

LOWNDES, DROSDICK, DOSTER, KANTOR & REED

PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

215 NORTH SOLA DRIVE

POST OFFICE BOX 2609

ORLANDO, FLORIDA 32802-2609

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Date: 8/10/92

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9:55 TO: Bruce Mitchell - DER
FAX NO.: 904-922-6979
TEL NO.: 904-488-1344

TO: Carl Cramer - Dig Products
FAX NO.: 215-481-5444
TEL NO.: 215-481-3284

TO: Peter Cunningham
FAX NO.: 904-224-8551
TEL NO.: 904-222-7500

TO: Steve McCarty
FAX NO.: 212-836-5903-9663
TEL NO.: 212-836-9663

FROM: Bill Bird

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 2

RE: Orlando Cohen

CLIENT NO.: 5276
SPECIAL INSTRUCTIONS: _____

MATTER NO.: 33327

TIME OF TRANSMITTAL: _____ (TO BE COMPLETED BY
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Thank you,

Telecopy Operator

Bruce

LOWNDES, DROSDICK, DOSTER, KANTOR & REED

PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

318 NORTH EOLA DRIVE

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ORLANDO, FLORIDA 32802-2808

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August 10, 1992

ERNEST B. DROSDICK (1930-1992)

JAMES BALLETTA
WILLIAM A. BECKETT
WILLIAM B. BIRD, JR.
MATTHEW O. BRENNER
DALE A. BURKE
JANET M. COURTNEY
WILLIAM E. DOSTER
STEPHEN D. DUNEGAN
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TERRY L. YOUNG

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S. PAUL DIETRICH, II
VERNETTA L. BILL
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WENDY L. SPILER
JAMES S. TOSCANO
DAVID G. WILLIFORD

VIA TELECOPY

Office of the General Counsel
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Attention Douglas Beason, Esquire

Re: OGC File No. 92-1210/Orlando
Cogen Limited, L.P./Air
Construction Permit No. AC48-
206720/PSD-187/Orange County

Dear Mr. Beason:

Please be advised on behalf of my client, State of Wisconsin Investment Board, that the petition for Administrative Proceeding filed by this law firm on behalf of State of Wisconsin Investment Board and its agent, Jones Lang Wootton Realty Advisers, on August 6, 1992 with respect to the referenced matter is hereby withdrawn. Please return the original Petition to me at your earliest opportunity.

We are most grateful for your gracious cooperation in this matter.

Very truly yours,

Bill Bird

William R. Bird, Jr.

WRB:gr
50-M2716R

c: Mr. Bruce Mitchell DER (via telecopy)
Orlando Cogen Limited, L.P. (via telecopy)
Peter Cunningham, Esquire (via telecopy)
Mr. Steve McCarthy (via telecopy)

OPTIONAL FORM NO. 10 (7-90)

FAX TRANSMITTAL

2 of pages

TO: Bruce Mitchell	FROM: Bud Rolofson
DEPT: AGENCY: FDER	PHONE: 303-769-2824
FAX: 904-977-6979	FAX: 303-769-2822
GENERAL SERVICES ADMINISTRATION	

DRAFT

Mr. C. H. Fancy
 Chief, Bureau of Air Regulation
 Florida Department of Environmental Regulation
 Twin Towers Office Building
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400

Dear Mr. Fancy:

We have completed our review of the material that you sent us regarding Orlando CoGen Limited's proposal to construct a 129 MW cogeneration facility at the Orlando Central Park, Orange County, Florida. The facility would be located approximately 121 km southeast of the Chassahowitzka Wilderness Area (WA), a Class I area administered by the U.S. Fish and Wildlife Service. The proposed project would be a significant emitter of nitrogen oxides (NO_x), carbon monoxide, and particulate matter.

Orlando CoGen failed to assess potential effects on biological resources in the Class I area from the proposed emissions. However, given the low modeled concentrations at Chassahowitzka WA, we do not anticipate that this facility will adversely affect air quality or related resources in the wilderness area. Regarding the best available control technology (BACT) analysis, we agree that firing natural gas and installing dry low-NO_x combustors represents BACT to minimize emissions from the proposed turbine.

We appreciate the opportunity to comment on Orlando CoGen Limited's permit application. If you have any questions regarding this matter, please contact Bud Rolofson of our Air Quality office in Denver at (303) 969-2824.

Sincerely yours,

James W. Pulliam, Jr.
 Regional Director

cc:
 Jellell Harper, Chief Air Enforcement Branch
 Air, Pesticides and Toxic Management Division
 U.S. EPA, Region 4
 345 Courtland Street, NE
 Atlanta, Georgia 30166

C. Harper
 C.H.P.

I N T E R O F F I C E M E M O R A N D U M

Date: 13-Aug-1992 11:05am EST
From: Doug Beason TAL
 BEASON_D
Dept: Office General Counsel
Tel No: 904/488-9730
SUNCOM:

TO: Bruce Mitchell TAL

(MITCHELL_B)

Subject: air products

The petition for administrative hearing has been withdrawn and there is no legal obstacle to the issuance of the permit.



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

FAX TRANSMITTAL SHEET

NAME(S): Mr. Todd Solodar, Esq.

DEPARTMENT/COMPANY: Air Products

DATE: 8-7-92

PHONE: 215-481-2558 FAX: 215-481-7572

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 7

FROM: Bruce Mitchell

DIVISION OF AIR RESOURCES MANAGEMENT

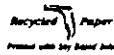
BUREAU: of Air Regulation

OFFICE PHONE: 904-488-1344 FAX PHONE: (904)922-6979

SENDER: Sam

COMMENTS: Draft F.D.: Orlando Co Gen limited, L.P.

HAVE A NICE DAY!



8-7-92
@ Bureau of Air Regulation, Dept. of Environmental Regulation, Tallahassee, FL

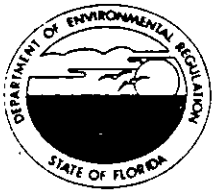
MESSAGE CONFIRMATION

AUG-07-1992 FRI 17:48

TRAN ID: DIV OF AIR RES MGMT P-8888

TEL NO: 904-922-6979

DATE	TIME	IN. TIME	TOTAL TIME	TO	DEPT CODE	CHK	LG
8/7/92	17:48			215 481 7572		07	00



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

FAX TRANSMITTAL SHEET

NAME(S): Mr. Bill Bird, Esq.

DEPARTMENT/COMPANY: Lowndes Brosdick

DATE: 8-10-92

PHONE: 407-843-4600 FAX: 407-423-4495

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 6

FROM: Bruce Mitchell

DIVISION OF AIR RESOURCES MANAGEMENT

BUREAU: of Air Regulation

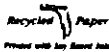
OFFICE PHONE: 904-488-1344 FAX PHONE: (904)922-6979

SENDER: Jane

COMMENTS: Draft Final Determination

Orlando Cogen Limited, L.P.

HAVE A NICE DAY!



MESSAGE CONFIRMATION

AUG-10-1992 10:15

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DRAFT

Final Determination

Orlando CoGen Limited, L.P.
Orange County, Florida

Construction Permit No.
AC 48-206720
(PSD-FL-184)

Department of Environmental Regulation
Division of Air Resources Management
Bureau of Air Regulation

August 17, 1992

DRAFT

Final Determination

Orlando CoGen Limited, L.P.

AC 48-206720 (PSD-FL-184)

The construction permit application package and supplementary material have been reviewed by the Department. Public Notice of the Department's Intent to Issue was published in The Orlando Sentinel on June 12, 1992. The Technical Evaluation and Preliminary Determination (TE&PD) was distributed on June 8, 1992, and available for public inspection at the Department's Central District office and the Department's Bureau of Air Regulation office.

Comments were received from the applicant during the public notice period. The comments were received on July 7, 1992. The Department's response to the comments are as follows (note: each response will be numbered so as to correspond to each comment):

1. The Department will change the permittee's name to read "Orlando CoGen Limited, L.P." instead of "Orlando Cogen Limited, L.P."

2. Since the requested change does not affect the potential emissions, a revised TE&PD will not be required. However, the comment is acknowledged.

3. Permit No. AC 48-206720 (PSD-FL-184)

a. The request is acceptable, but the specific language will be slightly different than what was requested:

SPECIFIC CONDITION No. 1:

From: The CT (combustion turbine) is allowed to operate continuously (8,760 hours per year). The HRSG-DB (heat recovery steam generator-duct burner) is permitted to operate 3688 hrs/yr at a maximum heat input of 122×10^6 Btu/hr.

To: The CT (combustion turbine) is allowed to operate continuously (8,760 hours per year). The HRSG-DB (heat recovery steam generator-duct burner) is permitted to operate 3688 hrs/yr at a maximum heat input of 122×10^6 Btu/hr for a maximum heat input of $450,000 \times 10^6$ Btu/yr (note: The unit may operate at lower rates for more hours within the annual heat input limit).

DRAFT

Final Determination
Orlando CoGen Limited, L.P.
AC 48-206720 (PSD-FL-184)
Page 2

- b. The request is acceptable to add a clarifier to the hours of operation.

SPECIFIC CONDITION No. 4: Table 1, Note 3b:

From: DB: 3688 hrs/yr

To: DB: 3688 hrs/yr (at a maximum heat input of 122×10^6 Btu/hr)

- c. Except for minor particulate sources equipped with a baghouse control system, the Department does not have the authority, by rule, to substitute a visible emission standard for a mass emissions standard in accordance with Florida Administrative Code (F.A.C.) Rule 17-2.700(3)(d). However, the owner or operator of any source may request approval of alternate procedures and requirements in accordance with F.A.C. Rule 17-2.700(3)(a). Therefore, the request is not acceptable and SPECIFIC CONDITION No. 8 will not be altered.
- d. The request is acceptable, which alters the original verbiage, but not the intent.

SPECIFIC CONDITION No. 12:

From: The permittee shall leave sufficient space suitable for future installation of SCR equipment.

To: The permittee shall design the facility to allow for future installation of SCR equipment.

- e. The request is acceptable.

SPECIFIC CONDITION No. 13:

From: The permittee shall install, calibrate, maintain, and operate a continuous emission monitor in the stack to measure and record the nitrogen oxides emissions from this source. The continuous emission monitor must comply with 40 CFR 60, Appendix B, Performance Specification 2, (July 1, 1991).

To: The permittee shall install, calibrate, maintain, and operate a continuous emission monitor in the stack to measure and record the nitrogen oxides emissions from this source. The continuous emission monitor must comply with 40 CFR 60, Appendix B, Performance Specification 2 (July 1, 1991 version).

DRAFT

Final Determination
Orlando CoGen Limited, L.P.
AC 48-206720 (PSD-FL-184)
Page 3

For the purpose of demonstrating ongoing compliance with the applicable NOx emissions limitation in Table 1, using the stack CEM, compliance is considered to occur when the NOx emissions are less than or equal to 57.4 lbs/hr when only the CT is operating and less than or equal to 69.6 lbs/hr when both the CT and DB are operating. The 24-hour rolling average compliance level is calculated based on the proportion of hours in any 24-hour period that the CT only or CT/DB are operating. Any portion of an hour that the DB operates is recognized as an hour period on the rolling average.

For example, in a given contiguous 24-hour period, with 20 hours of CT operation only and 4 hours of CT/DB operation:

Emission Limitation =

$$[(57.4 \text{ lbs/hr} \times 20 \text{ hrs}) + (69.6 \text{ lbs/hr} \times 4 \text{ hrs})] / 24 \text{ hrs} =$$

$$24\text{-hour rolling average-compliance NOx level} = 59.4 \text{ lbs/hr}$$

Actual hourly NOx emissions levels from the stack CEM will be averaged over the same 24-hour rolling period to determine the facility's actual NOx emissions level. At all times, the 24-hour rolling average-actual NOx emissions level must be less than or equal to the 24-hour rolling average-compliance NOx emissions level.

- f. The request is acceptable, which alters the original verbiage, but not the intent.

SPECIFIC CONDITION No. 14:

From: Combustion control shall be utilized for CO control. The permittee shall leave a sufficient space suitable for future installation of an oxidation catalyst. Once performance testing has been completed, the decision to require an oxidation catalyst will be based on a cost/benefit analysis of using such control.

To: Combustion control shall be utilized for CO control. The permittee shall design the facility to allow for the future installation of an oxidation catalyst. Once the performance test is completed and the facility demonstrates compliance with the CO emission limits in Table 1, then an oxidation catalyst will not be required. Otherwise, the decision to require an oxidation catalyst will be based on a cost/benefit analysis of using such control.

DRAFT

Final Determination
Orlando CoGen Limited, L.P.
AC 48-206720 (PSD-FL-184)
Page 4

4. BACT Determination to Permit No. AC 48-206720 (PSD-FL-184)
 - a. The request is acceptable and the BACT will be revised on page 1, 1st paragraph, to reflect the product output of the combustion turbine (CT) to be 78.8 MW and the steam turbine (ST) to be 50.1 MW. Originally, the CT's output was listed as 79 MW and the ST's output as 50 MW.
 - b. The request is acceptable and the sentence (i.e., page 3, 2nd paragraph under "Products of Incomplete Combustion", 2nd sentence) will be deleted. The rationale is that the applicant attests that the proposed unit is a proven operation and is being permitted for a CO level lower than other recently permitted sources. Data has been submitted to substantiate CO levels from currently operating and similar units.
 - c. The request is acceptable, but the proposed language will be slightly different than what was requested. Therefore, the 2nd sentence, 1st paragraph, page 8-"BACT Determination by DER": NOx Control, will be revised to read:

Duct firing will be used for supplying steam and limited to operate at a full load equivalent of 3688 hrs/yr at a maximum heat input of 122×10^6 Btu/hr for a maximum heat input of $450,000 \times 10^6$ Btu/yr (note: The unit may operate at lower rates for more hours within the annual heat input limit).

- d. The request is acceptable, but the proposed language will be slightly different than what was requested. Therefore, the 2nd sentence, 2nd paragraph, page 8-"BACT Determination by DER": CO Control, will be revised to read:

The permittee shall design the facility to allow for the future installation of an oxidation catalyst. Once the performance test is completed and the facility demonstrates compliance with the CO emission limits, then an oxidation catalyst will not be required. Otherwise, the decision to require an oxidation catalyst will be based on a cost/benefit analysis of using such control.

- e. The "Note" associated with the table "Emission Standards/Limitations", located on page 8 of the proposed BACT Determination, will be revised to read:

DRAFT

Final Determination
Orlando CoGen Limited, L.P.
AC 48-296720 (PSD-FL-184)
Page 5

Note: Natural gas firing will be used only for supplemental firing the DB for a full load equivalent of 3688 hrs/yr at 122×10^6 Btu/hr maximum heat input for a maximum heat input of $450,000 \times 10^6$ Btu/yr (note: The unit may operate at lower rates for more hours within the annual heat input limit).

5. Attachment to be Incorporated:

- o Mr. Gary D. Kinsey's letter with enclosure received July 7, 1992.

Therefore, it is recommended that the construction permit, No. AC 48-206720 (PSD-FL-184), and associated BACT Determination, be issued as drafted, with the above referenced revisions incorporated.

Meeting @ 10:00 am @ BAR/DARM conference room

Orlando Coblen Limited, L.P.

Attendee list: 2/3/92

Bruce Mitchell

FDER/DARM/BAR

904-488-1344

Peter Cunningham

HBS-S / Atty for Air Products

904-222-7500

DOUGLAS BEASON

DER/OL

408-9730

Todd Solodar

Air Products & Chemicals (215) 481-2558

BRUCE METRICK

Air Products & Chemicals (215) 481-7304

HOPPING BOYD GREEN & SAMS

ATTORNEYS AND COUNSELORS

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TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

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JAMES S. ALVES
BRIAN H. BIBEAU
KATHLEEN BLIZZARD
ELIZABETH C. BOWMAN
WILLIAM L. BOYD, IV
RICHARD S. BRIGHTMAN
PETER C. CUNNINGHAM
THOMAS M. DE ROSE
WILLIAM H. GREEN
WADE L. HOPPING
FRANK E. MATTHEWS
RICHARD D. MELSON
WILLIAM D. PRESTON
CAROLYN S. RAEPPLE
GARY P. SAMS
ROBERT P. SMITH
CHERYL G. STUART

C. ALLEN CULP, JR.
RALPH A. DEMEO
JAMES C. GOODLETT
RICHARD W. MOORE
ANGELA R. MORRISON
MARIBEL N. NICHOLSON
LAURA BOYD PEARCE
GARY V. PERKO
MICHAEL P. PETROVICH
DOUGLAS S. ROBERTS
JULIE B. ROME
KRISTIN C. RUBIN
CECELIA C. SMITH
OF COUNSEL
W. ROBERT FOXES

RECEIVED
JUL 21 1992

Division of Air
Resources Management

July 20, 1992

W. Douglas Beason, Esquire
Office of General Counsel
Florida Department of Environmental
Regulation
2600 Blair Stone Road, Room 654
Tallahassee, Florida 32399-2400

Re: Orlando CoGen Limited, L.P.
Air Construction Permit No. AC 48-206720;
PSD-FL-187; Orange County

Dear Doug:

By my letter to Dan Thompson dated June 22, 1992, Orlando CoGen Limited, L.P. ("Orlando CoGen") requested an extension of time to file a petition for administrative proceedings regarding the Department's proposed action on the referenced air permit. No action on that request has been taken by the Department as of today, and I am now writing on behalf of Orlando CoGen to withdraw the pending request, which was filed solely as a protective measure to avoid waiver of my client's right to initiate administrative proceedings in this matter. The extension no longer appears necessary, in view of discussions with permitting staff of the Bureau of Air Regulation that indicate the Department agrees that certain technical and clarifying changes to the proposed permit are appropriate. We further understand that no comments have been received from either the public or other regulatory agencies in the 30 days following publication of notice of the Department's proposed permit action that would warrant other changes in the Department's final permit action. Under these circumstances no purpose would be served by the extension of time previously requested by Orlando CoGen.

We are aware that another request for extension of time regarding this matter, dated June 25, 1992 and signed by Casey M. Cavanaugh, Esquire, representing Jones Lang Wootton

W. Douglas Beason, Esquire
July 20, 1992
Page 2

Realty Advisers as agents for an unidentified "adjacent property owner", was filed with the Department. While neither that letter nor Mr. Cavanaugh's letter dated June 26, 1992 amending the original request contained a certificate of service stating that service had been made on Orlando CoGen or this firm as its counsel of record, we have obtained copies of both letters from your office.

Please be advised that Orlando CoGen strongly objects to the grant of any extension of time to the unidentified entity referred to in Mr. Cavanaugh's request. Mr. Cavanaugh's letters failed to show any good cause for an extension in this case, and the amended request in fact merely states that:

If the DER grants the Applicant an extension, our client would like to monitor this matter during said extension period and to review the changes, if any, which are made to the documents filed by the Applicant and to the conditions imposed on the Applicant by the DER, before our client decides whether or not to file a petition.

With Orlando CoGen's withdrawal of its request for extension, the predicate and sole reason for the unidentified entity's extension request has been eliminated, and thus the request is now moot. I would also emphasize that statements in Mr. Cavanaugh's letter regarding his attempts to contact me are less than complete insofar as: (1) I was not on vacation on June 25 or 26, 1992 and he was not so advised by anyone at my office; and (2) Mr. Cavanaugh in fact spoke with my law partner, Gary Sams, on June 26, 1992, and Mr. Sams initially indicated he could not concur in the grant of any extension request without talking with me, and after speaking with me by phone, he attempted without success to reach Mr. Cavanaugh and, ultimately, before close of business on June 26, 1992 left a message for Mr. Cavanaugh stating that Orlando CoGen could not consent to his extension request. Orlando CoGen also has reason to believe that Mr. Cavanaugh's client or other local real estate agents representing the adjacent property owner did have the telephone number of representatives of Orlando CoGen in Allentown, Pennsylvania, contrary to the statement in his letter of June 26, 1992.

Given these circumstances, and the fact that neither the unidentified property owner nor any of its agents or

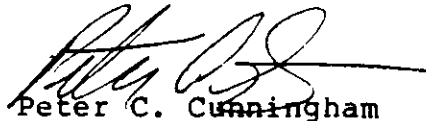
W. Douglas Beason, Esquire
July 20, 1992
Page 3

attorneys has stated any substantive objection or concern about the referenced permit whatsoever, either in the extension request or by filing written comments during the 30 day public comment period that expired July 13, 1992, there is no justification for granting Mr. Cavanaugh's request for extension. Moreover, Orlando CoGen is clearly prejudiced by Mr. Cavanaugh's request, as it is now causing delay in issuance of the final air construction permit for my client's project, with direct and substantial scheduling and financial consequences to Orlando CoGen.

For the reasons stated herein, Orlando CoGen objects to the grant of Mr. Cavanaugh's extension request and respectfully urges that the Department exercise its discretion under Florida Administrative Code Rule 17-103.070 to deny said request.

Sincerely,

HOPPING BOYD GREEN & SAMS



Peter C. Cunningham

Attorneys for Orlando CoGen
Limited, L.P.

Beason:PCC/gbb

cc: Casey M. Cavanaugh, Esquire
William R. Bird, Jr., Esquire

B. Mitchell



July 16, 1992

Mr. C.H. Fancy
Chief, Bureau of Air Regulation
Florida Department of Environmental Regulations
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Subject: Orlando CoGen Limited, L.P., Proposed Cogeneration Facility, Orlando Central Park

Dear Clair:

Air quality impact analyses that showed the proposed facility's maximum predicted concentrations at the Prevention of Significant Deterioration (PSD) Class I area of the Chassahowitzka National Wilderness Area were submitted with the PSD permit application for this project. These results demonstrated that the proposed facility's impacts were low and well below the National Park Service's significant impact levels for particulate matter (PM) and nitrogen dioxide (NO₂) for Class I areas. Given that the best available control technology (BACT) evaluation established the NO₂ emission limit to be 15 ppm instead of the 25 ppm considered in the modeling, the project's maximum NO₂ concentration in the Class I area will be even lower than that reported in the PSD permit application.

Based on these results, the proposed facility's impacts are not expected to adversely affect air quality related values, including biological resources, at the Class I area.

If you have further questions or comments, please call me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, reading 'Kennard F. Kosky'. The signature is written in a cursive, flowing style.

Kennard F. Kosky, P.E.
Project Manager

cc: Bruce Mitchell, DER
Cleve Holladay, DER
Gary Kinsey, Air Products

RECEIVED

JUL 17 1992

Division of Air
Resources Management

91134A1/7

KBN ENGINEERING AND APPLIED SCIENCES, INC.

1034 Northwest 57th Street Gainesville, Florida 32605 904/331-9000 FAX: 904/332-4189



United States Department of the Interior



FISH AND WILDLIFE SERVICE

75 Spring Street, S.W.
Atlanta, Georgia
30303

July 15, 1992

RECEIVED

JUL 20 1992

Division of Air
Resources Management

Mr. C. H. Fancy, P.E.
Chief, Bureau of Air Regulation
Florida Department of
Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Fancy:

We have completed our review of the material that you sent us regarding Orlando CoGen Limited's proposal to construct a 129 MW cogeneration facility at the Orlando Central Park, Orange County, Florida. The facility would be located approximately 121 km southeast of the Chassahowitzka Wilderness Area (WA), a Class I area administered by the Fish and Wildlife Service. The proposed project would be a significant emitter of nitrogen oxides (NO_x), carbon monoxide, and particulate matter.

Orlando CoGen failed to assess potential effects on biological resources in the Class I area from the proposed emissions. However, given the low modeled concentrations at Chassahowitzka WA, we do not anticipate that this facility will adversely affect air quality or related resources at the wilderness area. Regarding the best available control technology (BACT) analysis, we agree that firing natural gas and installing dry low-NO_x combustors represents BACT to minimize emissions from the proposed turbine.

We appreciate the opportunity to comment on Orlando CoGen Limited's permit application. If you have any questions regarding this matter, please contact Mr. Bud Rolofson of our Air Quality office in Denver at 303/969-2071.

Sincerely yours,

John R. Eadie
Acting Regional Director

cc:
Ms. Jewell Harper, Chief
Air Enforcement Branch
Air, Pesticides and Toxic Management Division
U.S. EPA, Region 4
345 Courtland Street, NE.
Atlanta, Georgia 30365

cc: B. Mitchell
C. Halladay
C. Collins, E. Diet.
D. Nester, OCEPD
R. Kosky, KBN
CHF/PL



FAX TRANSMITTAL COVER

DATE: 10 July 1992
 TO: Ken Kbsky
KBN Engineering
Gainesville FL
 PHONE: 904-331-9000
 FAX: 904-332-4189

NUMBER OF PAGES TRANSMITTED (INCLUDING COVER SHEET) 2

* * * * *

FROM: Chere Holladay
FDER/DALM

PHONE: SUNCOM 278-1344 OR (904) 486-1344
 FAX: (904) 922-6979

PLEASE CONTACT AT ABOVE NUMBER IF TRANSMISSION IS INCOMPLETE OR UNREADABLE.

COMMENTS:

Draft Comments on Orlando C Gen



MESSAGE CONFIRMATION

JUL 10 1992 10:17

TERM 10: 10:00 OF 418 FEB UNIT 1 2000
 TEL NO: 904-332-4189

NO.	DATE	ST. TIME	TOTAL TIME	II	TEXT CODE	Q	Q
108	07-10	15:15	00:01:18	9043324189		00	00

OPTIONAL FORM 95 (7/90)

FAX TRANSMITTAL

of pages ▶

To	Bruce Mitchell	From	Bud Reifson
Dept./Agency	FDER	Phone #	303-969-2804
Fax #	904-922-6979	Fax #	303-969-2822
NSN 7540-01-317-7300		5025-101 GENERAL SERVICES ADMINISTRATION	

DRAFT

Mr. C. H. Fancy
 Chief, Bureau of Air Regulation
 Florida Department of Environmental Regulation
 Twin Towers Office Building
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400

Dear Mr. Fancy:

We have completed our review of the material that you sent us regarding Orlando CoGen Limited's proposal to construct a 129 MW cogeneration facility at the Orlando Central Park, Orange County, Florida. The facility would be located approximately 121 km southeast of the Chassahowitzka Wilderness Area (WA), a Class I area administered by the U.S. Fish and Wildlife Service. The proposed project would be a significant emitter of nitrogen oxides (NO_x), carbon monoxide, and particulate matter.

Orlando CoGen failed to assess potential effects on biological resources in the Class I area from the proposed emissions. However, given the low modeled concentrations at Chassahowitzka WA, we do not anticipate that this facility will adversely affect air quality or related resources at the wilderness area. Regarding the best available control technology (BACT) analysis, we agree that firing natural gas and installing dry low-NO_x combustors represents BACT to minimize emissions from the proposed turbine.

We appreciate the opportunity to comment on Orlando CoGen Limited's permit application. If you have any questions regarding this matter, please contact Bud Reifson of our Air Quality office in Denver at (303) 969-2071.

Sincerely yours,

James W. Pulliam, Jr.
 Regional Director

cc:

Jellell Harper, Chief Air Enforcement Branch
 Air, Pesticides and Toxic Management Division
 U.S. EPA, Region 4
 345 Courtland Street, NE
 Atlanta, Georgia 30365



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-1
Lemon Cline, Governor

Carol M. Brunner, Sec

FAX TRANSMITTAL COVER

DATE: 7-8-92

TO: Bud Rolofson

NPS - A/c

PHONE: 303-969-2804

FAX: 303-969-2822

NUMBER OF PAGES TRANSMITTED (INCLUDING COVER SHEET) 6

* * * * *

FROM: Bruce Mitchell

FDER/DARM/BAR

PHONE: SUNCOM 278-1344 OR (904) 488-1344

FAX: (904) 922-6979

PLEASE CONTACT AT ABOVE NUMBER IF TRANSMISSION IS INCOMPLETE OR UNREADABLE.

COMMENTS:

Orlando Cogen
PSD-FL-184

Comments from the permittee regarding to Intent package. We are not in total agreement with the points made. Please give me a call to discuss. *Harboe*

MESSAGE CONFIRMATION

JUL-08-1992 WED 15:31

TERM ID: 100 OF AIR RES NIGHT 8-9999

TEL NO: 904-922-6979

NO.	DATE	ST. TIME	TOTAL TIME	TEXT LINE	OK	NO
196	07-08	15:37	00:00:26	203 802 2022	10	70



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-1
Lillian Childs, Governor

Carol M. Browner, Sec

FAX TRANSMITTAL COVER

DATE: 7-8-92

TO: Gregg Worley
U.S. EPA, Region IV

PHONE: 404-347-5104

FAX: 404-347-2130

NUMBER OF PAGES TRANSMITTED (INCLUDING COVER SHEET) 6

* * * * *

FROM: Bruce Mitchell
FOER/DARM/BAR

PHONE: SUNCOM 278-1344 OR (904) 488-1344

FAX: (904) 922-6579

PLEASE CONTACT AT ABOVE NUMBER IF TRANSMISSION IS INCOMPLETE OR UNREADABLE.

COMMENTS:

Orlando Copen
P.D.-FL-184

Day 30 of the comment period is 7/12/92; also, the enclosed comments on the Department's Intent pkg. are from the permittee. We are not in total agreement with the points made. Please give me a call to discuss.

[Signature]
Bruce Mitchell

MESSAGE CONFIRMATION

JUL-08-1992 WED 15:45

TERM ID: DIV OF AIR RES MGMT P-2952

TEL NO: 904-922-6579

NO.	DATE	ST. TIME	TOTAL TIME	ID	DEPT CODE	CR	LG
197	07-08	15:41	00:03:29	404 347 2130		05	00

**Orlando
CoGen
Limited, L.P.**

7201 Hamilton Boulevard
Allentown, Pennsylvania 18195-1501

6 July 1992

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bureau of Air Regulation
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RECEIVED
JUL 07 1992
Division of Air
Resources Management

Subject: Written Comments on Preliminary Determination and Proposed
PSD permit - Orlando CoGen Limited, L.P. Project, Orange
County; DER File No. AC 48-206720; PSD-FL-184

Attention: Mr. Preston Lewis

Please find enclosed Orlando CoGen Limited's written comments to the Department Preliminary Determination and Proposed PSD Permit for the subject project. Please consider these comments when the Department finalizes the proposed permit.

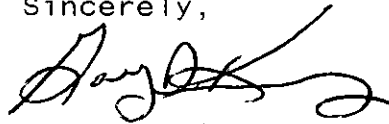
As we discussed on Tuesday, 30 June, Orlando CoGen Limited will include provisions in the CEM data acquisition system which will allow for the comparison of actual NO_x emissions measured in the stack with an emissions limitation determined each hour taking into account duct burner firing status. Per conversation with our engineering group, this tracking can be done by obtaining an electrical signal from the duct burner system main natural gas control valve and integrating it into the logic of the CEM computer program. As noted in our requested changes to Special Condition #13, this provision will be incorporated into the permit.

Mr. Preston Lewis
DER File No. AC 48-206720; PSD-FL-184

6 July 1992
Page 2.

Orlando CoGen Limited, L.P. greatly appreciated the opportunity to meet with the Department to discuss the proposed PSD permit. If you should have any questions or would need additional information, please call me.

Sincerely,



Gary D. Kinsey, P.E.
Environmental Engineer

cc: P. Cunningham, HBG&S
K. Kosky, KBN

B. Mitchell

C. Halladay
C. Collins, Dist.
D. Nester, DCEPD
G. Harper, EPA
E. Shauer, NPS
CITF/PL

ORLANDO COGEN LIMITED, L.P.
DER FILE NO. AC 48-206720; PSD-FL-184

WRITTEN COMMENTS ON PROPOSED PSD PERMIT
ISSUED BY FDER BUREAU OF AIR REGULATION ON JUNE 5, 1992

PREPARED BY: ORLANDO COGEN LIMITED, L.P.
6 JULY 1992

1. The permittee name shall be Orlando CoGen Limited, L.P. There is a capital "G" in CoGen. This change should be made throughout the documents.
2. Technical Evaluation and Preliminary Determination Document:
 - a. Section III.A, Table 1:
 - Note 3b: Request to read: DB: 3688 hrs/yr (at full load equivalent of 122 MMBTU/hr)
3. Proposed Permit Draft Document:
 - a. Page 5 of 9, Specific Condition #1:

Please change second sentence to read: "The HRSG-DB (heat recovery steam generator-duct burner) is permitted to operate at 3688 hrs/yr at a full load equivalent of 122 MMBTU/hr for a maximum heat duty of 450,000 MMBTU/yr (e.g. 4500 hrs/yr at 100 MMBTU/hr).
 - b. Page 6 of 9, Specific Condition #4, Table 1:
 - Note 3b: Request to read: DB: 3688 hrs/yr (at full load equivalent of 122 MMBTU/hr)
 - c. Page 7 of 9, Specific Condition #8: (Request to read)

EPA Method 5 must be used to determine the initial compliance status of this unit. During the initial compliance testing, compliance with the PM/PM-10 emissions limits will be assumed provided that the PM test of the CT and DB operating together shows emissions less than or equal to 10.2 lbs/hr. Thereafter, the opacity emissions test may be used unless 10% opacity is exceeded.
 - d. Page 8 of 9, Specific Condition #12: (Request to read)

The permittee shall design the facility to allow for future installation of SCR equipment.

- e. Page 8 of 9, Specific Condition #13: (Please add the following to the existing paragraph)

For purpose of demonstrating ongoing compliance with the applicable NO_x emissions limitations in Table 1, using the stack CEM, compliance is considered to occur when the NO_x emissions are less than or equal to 57.4 lbs/hr when only the CT is operating and less than or equal to 69.6 lbs/hr when both the CT and DB are operating. The 24 hour rolling average compliance level is calculated based on the proportion of hours in any rolling 24 hour period that the CT only or CT/DB are operating. Any portion of an hour that the DB operates is recognized as an hour period on the rolling average.

For example, in a given contiguous 24-hour period, with 20 hours operation of CT only and 4 hour of CT with any DB operation in each hour;

Emissions Limitations =

$$[(57.4 \text{ lbs/hr} \times 20 \text{ hours}) + (69.6 \text{ lbs/hr} \times 4 \text{ hours})] / 24 \text{ hours} =$$

$$24 \text{ hour rolling average - compliance NO}_x \text{ level} = 59.4 \text{ lbs/hr}$$

Actual hourly NO_x emissions levels from the stack CEM will be averaged over the same 24 hour rolling period to determine the facility actual NO_x emissions level. At all times, the 24 hour rolling average - actual NO_x emissions level must be less than or equal to the 24 hour rolling average - compliance NO_x emissions level.

- f. Page 8 of 9, Specific Condition #14: (Request to read)

Combustion control shall be utilized for CO control. The permittee shall design the facility to allow for the future installation of an oxidation catalyst. Once the performance test is completed and the facility demonstrates compliance with the CO emissions limits in Table 1, then an oxidation catalyst will not be required. Otherwise, the decision to require an oxidation catalyst will be based on a cost/benefit analysis of using such control.

4. BACT Determination Document:
 - a. Page 1, 1st paragraph: The combustion turbine should be listed as 78.8 MW and the steam turbine as 50.1 MW.
 - b. Page 3, Products of Incomplete Combustion: The sentence "the applicant has stated that the CT is a new design, and CO margins must be higher" should be deleted. The proposed unit is a proven operation and is being permitted for a CO level lower than other recently permitted sources.
 - c. Page 7, BACT Determination by DER, NO_x Control: Please change the last sentence in this section to read: Duct firing will be used for supplying steam and limited to a full load equivalent of 3,688 hrs/yr at 122 MMBTU/hr maximum heat input up to 450,000 MMBTU/yr (e.g., 4500 hrs/yr at 100 MMBTU/hr).
 - d. Page 8, BACT Determination by DER, CO Control: Please reword this section to match the language in the proposed PSD permit for CO control (i.e., proposed permit Specific Condition #14).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

RECEIVED

JUL 08 1992

Division of Air
Resources Management

JUL - 1 1992

4APT-AEB

Mr. Clair H. Fancy, P.E., Chief
Bureau of Air Regulation
Florida Department of Environmental
Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Orlando Cogen, Inc. (PSD-FL-184)

Dear Mr. Fancy:

This is to acknowledge receipt of your preliminary determination and draft Prevention of Significant Deterioration (PSD) permit for the above referenced facility by letter dated June 5, 1992. The proposed project involves the construction of a combined cycle combustion turbine (ABB 11N-EV model) rated at 129 MW. The project is subject to PSD for emissions of NO_x, PM & PM₁₀, and CO.

We have reviewed the package as requested and have no adverse comments. Emissions will be limited through combustion controls and the firing of natural gas to 15 ppm NO_x, 10 ppm CO, and 0.011 lb/mmBTU PM for the combustion turbine; and 0.1 lb/mmBTU NO_x, 0.1 lb/mmBTU CO, and 0.1 lb/mmBTU PM for the duct burner. If you have any questions or comments on this project, please contact Mr. Gregg Worley of my staff at (404) 347-5014.

Sincerely yours,

Jewell A. Harper, Chief
Air Enforcement Branch
Air, Pesticides, and Toxics
Management Division

cc: B. Mitchell
C. Holladay
C. Collins, C. Dist.
D. Nester, DC EPD
C. Shaver, NPS
D. Buff, KB N
AHF/PL

HOPPING BOYD GREEN & SAMS

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

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MICHAEL P. PETROVICH
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JULIE B. ROME
KRISTIN C. RUBIN
CECELIA C. SMITH
OF COUNSEL
W. ROBERT FOKES

June 22, 1992

RECEIVED
JUN 23 1992
Division of Air
Resources Management

Daniel H. Thompson, Esquire
Office of General Counsel
Florida Department of Environmental
Regulation
2600 Blair Stone Road, Room 654
Tallahassee, Florida 32399-2400

Re: Orlando CoGen Limited, L.P.
Air Construction Permit No. AC 48-206720;
PSD-FL-187; Orange County

Dear Mr. Thompson:

On June 8, 1992, Orlando CoGen Limited, L.P. ("Orlando CoGen") received the Department's notice of "Intent to Issue" the referenced air construction permit, with the associated "Technical Evaluation and Preliminary Determination" and proposed permit for a 129 megawatt combined cycle cogeneration project to be located in Orange County, Florida. These documents were transmitted by letter dated June 5, 1992 and signed by Clair Fancy, Chief of the Department's Bureau of Air Regulation. Pursuant to Florida Administrative Code Rule 17-103.155 and the "Intent to Issue", Orlando CoGen has until June 22, 1992 in which to file a petition for administrative proceedings regarding the Department's proposed action.

I am writing on behalf of Orlando CoGen to request, pursuant to Florida Administrative Code Rule 17-103.070, an extension of sixty (60) days, to and including August 21, 1992, in which to file a petition for administrative proceedings regarding the Department's proposed action in this matter. As good cause for granting this request for extension of time, Orlando CoGen states the following:

1. The proposed permit contains 21 Specific Conditions, several of which appear to warrant clarification or correction.

Daniel H. Thompson, Esquire
June 22, 1992
Page 2

2. After completing review of the proposed permit, Orlando CoGen representatives intend to meet with staff of the Department's Bureau of Air Regulation to discuss their concerns and recommended revisions to the proposed permit.

3. This request is filed simply as a protective measure to avoid waiver of Orlando CoGen's right to challenge the Department's proposed action through initiation of administrative proceedings.

4. Grant of this request will not prejudice either party, but will further their mutual interests by affording an opportunity to resolve all issues regarding the proposed permit without resort to formal administrative proceedings.

I hereby certify that I have discussed this request with Bruce Mitchell of the Department's Bureau of Air, Regulation and that he is in agreement with the grant of this request.

Accordingly, I hereby respectfully request an order extending the time for filing of a petition for administrative proceedings regarding the Department's proposed action on the referenced air construction permit to and including August 21, 1992.

Respectfully submitted,



Peter C. Cunningham
Counsel for Orlando CoGen
Limited, L.P.

OrlandoLtr:PCC/gbb

cc: Preston Lewis
Bruce Mitchell
Pat Comer, Esquire
Gary Kinsey
Ken Kosky

C. Holladay
C. Collins, C. Dist
D. Nester, OCEPD
D. Harper, EPA
C. Shauer, NPS
CHF/PL

**Orlando
CoGen
Limited, L.P.**

7201 Hamilton Boulevard
Allentown, Pennsylvania 18195-1501

RECEIVED

17 June 1992

JUN 29 1992

Division of Air
Resources Management

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bureau of Air Regulation
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

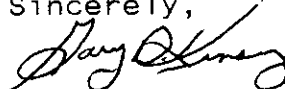
Subject: Proof of Publication for Notice of Intent to Issue Permit
Orlando CoGen Limited, L.P. Project, Orange County
DER File No. AC 48-206720; PSD-FL-184

Attention: Mr. Preston Lewis

Please find enclosed the original copy of the proof of publication for the Notice of Intent to Issue Permit for the subject project. This notice was published in the Friday, 12 June 1992 edition of the Orlando Sentinel newspaper. Please include this document in the DER project file.

If you have any questions or need additional information, please call me at (215) 481-4029.

Sincerely,



Gary D. Kinsey, P.E.
Environmental Engineer

cc: P. Cunningham, Esq., HBG&S
K. Kosky, P.E., KBN

The Orlando Sentinel

Published Daily
\$219.19

State of Florida } S.S.
COUNTY OF ORANGE

Before the undersigned authority personally appeared _____

_____ who on oath says that he/she is the Legal Advertising Representative of The Orlando Sentinel, a daily newspaper published at _____ in _____ County, Florida; that the attached copy of advertisement, being a _____ in the matter of _____

in the _____ Court, was published in said newspaper in the issue of _____

Affiant further says that the said Orlando Sentinel is a newspaper published at _____ in said _____ County, Florida, and that the said newspaper has heretofore been continuously published in said _____ County, Florida, each Week Day and has been entered as second-class mail matter at the post office in _____ in said _____ County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The foregoing instrument was acknowledged before me this 12th day of June, 1992, by JUANITA ROSADO who is personally known to me and who did take an oath.

NOEMI R. LUCERO
(SEAL)

Noemi R. Lucero
Notary Public, State of Florida
My commission expires August 28, 1994
Commission # CC042971

**NOTICE OF INTENT
STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
REGULATION NOTICE OF
INTENT TO ISSUE PERMIT
AC 48-206720
PSD-FL-184**

The Department of Environmental Regulation gives notice of its intent to issue a permit to Orlando Cogen Limited, L.P., 7201 Hamilton Boulevard, Allentown, PA 18195-1501, to construct a 129 MW cogeneration facility consisting of one combined cycle gas turbine generators and associated steam cycle; also, steam will be supplied to the Air Products and Chemical Plant located adjacent to the proposed site. The proposed facility will be located in the Orlando Central Park, Orange County, Florida. A determination of Best Available Control Technology (BACT) was required. The Class I PM10 PSD increment consumed is 0.02 vs. 8 allowable 24-hour average and 0.001 vs. 4 allowable annual average, in micrograms per cubic meter. The Class I nitrogen dioxide increment consumed is 0.01 vs. 2.5 allowable annual average, in micrograms per cubic meter. The maximum predicted increases in ambient concentrations for the above three pollutants for all averaging times are less than significant in the Class II area surrounding the plant, thus no increment consumption was calculated. The Department is issuing this intent to issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

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, Florida Statutes (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, within 14 days of publication of this notice. 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.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Regulation

Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Department of Environmental Regulation
Central District
3319 Maguire Blvd., Suite 232
Orlando, FL 32803-3767

Any person may send written comments on the proposed action to Mr. Preston Lewis at the Department's Tallahassee address. All comments received within 30 days of the publication of this notice will be considered in the Department's final determination. Further, a public hearing can be requested by any person. Such requests must be submitted within 30 days of this notice.