



P.O. Box 286  
Houston, TX 77001-0286

RECEIVED

OCT 27 2000

BUREAU OF AIR REGULATION

October 26, 2000

Mr. Tom Cascio  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
2600 Blair Stone Road – MS #5505  
Tallahassee, Florida 32399-2400

**Subject: Submittal of Publisher's Affidavit for Public Notification  
Reliant Energy Indian River – Revised Title V Air Operation Permit**

Dear Mr. Cascio:

Pursuant to the letter from the Florida Department of Environmental Protection (FDEP) dated September 19, 2000, Reliant Energy Indian River, L.L.C. (Reliant Energy) has provided notice public regarding its application for an amendment to the existing Title V Air Operation permit for the Reliant Energy Indian River (Indian River) facility. To clarify, this action is intended to create separate Title V permits for assets owned at Indian River by Reliant Energy and by Orlando Utilities Commission (OUC), respectively, from the existing Title V permit that is held solely by OUC.

In accordance with FDEP Rule 62-110.106 (7)(a) 1, Reliant Energy published a notification in the *Florida Today* newspaper on October 20, 2000. Enclosed you will find a copy of the published notice and the corresponding publisher's affidavit.

Please contact me at 713-945-7167 if you have any questions regarding this matter or require any additional information.

Sincerely,

Jason M. Goodwin, P.E.  
Senior Engineer, Air Resources Division  
Environmental Department  
Wholesale Group

JMG:\Public Notice Submittal.doc  
Encl.

c: Mr. Scott Sheplak, P.E. – Florida DEP – Tallahassee, FL  
Ms. Denise Stalls – Orlando Utilities Commission – Tampa, FL  
(both w/ encl.)



Published Daily

STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared MAUREEN FARR who on oath says that she is LEGAL ADVERTISING CLERK

of the FLORIDA TODAY, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a LEGAL NOTICE (Ad #594979-\$443.75) in the matter of

RELIANT ENERGY

in the Court D.E.P. DRAFT PERMIT NOTICE

was published in the FLORIDA TODAY NEWSPAPER in the issues of OCTOBER 20, 2000

Affiant further says that the said FLORIDA TODAY NEWSPAPER 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.

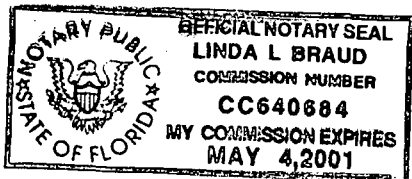
Maureen Farr (Signature of Affiant)

Sworn to and subscribed before me this 20th day of OCTOBER 2000.

Linda L. Braud (Signature of Notary Public)

LINDA L. BRAUD

(Name of Notary Typed, Printed or Stamped)



Personally Known or Produced Identification

Type of Identification Produced

AD#594979-10/20,2000

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT State of Florida Department of Environmental Protection Title V DRAFT Permit No. 0090196-001-AV Indian River Plant Brevard County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an initial DRAFT Title V air operation permit for selected emission units (the three existing boilers and a lime storage silo) of the Indian River Plant located at US 1 and Kings Highway, Titusville, Brevard County. The application reflects the purchase of these units from the Orlando Utilities Commission. The applicant's name and address are: Mr. W. Fred McGuire, P.E., Vice President Environment, Safety & Health, Reliant Energy, Inc., P.O. Box 4567, Houston, Texas 77251-4567.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V 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 permitting authority will accept written comments concerning the proposed Title V DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue another DRAFT Permit and require, if applicable, another Public Notice.

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 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, 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 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 applicable 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, 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; name address and telephone number of the petitioner's representative, if any, which shall be the address for all purposes during the course of the proceeding; and an explanation of how petitioner's substantial rights will be affected by the agency's determination;

(c) A statement of how and when the 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 state;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief; and (f) A demand for relief.

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 notice of intent. 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 is not available for this proceeding. In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this 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 property 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 7661d(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.

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:

Permitting Authority: Department of Environmental Protection Bureau of Air Regulation 111 South Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: 850/488-1344 Fax: 850/922-6979

Affected District Program: Department of Environmental Protection Central District Office 3319 Maguire Boulevard, Suite 232 Orlando, Florida 32803-3767 Telephone: 407/894-7555 Fax: 407/897-2966

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.