



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

February 19, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. A. K. Sharma
Director of Power Supply
Kissimmee Utility Authority
1701 West Carroll Street
Kissimmee, Florida 34741

Re: DRAFT Permit Amendment No. 0970043-004AC (PSD-FL-182)
Extension of NO_x Compliance Date on Simple-Cycle Gas Turbine

Dear Mr. Sharma:

Enclosed is one copy of the Draft Air Construction Permit Modification for the extension of the NO_x compliance date for the LM6000 simple cycle gas turbine located at the Cane Island facility near Intercession City, Osceola County. The Department's Intent to Issue Air Construction Permit Modification and the "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" must be published within 30 (thirty) days of receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within 7 (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 modification.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Cleve Holladay or Mr. Linero at 904/488-1344.

Sincerely,

C. H. Fancy, P.E., Chief,
Bureau of Air Regulation

CHF/ch/ch

Enclosures

In the Matter of an
Application for Permit Modification by:
Kissimmee Utility Authority
1701 West Carroll Street
Kissimmee, Florida 34741 /

DEP File No. 0970043-004 AC
AC49-205703, PSD-FL-182
Cane Island Facility
Osceola

INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification (copy of DRAFT Permit Modification attached) for the proposed project, as detailed in the application specified above, for the reasons stated below.

The applicant, Kissimmee Utility Authority, applied on October 30, 1996, and on December 12, 1996, to the Department for an air construction permit modification for its Cane Island Facility located near Intercession City, Osceola County. The requested modification extends the compliance time by one year for Specific Condition 15 b) applicable to the LM 6000 simple cycle turbine. The new compliance date will be January 1, 1999.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit modification is required to extend the compliance date for the described unit at the described facility.

The Department intends to issue this air construction permit modification based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION**". The notice shall be published one time only within 30 (thirty) days in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "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. 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's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 904/488-1344; Fax 904/ 922-6979) within 7 (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 modification pursuant to Rule 62-103.150 (6), F.A.C.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the enclosed DRAFT Permit Modification 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 comments concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of "**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION**." 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 written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

Permit No. AC49-205703, PSD-FL-182

File No. 0970043-004-AC

Page 2 of 4

The Department will issue the permit modification with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S., or a party requests mediation as an alternative remedy under Section 120.573 F.S. before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

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: 904/488-9730, 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 (or a request for mediation, as discussed below) 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 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 person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Permit No. AC49-205703, PSD-FL-182
File No. 0970043-004-AC
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Executed in Tallahassee, Florida.



C. H. Fancy, P.E., Chief
Bureau of Air Regulation

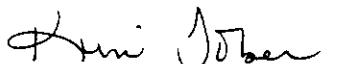
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION (including the PUBLIC NOTICE, and DRAFT permit modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 2-20-97 to the person(s) listed:

Mr. A. K. Sharma, Kissimmee Utility Authority *
Ms. Amy Carlson, B&V
Mr. Jerome Guidry, P.E., Perigee
Mr. Brian Beals, EPA
Mr. John Bunyak, NPS
Mr. Len Kozlov, CD

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 2-20-97
(Clerk) (Date)

DRAFT

March XX, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. A. K. Sharma
Director of Power Supply
Kissimmee Utility Authority
1701 West Carroll Street
Kissimmee, Florida 34741

Re: DRAFT Permit Modification No. 0970043-004AC (PSD-FL-182)
Extension of NO_x Compliance Date on Simple Cycle Turbine at Cane Island Facility

Dear Mr. Sharma: .

The Department has reviewed the modification request concerning the extension of the NO_x compliance date for Kissimmee Utility Authority's simple cycle gas turbine. This turbine is located at KUA's Cane Island facility near Intercession City in Osceola County. This request is acceptable and the permit is hereby modified as follows:

Specific Condition No. 15 b

FROM:

For the simple cycle unit (LM6000), the manufacturer will attempt to achieve a maximum NO_x emission level of 15 (gas)/42 (oil) ppmv by 1/1/98. Should this level of control not be achieved when the compliance demonstration stack tests are performed, the permittee must provide the Department with expected compliance dates which will be updated annually. After 1/1/98, if the compliance schedule has not been met, the Department may require SCR be installed since the exhaust temperature has an acceptable range for SCR installation.

TO:

The simple cycle unit (LM6000), shall achieve a maximum NO_x emission level of 15 (gas)/42 (oil) ppmv by 1/1/99.

Table 1, Note B

DRAFT

FROM:

The NO_x maximum emission limit will be lowered to 15 ppm by 1/1/98 using appropriate combustion technology improvements. Should this level of control not be achieved when the compliance demonstration stack tests are performed, the permittee must provide the Department with expected compliance dates which will be updated annually. After 1/1/98, if the compliance schedule has not been met, the Department may require SCR be installed since the exhaust temperature has an acceptable range for SCR installation.

TO:

The simple cycle unit (LM6000), shall achieve a maximum NO_x emission level of 15 (gas)/42 (oil) ppmv by 1/1/99.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Sincerely,

Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/ch/hh

Enclosures

DRAFT

October XX, 1996

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Mr. A. K. Sharma
Director of Power Supply
Kissimmee Utility Authority
1701 West Carroll Street
Kissimmee, Florida 34741

Dear Mr. Sharma:

Re: DRAFT Air Construction Permit Amendment No: 0970043-003-AC (PSD-FL-182)
Testing Requirement at Cane Island Facility

The Department has reviewed your requests received August 27, and September 13, 1996. The following Specific Conditions related to compliance testing for nitrogen oxide, sulfur dioxide, sulfuric acid mist, and particulate matter emissions are hereby modified as follows:

Specific Condition 8:

From:

Compliance with the NO_x, SO₂, CO, PM, PM₁₀, and VOC standards shall be determined (while operating at 95-100% of the permitted maximum heat rate input corresponding to the particular ambient conditions) within 180 days of initial operation of the maximum capability of the unit and annually thereafter, by the following reference methods as described in 40 CFR 60, Appendix A (July, 1991 version) and adopted by reference in F.A.C. Rule 17-2.700.

- Method 1 Sample and Velocity Traverses
- Method 2 Volumetric Flow Rate
- Method 3 Gas Analysis
- Method 5 Determination of Particulate Emissions from Stationary Sources
- or
- Method 17
- Method 9 Visual Determination of the Opacity of Emissions from Stationary Sources
- Method 8 Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions from Stationary Sources (for fuel oil firing only)
- Method 10 Determination of Carbon Monoxide Emissions from Stationary Sources

DRAFT

- Method 20 Determination of Nitrogen Oxides, Sulfur Dioxide, and Diluent Emissions from Stationary Gas Turbines
- Method 25A Determination of Total Gaseous Organic Concentrations Using a Flame Ionization Analyzer

Other DER approved methods may be used for compliance testing after prior Departmental approval.

To:

Compliance with the NO_x, SO₂, CO, PM, PM₁₀, and VOC standards shall be determined (while operating at 95-100% of the permitted maximum heat rate input corresponding to the particular ambient conditions) within 180 days of initial operation of the maximum capability of the unit and annually thereafter (except for NO_x, sulfuric acid mist, VOC, PM, and PM₁₀) by the following reference methods as described in 40 CFR 60, Appendix A (July, 1991 version) and adopted by reference in F.A.C. Rule 17-2.700.

- Method 1 Sample and Velocity Traverses
- Method 2 Volumetric Flow Rate
- Method 3 Gas Analysis
- Method 5 Determination of Particulate Emissions from Stationary Sources
- or
- Method 17
- Method 9 Visual Determination of the Opacity of Emissions from Stationary Sources
- Method 8 Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions from Stationary Sources (for fuel oil firing only)
- Method 10 Determination of Carbon Monoxide Emissions from Stationary Sources
- Method 20 Determination of Nitrogen Oxides, Sulfur Dioxide, and Diluent Emissions from Stationary Gas Turbines
- Method 25A Determination of Total Gaseous Organic Concentrations Using a Flame Ionization Analyzer

Other DER approved methods may be used for compliance testing after prior Departmental approval.

Compliance with the NO_x standard shall be determined on a rolling 24-hour average using the data recorded by the continuous emissions monitor and reported quarterly to the Central District Office at the same time as the quarterly excess emission reports in Specific Condition 23.

Specific Condition 10:

From:

Compliance with the SO₂ emission limit can also be determined by calculations based on fuel analysis using ASTM D4294 for the sulfur content of liquid fuels and ASTM D3246-81 for sulfur content of gaseous fuel.

DRAFT

To:

Compliance with the SO₂ and sulfuric acid mist emission limits can also be determined by calculations based on fuel analysis using ASTM D4294 for the sulfur content of liquid fuels and ASTM D3246-81 for sulfur content of gaseous fuel.

Specific Condition 13:

From:

During performance tests, to determine compliance with the allowable NO_x standard, measured NO_x emissions at 15 percent oxygen will be adjusted to ISO ambient atmospheric conditions by the following correction factor:

$$NO_x = (NO_{x\text{ obs}}) \left(\frac{P_{\text{ref}}}{P_{\text{obs}}} \right)^{0.05} e^{19(H_{\text{obs}} - 0.00633)} \left(\frac{288^\circ K}{T_{\text{amb}}} \right)^{1.53}$$

where:

NO_x = Emissions of NO_x at 15 percent oxygen and ISO standard ambient conditions

NO_{x obs} = Measured NO_x emission at 15 percent oxygen, ppmv

P_{ref} = Reference combustor inlet absolute pressure at 101.3 kilopascals (1 atmosphere) ambient pressure

P_{obs} = Measured combustor inlet absolute pressure at test ambient pressure

H_{obs} = Specific humidity of ambient air at test

e = Transcendental constant (2.718)

T_{amb} = Temperature of ambient air at test (°K)

To:

During performance tests, to determine compliance with the allowable NSPS NO_x standard, measured NO_x emissions at 15 percent oxygen will be adjusted to ISO ambient atmospheric conditions by the following correction factor:

$$NO_x = (NO_{x\text{ obs}}) \left(\frac{P_{\text{ref}}}{P_{\text{obs}}} \right)^{0.05} e^{19(H_{\text{obs}} - 0.00633)} \left(\frac{288^\circ K}{T_{\text{amb}}} \right)^{1.53}$$

where:

NO_x = Emissions of NO_x at 15 percent oxygen and ISO standard ambient conditions

NO_{x obs} = Measured NO_x emission at 15 percent oxygen, ppmv

P_{ref} = Reference combustor inlet absolute pressure at 101.3 kilopascals (1 atmosphere) ambient pressure

P_{obs} = Measured combustor inlet absolute pressure at test ambient pressure

H_{obs} = Specific humidity of ambient air at test

e = Transcendental constant (2.718)

T_{amb} = Temperature of ambient air at test ($^{\circ}K$)

Note: Measured NO_x emissions shall not be ISO corrected for comparison with the BACT standard.

References to ISO conditions in footnote (C) in Tables 1 and 2:

From:

Emission rates are based on 100% load and at ISO conditions.

To:

Emission rates are based on 100% load.

The Department did not change the annual test requirement for SO_2 emissions in Specific Condition 8 because compliance with the SO_2 emission limit can also be determined by fuel analysis as stated in Specific Condition 10. In addition your request to amend Specific Condition 4 needs further evaluation to determine whether this amendment would result in emissions greater than the PSD significance level for NO_x emissions.

A copy of this letter shall be attached to the reference air construction permit and shall become a part of that permit.

Sincerely

Howard L. Rhodes, Director
Division of Air Resources Management

HLR/ch
Enclosure

**NOTICE TO BE PUBLISHED
IN THE NEWSPAPER**

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Permit No. AC49-205703, PSD-FL-182
File No. 0970043-004-AC
Kissimmee Utility Authority-Cane Island Simple Cycle Unit
Osceola County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Kissimmee Utility Authority, for the Simple Cycle Unit located at its Cane Island Facility near Intercession City, Osceola, County. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's name and address are: Kissimmee Utility Authority, (KUA), 1701 West Carroll Street, Kissimmee, Florida 34741.

The unit is in compliance with its present nitrogen oxide (NO_x) limit of 25 parts per million (ppm). Specific Condition No. 15 b of the above referenced construction permit requires that the manufacturer attempt to achieve an NO_x emission limit of 15 ppm by January 1, 1998 and to inform the Department of a revised compliance schedule should the limit not be achievable on that date. This limit is to be achieved through a dry low emission (DLE) retrofit package. The manufacturer has documented that the DLE development program has not progressed to the point of being able to ensure a retrofit package capable of meeting the 15 ppm rate by January 1, 1998. The modification will extend the compliance date of Specific Condition No. 15 b from January 1, 1998 to January 1, 1999.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the DRAFT Permit Modification 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 comments concerning the proposed DRAFT Permit Modification 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 written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Modification with the conditions of the DRAFT Permit Modification unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

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 (or a request for mediation, as discussed below) 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

NOTICE TO BE PUBLISHED
IN THE NEWSPAPER

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 person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 904/488-1344
Fax: 904/922-6979

Department of Environmental Protection
Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
Telephone: 407-894-7555
Fax: 407-897-2966

The complete project file includes the Draft Permit Modification, the application, 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 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ 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. A. K. SHARMA KISSIMEE UTILITY AUTHORITY 1701 WEST CARROLL STREET KISSIMEE, FL 34741		4a. Article Number P265 659 125	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery 1-6	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X- <i>Arjun Lulla</i>			

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt

P 265 659 176

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	
<i>A. K. Sharma</i>	
Street & Number	
<i>Kissimmee UT</i>	
Post Office, State, & ZIP Code	
<i>Kiss, FL</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
<i>0970043-004-AC 2-20-97</i> <i>PJO-FL-182</i>	

PS Form 3800, April 1995