

DeSoto County Generating Company, LLC
410 S. Wilmington Street, Mail Code:PEB 333-4
Raleigh, NC 27601

RECEIVED

SEP 02 2003

BUREAU OF AIR REGULATION

August 27, 2003

Florida Department of Environmental Protection
Bureau of Air Regulation
2600 Blaire Stone Road
Mail Station: 5505
Tallahassee, FL 32399-2400

Re: DeSoto County Energy Park Public Notice Proof of Publication

I have enclosed the original proof of publication of the intent to issue the air construction permit and title V air operation permit revision public notice. The public notice was published on August 23, 2003 in the Sun Newspaper.

Please contact me at (727) 826-4152 if you have any questions.

Sincerely,



Matt Lydon
Environmental Specialist

enclosure

SUN



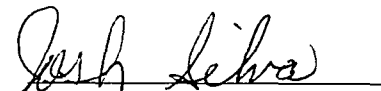
Charlotte • DeSoto • Englewood • North Port • Venice

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Josh Silva, who on oath says that he is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice, was published in said newspaper in the issues of:

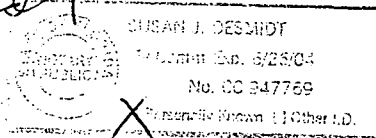
August 23, 2003

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte 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.


(Signature of Affiant)

Sworn and subscribed before me this 25th day of August, 2003.


(Signature of Notary Public)



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BUREAU OF AIR REGULATION

**PUBLIC NOTICE OF INTENT
TO ISSUE AN AIR CON-
STRUCTION PERMIT AND A
TITLE V AIR OPERATION
PERMIT REVISION**

Department of Environmental
Protection

Draft Air Construction Permit
No. 0270016-004-AC

DRAFT Title V Air Operation
Permit Revision Project No.
0270016-005-AV

DeSoto County Energy Park
DeSoto County

The Department of Environ-
mental Protection (permitting
authority) gives notice of its
intent to issue an Air Construc-
tion Permit and a Title V Air
Operation Permit Revision to
the DeSoto County Generating
Company, LLC, for the DeSoto
County Energy Park located at
3800 Northeast Roan Street,
Arcadia, DeSoto County. The
applicant's name and address
are: Mr. Robert M. Tanis, Vice
President and General Manag-
er, DeSoto County Generating
Company, LLC., 410 S. Wilm-
ington Street, PEB 9A5,
Raleigh, NC 27601.

The air construction permit
revises Specific Condition No.
29 of original PSD Permit No.
PSD-FL-284 (DEP File No.
0270016-001-AC) issued on
July 1, 2000, that addressed
initial performance testing
requirements.

The applicant requested revi-
sion of a permit condition to
delete the requirement to
repeat "initial" tests after tun-
ing the gas turbines or replac-
ing like-kind components, such
as combustors. The Draft Per-
mit revises the condition to
require only testing for carbon
monoxide to be repeated after
the replacement of a combus-
tor. The facility's continuous
monitoring data for nitrogen
oxide emissions will be report-
ed for each carbon monoxide
test run. This will provide rea-
sonable assurance of compli-
ance with the carbon monox-
ide and nitrogen oxide emis-
sions standards, which repre-
sent the Best Available Control
Technology. The additional
carbon monoxide test may be
used as the demonstration of
compliance for the required
annual test. The change will
not result in any emissions
increases. A second request
to revise the units of the stan-
dard for volatile organic com-
pounds was later withdrawn.

The permitting authority will
issue the Air Construction Per-
mit and the PROPOSED Title V
Air Operation Permit Revision
and subsequent FINAL Title V
Air Operation Permit Revision,
in accordance with the condi-
tions of the Draft Air Construc-
tion Permit and the DRAFT Title
V Air Operation Permit Revision
unless a response received in
accordance with the following
procedures results in a differ-
ent decision or significant

The permitting authority will accept written comments concerning the proposed Draft Air Construction Permit issuance action for a period of 14 (fourteen) 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 Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The permitting authority will accept written comments concerning the proposed DRAFT Title V Air Operation Permit Revision 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 Title V Air Operation Permit Revision, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit Revision 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 the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2303).

Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 (fourteen) days of publication of the public notice or within 14 (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 14 (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 of the Florida Administrative Code (F.A.C.).

A petition that disputes the material facts upon which the permitting authority's action is based must contain the following information:

- The name and address of each agency affected and each agency's file or identification number, if known;
- 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 service purposes during the course of the proceeding; and an explanation of how petitioner's substantial rights will be affected by the agency determination;
- A statement of how and when the petitioner received notice of the agency action or proposed action;
- 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;

(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 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 notice of intent. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application(s) 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 revision. Any petition shall be based only on objections to the permit revision 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 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 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: 850/488-0114
Fax: 850/922-6979

Affected District/Local Program:
Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619
Telephone: 813/744-6100
Fax: 813/744-6458

The complete project file includes the Technical Evaluation and Preliminary Determination and associated Draft Air Construction Permit and DRAFT Title V Air Operation Permit Revision, the application(s), 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.

Publish: August 23, 2003
194381-1077197