



121 Champion Way
Canonsburg, PA 15317

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MAR 16 2010

BUREAU OF
AIR REGULATION

March 15, 2010

OVERNIGHT MAIL

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

RE: Proof of Publication, Public Notice of Intent to Issue Air Permit,
RRI Energy Florida, LLC - Indian River Plant
Project #0090196-013-AV

Dear Ms. Vielhauer:

Please find attached the original proof of publication for the Indian River Power Plant revised heat input rate request, Project #0090196-013-AV. The 'intent to issue' notice was published February 26, 2010 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 February 26 and the proof of publication was provided by email to Mr. Tom Cascio on March 12, 2010. The notification was not within the 7 days due to a delay from the newspaper. Please contact me at 724-597-8631 if you have concerns or questions related to this submittal.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Dolfi".

Michelle Dolfi
Sr. Air Quality Specialist

Encl.

cc: Tom Cascio, FL DEP
Gary Mauzy
Keith Schmidt
Denny Shaulis



Published Daily

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#180640 \$991.18) in the matter of _____

RRI ENERGY

_____ the _____ Court _____

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V

AIR OPERATION PERMIT REVISION

as published in the FLORIDA TODAY

in the issues of FEBRUARY 26TH, 2010

Affiant further says that the said FLORIDA TODAY

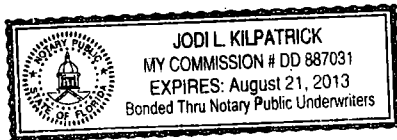
is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of 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)

Sworn to and subscribed before this 11TH DAY OF MARCH, 2010

Jodi L. Kilpatrick
(Signature of Notary Public)

JODI L. KILPATRICK
(Name of Notary Typed, Printed or Stamped)



Personally Known X or Produced Identification _____

Type Identification Produced _____

DUPLICATE AFFIDAVIT



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MAR 16 2010

BUREAU OF
AIR REGULATION

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

Florida Department of Environmental Protection
 Division of Air Resource Management, Bureau of Air Regulation
 Draft/Proposed Permit Revision No. 0090196-013-AV
 RRI Energy Florida, LLC, Indian River Plant
 Brevard County, Florida

Applicant: The applicant for this project is RRI Energy Florida, LLC. The applicant's responsible official and mailing address are: Dennis Shauls, General Manager, RRI Energy Florida, LLC, Indian River Plant, 7800 South US Highway 1, Titusville, Florida 32780.

Facility Location: The applicant operates the existing Indian River Plant, which is located in Brevard County at 7800 South US Highway 1 in Titusville, Florida.

Project: The applicant applied on December 21, 2009, to the Department for a Title V air operation permit revision to the applicable specific conditions of recently issued air construction permit No. 0090196-010-A.C. The air construction permit added an averaging time parameter to the calculation of maximum heat input rates for Units 001, 002 and 003. The existing facility consists of three boilers and a lime storage silo. Specifically, emissions units 001, 002 and 003 are three Combustion Engineering steam generators (boilers). The boilers may burn a variable combination of natural gas, propane, No. 6 and No. 2 fuel oils, and on-specification used oil from facility operations. Emissions units 001 and 002 share a common stack, with a height of 300 feet. Emissions unit 003 has a separate 300 foot stack. Unit 001 began operation on February 1, 1960; Unit 002 on September 1, 1964; and Unit 003 on February 1, 1974.

Emissions unit 008 is a lime storage silo filling system. The silo is equipped with a fabric filter baghouse made by General Resource Corporation, Model 13204.8. The baghouse is approximately 99 percent efficient in controlling particulate matter emissions. This unit is located at the water treatment building. The silo began operation on February 25, 1993.

Permitting Authority: Applications for Title V air operation permits for facilities that contain Acid Rain units are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-214, of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. 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 address indicated above for the Permitting Authority. The complete project file includes the draft/proposed permit revision, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed permit revision by viewing the following website: <http://www.dep.state.fl.us/air/emission/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Permit: The Permitting Authority gives notice of its intent to issue a draft/proposed Title V air operation permit revision to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of the existing 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, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final Title V air operation permit in accordance with the conditions of the draft/proposed Title V air operation permit revision unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the draft/proposed Title V air operation permit revision for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the draft/proposed permit revision, the Permitting Authority shall issue a revised draft/proposed permit revision and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

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. 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 the 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 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 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.

EPA Review: EPA has agreed to treat the draft/proposed Title V air operation permit revision as a proposed Title V air operation permit revision and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that result in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 761d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 761d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 761d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

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