

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
INTENT TO DENY

CERTIFIED MAIL

In the Matter of an Application
for Permit Amendment by:

DEP File No. AC48-206720
PSD-FL-184
Orange County

Mr. John P. Jones
President
Orlando CoGen (I), Inc.
Orlando CoGen Limited, L.P.
7201 Hamilton Boulevard
Allentown, PA 18195-1501

INTENT TO DENY

The Department of Environmental Protection gives notice of its Intent to Deny the construction permit amendment request for the proposed project as detailed in the application specified above for reasons stated in this Intent.

The applicant, Orlando CoGen (I), Inc., applied on January 6, 1994, for a permit amendment to the construction permit of their 129 megawatt (MW) cogeneration facility in Orlando, Orange County, Florida. The Department has determined that granting such a proposal will constitute approving a "bubble", for which the Department has no authority to approve through a permit amendment process.

PROJECT DESCRIPTION

The source is a 129 MW cogeneration facility located in Orlando, Orange County, Florida. The cogeneration facility consists of a combustion turbine (CT) exhausting through a heat recovery steam generator (HRSG). The transition duct from the CT to the HRSG contains duct burners (DBs) with a maximum heat input of 122 million British thermal units per hour (MMBtu/hr). The two new source performance standards (NSPS) applicable to the facility are 40 CFR 60, Subpart GG, for the combustion turbine and 40 CFR 60, Subpart Db, for the HRSG with the duct burners.

REASON FOR DENIAL

The applicant requested changes to specific conditions 4, 7 and 8 of the construction permit. The requested change to specific condition 4 would imply changing the specific individual limits for the CT and DBs to emission limits applicable to the CT operating alone and the CT/DBs operating together. The request is denied based on EPA's assessment of non-compliance with 40 CFR 60, Subpart Db requirements, and pursuant to Rules 17-296.200(170) and 17-297.100(123), Florida Administrative Code (F.A.C.), and 40 CFR 60.2. The CT and HRSG are separate sources and subject to

independent emission limitations. Since the CT and HRSG are, by rule, two separate sources, the request for a combined emission limit is a request for approving a "bubble", which requires a SIP revision and EPA approval. The changes to specific conditions 7 and 8 are denied, as a request of this nature must be processed through an approval of alternate standards and procedures as outlined in Rule 17-297.620, F.A.C.

Pursuant to Section 403.815, Florida Statutes, (F.S.), and DEP Rule 17-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Deny. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit amendment. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department, at the Department of Environmental Protection, Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit amendment.

The Department will deny the permit amendment unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S. A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 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 at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information;

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the Department's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by Petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;


(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Howard L. Rhodes, Director
Division of Air Resources
Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO DENY and all copies were mailed by certified mail before the close of business on [date] to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Barbara J. Pontwell 8/16/94
(Clerk) (Date)

Copies furnished to:

Charles Collins, Central District
Ken Kosky, KBN
Dennis Nester, Orange County
Jewell Harper, EPA
John Bunyak, NPS

Is your RETURN ADDRESS completed on the reverse side?

SENDER: <ul style="list-style-type: none"> • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: Mr. John P. Homes President Orlando CoGen (I), Inc. Orlando CoGen Limited, L.P. 7201 Hamilton Boulevard Allentow, PA 1819501501	4a. Article Number P 872 563 651	
5. Signature (Addressee)		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature (Agent) 		7. Date of Delivery 8-23-94
PS Form 3811, December 1991 U.S. GPO: 1992-323-402		8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

DOMESTIC RETURN RECEIPT

P 872 563 651



Receipt for Certified Mail
 No Insurance Coverage Provided
 Do not use for International Mail
 (See Reverse)

Sent to	
Mr. John P. Homes, Orlando	
Street and No. CoGen Ltd.	
7201 Hamilton Blvd.	
P.O., State and ZIP Code	
Allentow, PA 18195-1501	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
Permit: AC48-206720	
PSD-FL-184	
Mailed: 8-16-94	

PS Form 3800, JUNE 1991

Memorandum

Florida Department of
Environmental Protection

TO: Howard L. Rhodes
FROM: *for John Brown*
Chair Fancy
DATE: August 11, 1994
SUBJECT: Intent to Deny Permit Amendment

Orlando CoGen (I), Inc. submitted a permit amendment request for changes to the construction permit of the 129 megawatt (MW) cogeneration facility located in Orlando, Orange County, Florida, on January 6, 1994. The request included changes to the individual emission limits for the combustion turbine and the duct burner and changes to the test methods specified in the construction permit. Since that time, the focus of the review has been obtaining additional information from the applicant and seeking guidance from EPA for the purpose of making a decision of the requested changes by the facility.

Based on the information on hand, granting the permit amendment would be tantamount to approving a "bubble". The State of Florida has neither adopted nor received federal approval for the review and approval of "bubbles".

It is recommended that the attached "Intent to Deny" be issued.

CF/SA/bjb

Attachment