

One Energy Place  
Pensacola, Florida 32520

Tel 850.444.6111

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OCT 10 2002

BUREAU OF AIR REGULATION

Certified Mail



October 4, 2002

Mr. Al Linero  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
Mail Station #5510  
Tallahassee, Florida 32399-2400

Dear Mr.Linero:

RE: LANSING SMITH ELECTRIC GENERATION FACILITY  
DEP File No. 0050014-005-AC  
Air Construction Permit for Waterwall Tube Replacement Project  
Public Notice Affidavit

Thanks for the quick response to Gulf Power's request for an air construction permit to conduct the waterwall tube replacement at Plant Smith. Enclosed is the proof of publication, i.e., newspaper affidavit regarding the Public Notice of Intent to Issue An Air Construction Permit originally sent to James O. Vick (Gulf Power) on September 27, 2002.

Please let me know if you have any questions regarding this matter and if you receive any public comments regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Dwain Waters". The signature is fluid and cursive.

G. Dwain Waters, Q.E.P.  
Air Quality Programs Supervisor

Cc: J. O. Vick, Gulf Power Company  
Mike Sarab, Gulf Power Company  
Trey Hall, Gulf Power Company  
Marie Largilliere, Gulf Power Company  
Sandra Veazey, FDEP, Northwest District  
Gary Perko, Hopping, Green and Sams

# Florida Freedom Newspapers, Inc.

PUBLISHERS OF THE NEWS HERALD  
Panama City, Bay County, Florida  
Published Daily

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### State of Florida County of Bay

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Before the undersigned authority appeared \_\_\_\_\_  
Pam Gregory, who on oath says that (s)he  
is Advertising Director of the News Herald, a daily  
newspaper published at Panama City, in Bay County, Florida; that the attached copy  
of advertisement, being a Legal Advertisement-2894  
in the matter of Notice of Intent  
Public Notice:DEP File No 0050014-005-AC  
in the Bay County  
Court, was published in said newspaper in the issues of \_\_\_\_\_  
October 2, 2002

Affiant further says that the News Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as a second class mail matter at the post office in Panama City in said Bay County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement, all in accordance with the provisions of section 49.03, Florida Statutes; and affiant further says that (s)he 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.



State of Florida  
County of Bay  
Sworn to and subscribed before me this 2nd day of October,  
A. D., 2002 by Pam Gregory, Advertising Director of The  
News Herald, who is personally known to me or has produced \_\_\_\_\_  
na  
as identification.



Lorraine B. Grimes  
MY COMMISSION # CC931149 EXPIRES  
August 25, 2004  
BONDED THRU TROY FAJN INSURANCE, INC.

  
Notary Public, State of Florida at Large

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DEP File No. 0050014-005-AC  
Gulf Power Company  
Lansing Smith Generating Plant Unit 2  
Waterwall Tube Replacement Project  
Bay County  
The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit to Gulf Power Company. The permit will authorize replacement of all waterwall tubes on Unit 2 at the Lansing Smith Generating Plant in Bay County, Florida. Best Available Control Technology (BACT) determination was not required. The applicant's name and address are Gulf Power Company, One Energy Place, Pensacola, Florida 32520-0328.  
Gulf Lansing Smith Unit 2 is a nominal 205 megawatt coal-fired unit. According to the company, numerous waterwall tubes have experienced significant damage due to a number of reasons although the unit continues to operate. The company advised that it is necessary to replace the waterwall tubes in the boiler to retain current unit operating capacity and maintain established normal operations. The project will be conducted in early 2003 and will require approximately 20 weeks to complete.  
The Department has reasonable assurance that the project will not result in significant net emission increases from the unit that would otherwise require a review under the rules for the Prevention of Significant Deterioration at Section 62-212.400, F.A.C. or 40 CFR 52.21. The Department has incorporated provisions in the draft permit requiring submittal of information on an annual basis for a period of 5 years to confirm that the project did not cause significant net emission increases in actual emissions.  
The Department will issue the FINAL Permit in accordance with the conditions of the DRAFT Permit, 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 permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Air

...from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at: 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

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 of the Florida Statutes. 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 days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes 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. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. 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 of the Florida Administrative Code.

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 of the Florida Administrative Code.

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 the 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 28-106.901.

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.

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:

Environmental Protection Bureau of Air Regulation  
111 S. Magnolia Drive  
Suite 4  
Tallahassee, Florida 32301  
Telephone: 850/488-0114  
Fax: 850/922-6979

Dept. of Environmental Protection  
Northwest District Office  
160 Governmental Center  
Pensacola, Florida  
32501-5794  
Telephone: 850/595-8300  
Fax: 850/595-8417

Dept. of Environmental Protection  
NW District Branch Office  
2353 Jenks Avenue  
Panama City, FL 32405  
Telephone: 850/872-4375  
Fax: 850/872-7790

The complete project file includes the technical evaluation and the Draft Permit and the information submitted by the Gulf Power, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Program Administrator, New Resource Review Section at 111 S. Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114 for additional information. The draft permit and technical evaluation can be accessed at [www.dep.state.fl.us/air/permitting/construct.htm](http://www.dep.state.fl.us/air/permitting/construct.htm)  
October 2, 2002

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