

One Energy Place
Pensacola, Florida 32520

Tel 850.444.6111



Certified Mail

April 22, 2004

Mr. Bruce Mitchell, P.E.
Florida Department of Environmental Protection
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RECEIVED

APR 26 2004

BUREAU OF AIR REGULATION

Dear Mr. Mitchell:

RE: CRIST ELECTRIC GENERATION FACILITY
DEP File No. 0330045-007-AC
Air Construction Permit for CAM - Public Notice Affidavit

Thanks for the quick response to Gulf Power's request for an air construction permit to conduct CAM testing at Plant Crist. Enclosed is the proof of publication, i.e., newspaper affidavit regarding the Public Notice of Intent to Issue An Air Construction Permit originally sent to Gene L. Ussery (Gulf Power) on April 8, 2004. The notice was published on April 17, 2004 in the Pensacola News Journal.

Please let me know if you have any questions regarding this matter and if you receive any public comments regarding our request.

Sincerely,

A handwritten signature in black ink that reads "Dwain Waters, Q.E.P.".

G. Dwain Waters, Q.E.P.
Air Quality Programs Supervisor

Cc: Jim Vick, Gulf Power Company
Terry Wright, Gulf Power Company
John Dominey, Gulf Power Company
Kevin Beaty, Gulf Power Company
Sandra Veazey, FDEP, Northwest District

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APR 26 2004

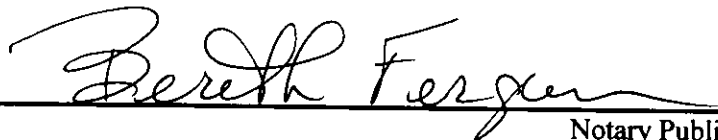
BUREAU OF AIR REGULATION

Published Daily-Pensacola, Escambia County, FL

STATE OF FLORIDA
County of Escambia

Before the undersigned authority, personally appeared NIKKI WINDHAM who is personally known to me and who on oath says that he/she is a representative of The Pensacola News Journal, a daily newspaper published in Pensacola in Escambia County, Florida; that the attached copy of advertisement, being a legal in the matter of **NOTICE OF INTENT** was published in said newspaper in the issues **APRIL 17, 2004**. Affidavit further says that the said Pensacola News Journal is a newspaper published in Pensacola, in said Escambia County, Florida, and that the said newspaper has heretofore been continuously published in said Escambia County, Florida each day and has been entered as second class mail matter at the post office in Pensacola, in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and Affidavit further says that he/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.

Sworn to and subscribed before me this **20TH DAY OF APRIL A.D., 2004**.



Notary Public

BERETH FERGUSON
Notary Public-State of FL
My Comm. Expires OCT. 10, 2005
Comm. No. DD048662

PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Air Construction Permit No.: 0330045-007-AC
Gulf Power Company
Crist Electric Generating Plant
Escambia County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an air construction permit (letter) to Gulf Power Company for its Crist Electric Generating Plant located in Pensacola, Escambia County. The applicant's name and address are: Gene L. Ussery, Jr., V.P. of Power Generation/ Transmission, Gulf Power Company, One Energy Place, Pensacola, Florida 32520-0328.

The permittee, Gulf Power Company, applied on April 5, 2004, for authorization to conduct pollutant testing and parameter measurements for the development of a Compliance Assurance Monitoring (CAM) protocol for the Gulf Power Company's Crist Unit No. 7's ESP (electrostatic precipitator), which is located at the Crist Electric Generating Plant in Pensacola, Escambia County. This evaluation will require Gulf Power Company to vary the collection efficiency of the ESP to establish a performance curve between opacity, particulate matter emissions and ash resistivity, thus creating an operational condition near or in excess of the Florida particulate matter emissions and opacity standards. The data gathered will allow the calibration of an EPRI (Electrical Power Research Institute) computer model to evaluate the performance of the Crist Unit No. 7's ESP. The pollutants and/or parameters to be measured or monitored will include sulfur dioxide [CEM (continuous emission monitor)]; nitrogen oxides (CEM), particulate matter, visible emissions, carbon dioxide (CEM); ash content of the fuel, ultimate fuel analyses, unit operational parameters including load, fuel flow, excess air, flue gas temperature, and other unit specific parameters that are needed for the EPRI computer model. Particulate size distribution may be evaluated also. The development testing is scheduled to run from June 1 through August 31, 2004.

The permitting authority will issue the Air Construction Permit, and subsequent Final Air Construction Permit, in accordance with the conditions of the Draft Air Construction 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 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.

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 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, Florida Administrative Code (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(s) or identification number(s), 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; 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.

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 Authority:
Dept. of Environmental Protection
Northwest District Office
Air Resources
160 Governmental Place
Pensacola, Florida 32520-0328
Telephone: 850/595-8300
Fax: 850/595-4417

The complete project file includes the Draft Air Construction Permit, the application/request, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact James K. Pennington, P.E., at the above address, or call 850/921-9515 for additional information.