



121 Champion Way
Canonsburg, PA 15317

November 16, 2009

OVERNIGHT MAIL

Ms. Trina L. Vielhauer, Chief
Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RECEIVED

NOV 18 2009

BUREAU OF AIR REGULATION

RE: Proof of Publication, Public Notice of Intent to Issue Air Permit,
RRI Energy Florida, LLC - Indian River Plant
Project #0090196-010-AC

Dear Ms. Vielhauer:

Please find attached the original proof of publication for the Indian River Power Plant revised heat input rate request, Project #0090196-010-AC. The 'intent to issue' notice was published November 9, 2009 in the Florida Today newspaper.

This submittal satisfies the Public Notice requirements:

Pursuant to Rule 62-110.106(5) and (9), FAC, the applicant shall provide the proof of publication to the Permitting Authority at the above address within 7 days of publication.

The 'intent to issue' notice was published November 9 and the proof of publication was provided by email within 7 days. Please contact me at 724-597-8631 if you have concerns or questions related to this submittal.

Sincerely,

Michelle F. Duncan
Sr. Air Quality Specialist

Encl.

cc: Jeff Koerner, FL DEP
Gary Mauzy
Keith Schmidt
Denny Shaulis

Mailed to: JEAN KAZELSKI

RRI Energy
121 Champion Way
Suite 200
Canonsburg, PA 15317

A daily publication by:



STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared **KATHY CICALA**, who on oath says that she is **LEGAL ADVERTISING SPECIALIST** of the **FLORIDA TODAY**, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

| | | |
|------------------------|------------------|---|
| Ad # (162566) | \$ 747.47 | the matter of: |
| RRI ENERGY | | |
| the | Court | PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT PROJECT NO. 0090196-010-AC |

as published in the **FLORIDA TODAY** in the issue(s) of:

November 9, 2009

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that 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 said newspaper.

Kathy Cicala
(Signature of Affiant)

9th day of November, 2009

Mary Griffin
(Signature of Notary Public)

Sworn to and subscribed before this:



MARY GRIFFIN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD0933769
Expires 10/19/2013

Mary Griffin

(Name of Notary Typed, Printed or Stamped)

Personally Known X or Produced Identification _____

Type Identification Produced: _____

AD#162566,11/09/2009

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT
Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation

Draft Air Construction Permit
Project No. 0090196-010-AC
RRI Energy Florida, LLC, Indian River Power Plant
Brevard County, Florida

Applicant: The applicant for this project is RRI Energy Florida, LLC. The applicant's authorized representative and mailing address is: Mr. Dennis Shauls, General Manager, RRI Energy Florida, LLC, Indian River Power Plant, 7800 South U.S. Highway #1, Titusville, Florida 32780.

Facility Location: RRI Energy Florida, LLC operates the existing Indian River Power Plant, which is located in Brevard County at 7800 South U.S. Highway #1 in Titusville, Florida.

Project: The existing power plant consists of three existing electric utility steam generating units. The applicant requested the following: revise the averaging period for the heat input rates to a 3-hour rolling average; increase the maximum heat input rates on gas and oil for Units 1 and 3 by approximately 6%; establish annual heat input rates to ensure that the current maximum annual heat input rates will not increase; and determine compliance with the maximum heat input rates by fuel flow monitoring. The applicant contends that the current permitted maximum heat input rates are incorrectly identified. This may cause occasional problems during over-pressure periods. The draft permit does not grant the increased heat input rates, but does establish a 4-hour rolling average for the current permitted maximum heat input rates based on fuel flow monitoring. This project will not increase emissions, but is subject to the general preconstruction review requirements in Rule 62-212.300, Florida Administrative Code (F.A.C.).

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, 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. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site by entering draft permit number: <http://www.dep.state.fl.us/air/emission/apds/default.asp>.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative 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 this 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 the 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, Mall 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 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 agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; 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 Permitting Authority'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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available for this proceeding.