

One Energy Place  
Pensacola, Florida 32520

Tel 850.444.6111

RECEIVED

DEC 03 2008

DIVISION OF AIR  
RESOURCES MANAGEMENT



Certified Mail

December 3, 2008

Ms. Elizabeth Walker  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
Mail Station # 5505  
Tallahassee, Florida 32399-2400

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DEC 03 2008

BUREAU OF AIR REGULATION

Dear Ms. Walker:

RE: SMITH ELECTRIC GENERATION FACILITY  
DEP File No. 0050014-016-AC  
New Nitrogen Oxide Emissions Standard - Public Notice Affidavit

Jeff Koerner requested that I send you the attached official proof of publication, i.e. newspaper affidavit regarding the Plant Smith Public Notice of Intent to Issue Air Permit originally sent to Gulf Power on November 20, 2008. The notice was published on November 24, 2008 in the Panama City News Herald. An electronic copy of the affidavit was routed to Jeff Koerner earlier today.

Please let me know if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Dwain Waters, Q.E.P." with a stylized flourish at the end.

G. Dwain Waters, Q.E.P.  
Special Projects and Environmental Assets Coordinator

Cc: Greg Terry, Gulf Power Company  
Marie Largilliere, Gulf Power Company  
Rick Brádburn, FDEP, Northwest District  
Jeff Koerner, FDEP, Tallahassee Office

# Florida Freedom Newspapers, Inc.

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

## State of Florida County of Bay

Before the undersigned authority appeared Glenda Sullivan, who on oath says

that she is Classified In-Column Manager 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 - #9327 in the matter of Public Notice of Intent to Issue Air Permit - Gulf Power Pensacola/Lansing Smith Electric Generator in the Bay County Court, was published in said newspaper in the issue of November 28, 2008

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 periodicals matter at the post office in Panama City, in said Bay County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or 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.

*Glenda Sullivan*

State of Florida  
County of Bay

Sworn and subscribed before me this 26th day of November, A.D., 2008, by Glenda Sullivan, Classified In-Column Manager of The News Herald, who is personally known to me or has produced N/A as identification.



*Marie L. Forrest*

Notary Public, State of Florida at Large

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NOV 28 2008

BUREAU OF AIR REGULATION

### 5321 PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection

Division of Air Resource Management, Bureau of Air Regulation

Draft Air Permit No. 0050014-016-AC

Gulf Power Company, Lansing Smith Electric Generating Plant, Bay County, Florida

**Applicant:** The applicant for this project is the Gulf Power Company for the Lansing Smith Electric Generating Plant. The applicant's authorized representative and mailing address is: G. Dwain Waters, Q.E.P., Special Projects and Environmental Assets Coordinator, Gulf Power Company, One Energy Place, Pensacola, FL 32520-0328.

**Facility Locations:** Gulf Power Company operates the existing Lansing Smith Electric Generating Plant, which is located in Bay County at 4300 County Road in Lynne Haven, Florida.

**Project:** The existing Lansing Smith Electric Generating Plant consists of two coal-fired boilers (Units 1 and 2), two combustion turbines driving a single electrical generator set, and two gas-fired combined cycle combustion turbine-electrical generator sets. Air Permit No. 0050014-013-AC authorized the construction of new selective non-catalytic reduction systems (SNCR) for Units 1 and 2 to control nitrogen oxide (NOX) emissions. Initially, the applicant elected to install the new air pollution control equipment to provide full flexibility in implementing the federal cap and trade program for NOX under the Clean Air Interstate Rule (CAIR). This new permitting action revises the original permit to include a NOX emissions cap of 4700 tons during any consecutive 12-month rolling total as determined by data reported to the EPA Acid Rain database. The units have a combined stack and will have a new continuous emissions monitoring system (CEMS) to measure and record NOX emissions and demonstrate compliance with the limit. The proposed cap results in a 20% reduction in actual NOX emissions. While providing operational flexibility, the proposed cap recognizes the capabilities of the SNCR systems.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements.

hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions:** A person whose substantial interests are affected by the 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 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 (in a proceeding initiated by another party) 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 Permitting Authority'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

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State of Florida at Large

NOX emissions and demonstrate compliance with the limit. The proposed cap results in a 20% reduction in actual NOX emissions. While providing operational flexibility, the proposed cap recognizes the capabilities of the SNCR systems.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority.

der Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) 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 Permitting Authority'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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (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



One Energy Place  
Pensacola FL 32520

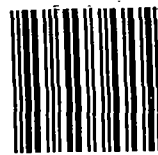
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**RETURN RECEIPT  
REQUESTED**

Elizabeth Walker  
FL Dept. of Environmental Protection  
2600 Blair Stone Road, MS 5505  
Tallahassee, FL 32399-2400

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