

Golder Associates Inc.

5100 West Lemon Street, Suite 114
Tampa, FL USA 33609
Telephone (813) 287-1717
Fax (813) 287-1716



RECEIVED

JUN 27 2002

June 25, 2002

BUREAU OF AIR REGULATION

013-9589

Mr. Scott Sheplak
Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road
Mail Station #5505
Tallahassee, Florida 32399-2400

RE: AFFIDAVIT OF PUBLICATION
DRAFT TITLE V OPERATION PERMIT NO. 0270016-003-AV
DESOTO COUNTY ENERGY PARK
3800 NORTHEAST ROAN STREET
ARCADIA, DESOTO COUNTY, FLORIDA

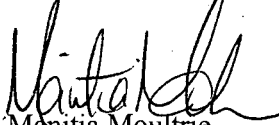
Dear Mr. Sheplak:

On behalf of DeSoto County Generating Company, LLC, and in accordance with Rule 62-110.106(5), Florida Administrative Code (F.A.C.), please find enclosed a copy of the proof of publication of the Notice of Intent published in the Charlotte Sun, Englewood Sun, North Port Sun, DeSoto Sun and Venice Gondolier on June 21, 2002.

DeSoto County Generating Company, LLC and Golder Associates Inc. appreciate your assistance. If you have any questions or need additional information, please contact me at (813) 287-1717.

Very truly yours,

GOLDER ASSOCIATES INC.


Manitia Moultrie
Sr. Project Manager

RW/MM

cc: Mr. Cal Ogburn, DeSoto County Generating Company, LLC

Attachments

H:\GolderVol1\PROJECTS\2001proj\013-9589 DeSoto County Energy Complex\0600 Air Permit\NOI-publication.doc

6/27/02 cc: Hon Cascio



A SUN COAST MEDIA GROUP, INC PUBLICATION

Printers and Publishers of the
Charlotte Sun
Englewood Sun
North Port Sun
DeSoto Sun
Venice Gondolier

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BUREAU OF AIR REGULATION

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA

COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Amber Freeman, who on oath says that she 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 of Permit in the Circuit Court, was published in said newspaper in the issues of:

June 21, 2002

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.

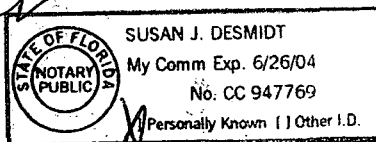
A handwritten signature in black ink, appearing to read 'Amber Freeman', written over a horizontal line.

(Signature of Affiant)

Sworn and subscribed before me this 21st day of June, 2002.

A handwritten signature in black ink, appearing to read 'Susan J. Desmidt', written over a horizontal line.

(Signature of Notary Public)



PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

STATE OF FLORIDA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DRAFT Permit No.: 0270016-003-AV
 DeSoto County Energy Park
 DeSoto County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit 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. Joel Y. Kamya, President, DeSoto County Generating Company, LLC, 410 South Wilmington Street, Mail Code 333-4, Raleigh, NC 27602-1551.

The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the 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 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 permitting authority's office, 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 a Revised 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, 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: 850/488-9730; 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 Section 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, Florida Administrative Code (F.A.C.).

A petition that disputed 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 service purposes during the course of the proceeding; and an explanation of how petitioner's substantial rights will be affected by the agency 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;
- (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.

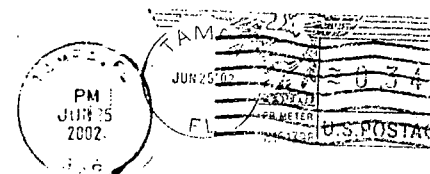
A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

...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 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 State 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 objections 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 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 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.
 Publish: June 21, 2002
 x503997 p115029



**Golder
Associates**



Mr. Scott Sheplak

FDEP, MS 5505

2600 Blair Stone Road

Tallahassee, FL 32399-2400