

Florida Department of Environmental Regulation

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

Lawton Chiles, Governor

Carol M. Browner, Secretary

February 4, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Stephen L. Greenberg
Vice President
Empire Energy Management Systems, Inc.
Post Office Box 6840, Building 970
MacDill AFB, Florida 33608-0840

Dear Mr. Greenberg:

Re: Request for Extension of Expiration Dates
AC 29-178834 (Cogeneration Plant #1)
AC 29-178833 (Cogeneration Plant #2)

The Department has reviewed your letters received October 26, 1992, and January 14, 1993, requesting a second expiration date extension. Based on your letters and a review of the files and regulations, the following facts are relevant:

- o The above referenced construction permits were issued on November 9, 1990, and had an expiration date of January 15, 1992. As part of the construction permits, a determination of Best Available Control Technology (BACT) was required pursuant to Florida Administrative Code (F.A.C.) Rule 17-2.600(6), Fossil Fuel Steam Generators with Less than 250 MMBtu/hr Heat Input (note: the new rule citing is 17-296.406).
- o Construction commenced for the MacDill Avenue Facility (Cogeneration Plant #1) in February of 1991, and ceased in April of 1991.
- o Site activity resumed in May of 1992 at the MacDill Avenue Facility, but was halted on May 15, 1992.
- o Construction has not yet commenced at the MacDill AFB Hospital Facility (Cogeneration Plant #2).
- o The expiration date has been extended once since the issuance of the construction permits. The extension was issued on January 15, 1992, and established an expiration date of December 31, 1992.
- o F.A.C. Rule 17-212.200(19)(a), Commence Construction, states that the owner has obtained all required permits for the construction of a facility and has "begun, or caused to begin, a **continuous** program of actual on-site construction or physical modification of the facility, to be completed within a **reasonable time**".

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Based on the above, the Department feels that the granting of a second extension for an additional year should constitute a "reasonable time" period for the completion of the construction of the two cogeneration units (note: total time allowed will be 3 yrs. & 3 mths). However, please be advised that the current BACT standards for the sulfur content of back-up No. 2 fuel oil has dropped to 0.05%, by weight, and your permitted level is still at 0.8%, by weight. Consequently, after this extension, the Department does not intend to renew these permits again without revisiting BACT for the No. 2 fuel oil sulfur content.

In response to this request, the following shall be changed and/or added:

1. Expiration Date Extension: AC 29-178834 & -178833

FROM: December 31, 1992
TO: February 9, 1994

2. Attachments to be Incorporated:

- o Mr. Steven L. Greenberg's letter received October 29, 1992.
- o Mr. C. H. Fancy's letter dated November 3, 1992.
- o Mr. Fred Nassar's FAX cover sheet with attachments received January 4, 1993.
- o Mr. Steven L. Greenberg's letter with enclosure received January 14, 1993.

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. Petitions filed by the amendment applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit Amendment File Number(s) 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;

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(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;

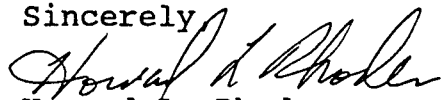
(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and,

(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 request/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 in 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.

This letter amendment must be attached to the construction permits, Nos. AC 29-178834 & -178833, and shall become a part of the permits.

Sincerely



Howard L. Rhodes

Director

Division of Air Resources
Management

HLR/RBM/rbm

Attachments

cc: B. Thomas, SWD
D. Beason, Esq., DER

G. Kissel, EPCHC
E. Spivey, Jr., P.E., BG&A

Attachments

Available Upon Request