

Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

October 14, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Don Walters, Plant Manager
Mulberry Cogeneration Facility
CSW Energy, Inc.
3600 Highway 555
P.O. Box 824
Bartow, Florida 33831-0824

Re: Authorization to Conduct Tests – baseline measurements for combustion turbine
with in-kind replacement parts
Mulberry Cogeneration Facility
ARMS ID. 1050217

Dear Mr. Waters:

The Department has reviewed the the additional information from CSW Energy received on September 28, 2004 concerning baseline testing on Mulberry Cogeneration's combustion turbine located in Polk County, Florida.

You are hereby authorized to conduct testing on this emission unit while operating at a higher combustion temperature not to exceed 1600 degrees Fahrenheit. In order to accommodate the testing, the unit is authorized to operate for testing. All conditions of existing permits shall remain in force during the testing. This temporary authorization shall expire on December 31, 2004.

The performance tests shall be conducted in order to gather data regarding pollutant emissions at higher combustion temperatures. This testing is being conducted such that CSW Energy can more precisely specify the percent output, above which compliance with permitted emission limitations can be continuously met. Unless otherwise specified, during this period, all data and test results for operation shall be sent to the Department's Bureau of Air Regulation within 30 days of the expiration of this temporary permit. Upon any request for a permanent permit revision for this emission unit, the Department will evaluate the establishment of new or additional permit conditions resulting from either increases or improvements in emission quality or quantity.

The performance tests shall be subject to the following conditions:

1. A minimum of three separate days of testing while combusting natural gas shall be required in order to accommodate process variability.
2. NO_x CEMS shall be used to show compliance with the NO_x emission limit. The NO_x CEMS shall have been installed, certified, maintained and operated in accordance with existing permit conditions.
3. EPA Method 10 shall be used to show compliance with the existing CO emission limitations.
4. The permittee shall notify the DEP Southwest District upon commencement of initial testing and 7 days prior to commencement of any performance testing.

"More Protection, Less Process"

Printed on recycled paper.

5. The Department's Southwest District and the Bureau of Air Regulation shall be notified within 5 days, in writing, upon completion of the test program.
6. A written final report shall be submitted to the Bureau of Air Regulation within 45 days of completion of the last test.

This letter must be attached to and shall become a part of the existing permit.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Under Section 120.60(3), F.S., any person who asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of that notice. Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within fourteen (14) days of receipt of this notice of intent. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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. 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. Mediation is not available in this proceeding.

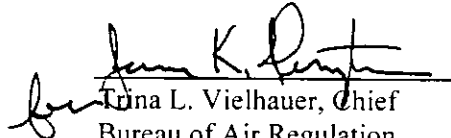
This permitting decision is final and effective on the date filed with the clerk of the Department

Mr. Don Walters
CSW Energy
Mulberry Cogeneration Facility
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unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty (30) days after this order is filed with the clerk of the Department.

Sincerely,


Trina L. Vielhauer, Chief
Bureau of Air Regulation
Division of Air Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Authorization to Conduct Performance Testing was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 10/15/04 to the person(s) listed:

Don Walters, CSW Energy*
Darrel J. Graziani, P.E., Southern Environmental Sciences
Jason Waters, DEP-SWD
Shelia Schneider, DEP SWD
Jim Little, EPA Region 4

Clerk Stamp

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


(Clerk)

10/15/04
(Date)

7000 1670 001

OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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Send To
 Mr. Don Walters, Plant Manager
 Sulphur Generation Facility
 Post Office Box 824
 Bartow, Florida 33831-0824

SENDER COMPLETE THIS SECTION

Certified Mail
 Registered Mail
 Restricted Delivery
 Return Receipt
 Signature Required

Mr. Don Walters, Plant Manager
 Sulphur Generation Facility
 8 W. Energy, Me
 Post Office Box 824
 Bartow, Florida 33831-0824

7000 1670 0013 3109 3069
 PS Form 3811 August 2001