publication date...That's a three week plus back up so far into your 90 days.

If you consider that you'd need maybe a week or more to work through any significant comments, after the meeting, you see that four or five weeks can be dedicated to this process. That's a significant

Work with Kim as necessary. I hope to minimize my involvement. I have similar situation with a cement application + TECO hearings + Duke New Smyrna + etc. + etc.
Thanks Al

think of 90 days.

This is why we rarely try this sort of thing inside the 90-day window.

FAW NOTICE COVER SHEET

DATE RECEIVED BY OGC: _____

DATE TO BE FILED: February 10, 1999

DATE TO BE PUBLISHED IN THE FAW: February 19, 1999

1. Person Originating Notice: Michael P. Halpin
2. Subject of Notice: Public Workshop on Power Plant Application
3. Type of Notice:

- Rulemaking 120.54, F.S.
- Rulemaking 403.8055, F.S.
- Workshop 62-102.300, F.A.C.
120.54(2), F.S.
- Variance 120.542, F.S.
- Variance 403.201, F.S.
- Receipt of Rule Petition 120.54(7), F.A.C.
- Declaratory Statement 120.565, F.S.
- Other

PCC REVIEW

(Date)

4. Explain need: Public request to hear details on Oleander Power Plant application.

5. Comments: _____

APPROVALS:

DIVISION DIRECTOR: _____

OGC ATTORNEY: _____

DEPUTY GENERAL COUNSEL: _____

\\TLH_BDG1\USERS\LONG_M\RULES\FORMS\FAWCOV.DOC
11/97

MEMORANDUM

TO: Liz Cloud, Chief, Bureau of Administrative Code

DATE:

← Fill in date

SUBJECT: Notice to be Published in F.A.W.

Agency's Title No.: _____ 62

PLEASE PUBLISH THE ATTACHED NOTICE IN THE February 19, 1999 ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

- Rule Development
- Meeting/Workshop\Hearing
- Proposed Rule
- Declaratory Statement
- Notice of Change\Withdrawal
- Bid\Request for Proposal
- Emergency Rule
- Miscellaneous

LIST OF FILES ON DISK:

← copy faw notice onto diskette. Write name of file here. Diskette must be labeled + submitted to DGC with package

** Name and Phone Number of Person to be contacted regarding the attached notice: Michael P. Halpin, 921-9530

BILLING INFORMATION

The invoice for cost of publication should be sent to: (please fill out complete address)

Department: Department of Environmental Protection

Division\Bureau: Bureau of Air Resources Management

Contact Person: Al Linero, Administrator

Address: 2600 Blair Stone Road, MS 5505, Tallahassee, FL 32399

Phone No.: (850) 921-9523

Purchase Order No.:

← Fill in P.O.#

law notice

NOTICE OF PUBLIC WORKSHOP

The Department of Environmental Protection announces a public workshop to which all persons are invited:

DATE AND TIME: March 3, 1999 at 7:00^{pm}_{pm},

PLACE: Brevard County Agricultural Center - *add address*

PURPOSE: Oleander Power Project Air Permit Application

A copy of the agenda may be obtained by writing to: Mr.

Michael P. Halpin, Department of Environmental Protection at 2600 Blair Stone Rd, MS#5505, Tallahassee, Florida 32399 or by calling Ms. Kim Tober at 850/921-9533.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/~~hearing/meeting~~ is asked to advise the agency at least 48 hours before the workshop/~~hearing/meeting~~ by contacting the Personnel Service Specialist in the Bureau of Personnel at ((850) 488-2996). If you are hearing or speech impaired, please contact the agency by calling 800-955-8771 (TDD).

~~(15-1.003(10), 28-102.001(2), F.A.C.)
\\TLH_BDG1\USERS\LONG_M \rules\forms\wkshp.doc
9/98~~

NOTICE

The Department of Environmental Protection, Division of Air Resources Management, announces a public workshop (40 CFR 51.102 hearing) to which all persons are invited.

DATE AND TIME: March 3, 1999 at 7:00^{pm}pm,

PLACE: Brevard County Agricultural Center, ^{address}Cocoa, Florida

PURPOSE: Oleander Power Project Air Permit Application

A copy of the workshop agenda and proposed amendments may be obtained by writing to Mr. Michael P. Halpin, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station 5505, Tallahassee, Florida 32399-2400 or by calling Ms. Kim Tober at (850)921-9533. These materials will also be available for public inspection during normal business hours at the following offices:

Department Of Environmental Protection
Central Florida District
Air Resources
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Orange County Environmental Protection
Department
Air Program Section
2002 East Michigan Street
Orlando, Florida 32806

All persons desiring to be heard on the proposed agency action will be given the opportunity to do so. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist at (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771 (TDD).

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 17-Dec-1998 10:05am
From: Alvaro Linero TAL
LINERO_A
Dept: Air Resources Management
Tel No: 850/921-9532

To: Joseph Kahn TAL (KAHN_J)
To: Susan DeVore TAL (DEVORE_S)
To: Mike Halpin TAL (HALPIN_M)

Subject: FWD: Re: time clocks for controversial PSD permits

Hey folks. You will probably have public meetings on Suwannee and Oleander. Please start planning for them within the constraints given in the attached memo from Pat Comer. These need to be scheduled now and we don't need to wait until the application is complete to start. See me if you have any questions. Thanks, Al.

INTEROFFICE MEMORANDUM

Date: 14-Dec-1998 07:27am
From: Patricia Comer TAL
COMER_P
Dept: Office General Counsel
Tel No: 850/488-9730

Subject: Re: time clocks for controversial PSD permits

Given the public notice requirements and FAW drag time for those notices, I doubt that it is practicable to include public meetings in the 90 days.

For public meetings, under state law (s. 120.525 FS, Ch 28-102 FAC), you need at least 7 days published notice in the FAW, but the reality is that 7 days is not enough lead time and the public doesn't ever see the FAW anyway. If you really want public input, you need to publish in a local newspaper in addition to the FAW and give probably two weeks notice.

There is a requirement that an agenda be made available to anyone who asks for one (again s. 120.525 FS, Ch 28-102 FAC). The rule specifies the format. The agenda must be made up in time so that anyone requesting one can RECEIVE it at least 7 days prior to hearing (this could be 17 days ahead, if you factor in mail time). You cannot deviate from the agenda after it is made available, except in narrow circumstances.

This all tends to indicate that you need the application to be complete BEFORE you schedule the hearing. But once the application is complete, you have only 90 days. And there has to be time to work through whatever information is presented at the meeting, so some of that time needs to be reserved. And there is a significant drag time on public noticing anything..

The FAW is only published on a Friday. All notices have to be filed by noon Wednesday the week before the publication week (10 days before publication). All notices have to come through OGC and be signed off by me and a deputy and then they have to be collected, etc., so they must be here, in final form, with all cover sheets filled out and all disk copies correct no later than two weeks before publication date...That's a three week plus back up so far into your 90 days

If you consider that you'd need maybe a week or more to work through any significant comments, after the meeting, you see that four or five weeks can be dedicated to this process. That's a significant chunk of 90 days.

This is why we rarely try this sort of thing inside the 90-day window.

*Feb 19 Raw
& saw
all settled*

Feb STU



Department of Environmental Protection

Division of Air Resources Management
2600 Blair Stone Road, MS 5505
Tallahassee Florida 32399-2400

Jeb Bush
Governor

David B. Struhs
Secretary

FAX

TO: Legal Ads Section
Orlando Sentinel

PHONE: 407-420-5160

FAX PHONE: 407-420-5011

FROM: Michael P. Halpin
FDEP - Division of
Air Res. Mgmt.

PHONE: 850-921-9530

FAX PHONE: 850-922-6979

DATE:

**NO. OF PAGES
INCLUDING
COVER SHEET:** 3

REMARKS: Please publish the attached legal advertisement on or before February 19, 1999 and mail affidavit of publication to:

Department of Environmental Protection
Division of Air Resources Management
2600 Blair Stone Road, MS5500
Tallahassee, FL 32399-2400
Attn: Kim Tober

Add date

The ad should be charged to the Florida Department of Environmental Protection,
Purchase Order No. XXXXXXXX

add P.O.#

MEETING AGENDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION
7:00 pm - 9:00pm MARCH 3, 1999
BREVARD COUNTY AGRICULTURAL CENTER
THIS MEETING IS OPEN TO THE PUBLIC

1. Introduction Vivian Garfein, Director, FDEP Central District
2. Public Participation Process Douglas Beason, OGC.
3. Application Details Michael P. Halpin/Susan DeVore-Fillmore
4. Ambient Air Impact/Modeling Cleveland G. Holladay
5. Public Comments
6. Adjourn

AGENDA
OLEANDER POWER PROJECT

MARCH 3, ~~XXXXXXXXXX, 1999~~

~~PLACE OF MEETING~~

AG CENTER IN
BREVARD

- Vivian Garfein, Director* ^{DEP} *Central District Office*
- 7:00 p.m. Introduction (~~Clair Faney, Bureau Chief, Bureau of Air Regulation~~)
- Introduce all DEP staff; explain purpose of meeting.
- 7:05 p.m. Public Participation Process (~~Chip Collette~~) ^{Pouy Beason} ?
- Discuss the legal process and rule provisions for public interaction in the permitting process.
- 7:10 p.m. Application Details (Mike Halpin/Susan DeVore-Fillmore)
- Review the key points of the application
- 7:40 p.m. Ambient Air Impact/Modeling (Cleve Holladay)
- Summarize Air Impacts and Modeling Results
- 7:50 p.m. Public Comments
- 9:00 p.m. Adjourn

Note: Department staff and Oleander Power Project representatives will also be available from 5:00 to 7:00 p.m to discuss and explain the project on an informal basis.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PUBLIC MEETING

The Department of Environmental Protection gives notice that a public meeting will be held regarding the Department's receipt of an application for a Prevention of Significant Deterioration of Air Quality Permit (PSD Permit) from the Oleander Power Project, L.P. The application is for the construction of five nominal 190 megawatt (MW) natural gas and/or No.2 oil-fired combustion turbines to be located at 527 Townsend Road in Cocoa, Brevard County. ^{space}

The meeting will be held at 7:00 p.m. on [Xxxx]day, ^{Month} February [XX], 1999 at [name of place], [address of place, City]. Department staff and Oleander Power Project representatives will also be available from 5:00 to 7:00 p.m. to discuss and explain the project on an informal basis. The Department will then formally receive oral or written comments on issues related to the application.

The complete application and official file are available for review during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays at the Bureau of Air Regulation, 111 S. Magnolia Drive, Tallahassee. For additional details contact Michael P. Halpin, P.E., Susan Devore-Fillmore (permit engineer) or Cleve Holladay, Meteorologist at ~~(850)488-1344~~.

850/488-0114

Send packet to OGC

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fawcov.doc

FAW NOTICE COVER SHEET

DATE RECEIVED BY OGC: _____

DATE TO BE FILED: July 22, 1998 (this is the date Notice is to go to FAW)

DATE TO BE PUBLISHED IN THE FAW: July 31, 1998

1. Person Originating Notice: Larry A. George

2. Subject of Notice: Federal Regulations Adoption by Reference }

3. Type of Notice:

- Rulemaking 120.54, F.S.
- Rulemaking 403.8055, F.S.
- Workshop 62-102.300, F.A.C.
120.54(2), F.S.
- Variance 120.542, F.S.
- Variance 403.201, F.S.
- Receipt of Rule Petition 120.54(7), F.A.C.
- Declaratory Statement 120.565, F.S.
- Other

PCC REVIEW

(Date)

4. Explain need: _____

5. Comments: _____

APPROVALS:

DIVISION DIRECTOR: _____

OGC ATTORNEY: _____

DEPUTY GENERAL COUNSEL: _____

MEMORANDUM

TO: Liz Cloud, Chief, Bureau of Administrative Code

DATE:

SUBJECT: Notice to be Published in F.A.W.

Agency's Title No.: 62

PLEASE PUBLISH THE ATTACHED NOTICE IN THE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

- Rule Development Meeting/Workshop\Hearing
Proposed Rule Declaratory Statement
Notice of Change\Withdrawal Bid\Request for Proposal
Emergency Rule Miscellaneous

LIST OF FILES ON DISK:

** Name and Phone Number of Person to be contacted regarding the attached notice: Sandy Ladner, 921-9590

BILLING INFORMATION

The invoice for cost of publication should be sent to: (please fill out complete address)

Department: Department of Environmental Protection

Division\Bureau: Bureau of Air Resources Management

Contact Person: Larry George, Administrator

Address: 2600 Blair Stone Road, MS 5500, Tallahassee, FL 32399

Phone No.: (850) 921-9555

Purchase Order No.:

File Name:
Format:
Contact Name, address +
phone

- Notice has to
be copied onto
diskette + labeled
like this

NOTICE OF PUBLIC MEETING (HEARINGS OR WORKSHOPS)

The Department of Environmental Protection announces a
(public meeting, hearing or workshop) to which all person
are invited:

DATE AND TIME:

PLACE:

PURPOSE:

A copy of the agenda may be obtained by writin to: (name,
Department of Environmental Protection) at (address) or by
calling (name) at (phone #)

Pursuant to the provisions of the Americans with
Disabilities Act, any person requiring special
accommodations to participate in this
workshop/hearing/meeting is asked to advise the agency at
least 48 hours before the workshop/hearing/meeting by
contacting the Personnel Service Specialist in the Bureau of
Personnel at ((850) 488-2996). If you are hearing or speech
impaired, please contact the agency by calling 800-955-8771
(TDD).

(1S-1.003(10), 28-102.001(2), F.A.C.)
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9/98

N: \OLAPM (Recm/Env) | NOTICES | WORKSHOP

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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The meeting will be held at 7:00 p.m. on Wednesday, March 3, 1999 at the Brevard County Ag Center, Cocoa. Department staff and Oleander Power Project representatives will also be available from 5:00 to 7:00 p.m. to discuss and explain the project on an informal basis. The Department will then formally receive oral or written comments on issues related to the application.

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Department of Environmental Protection

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ruling

Division of Air Resources Management
2600 Blair Stone Road, MS 5500
Tallahassee Florida 32399-2400

Lawton Chiles
Governor

Virginia B. Wetherell
Secretary

FAX

TO: Legal Ads Section
Orlando Sentinel

FROM: Sandy Ladner

PHONE:
FAX PHONE: 407-420-5011

PHONE: 850-921-9590
FAX PHONE: 850-922-6979

reg phone# (407) 420-5160

DATE:

**NO. OF PAGES
INCLUDING
COVER SHEET:** 3

REMARKS: Please publish the attached legal advertisement on or before , and mail affidavit of publication to:

Department of Environmental Protection
Division of Air Resources Management
2600 Blair Stone Road, MS5500
Tallahassee, FL 32399-2400
Attn: Sandy Ladner

The ad should be charged to the Florida Department of Environmental Protection,
Purchase Order No.

Newspaper ad needs to run on or before date
Notice is published in FAW

NOTICE

The Department of Environmental Protection, Division of Air Resources Management, announces a public workshop (40 CFR 51.102 hearing) to which all persons are invited.

DATE AND TIME:

PLACE:

PURPOSE:

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Orlando, Florida 32803-3767

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