

One Energy Place
Pensacola, Florida 32520

Tel 850.444.6111

RECEIVED

MAR 15 2005

BUREAU OF AIR REGULATION
Certified Mail



March 11, 2005

Mr. Mike Halpin, P.E.
Florida Department of Environmental Protection
Bureau of Air Regulation
2600 Blair Stone Road
Mail Station #5510
Tallahassee, Florida 32399-2400

Dear Mr.Halpin:

RE: CRIST ELECTRIC GENERATION FACILITY
DEP File No. 0330045-011-AC
Air Construction Permit for Mercury Research Center- Public Notice Affidavit

Thanks for the quick response to Gulf Power's request for an air construction permit to build and operate a mercury research center 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 February 24, 2005. The notice was published on March 3, 2005 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, appearing to read "Dwain Waters, Q.E.P." The signature is written in a cursive style.

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
Sandra Veazey, FDEP, Northwest District

Published Daily-Pensacola, Escambia County, FL.

STATE OF FLORIDA
County of Escambia

Before the undersigned authority personally appeared **KAY CHASTAIN** 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 **PUBLIC NOTICE** was published in said newspaper in the issues of **MARCH 3, 2005**. 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 **7TH DAY OF MARCH, A.D., 2005.**



Public

Notary

NIKKI G. WINDHAM
Notary Public-State of FL
Comm. Exp. Aug. 1, 2008
Comm. No. DD 342647

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMITS
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0330045-011-AC

Gulf Power Company
Crist Electrical Generating Plant
Escambia County

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit for Crist Electrical Generating Plant located on Pate Road, off 10 Mile Road, on Governors Bayou, Pensacola, Escambia County. The permit is to allow the construction and operation of a temporary equivalent slip-stream facility equipped with a complete system of flue gas technologies at Crist Unit 5. The proposed slip-stream facility will incorporate selective Catalytic Reduction (SCR) system, a rotary air-heater, an electrostatic precipitator (ESP), a baghouse (BH), and a wet flue gas desulfurization (FGD) system. According to the applicant, no increase of pollutants above PSD thresholds is anticipated. As such, a Determination of Best Available Control Technology (BAT) is not required, since there will be no significant increases in criteria pollutants as defined by Table 62-212.400-2 of the Florida Administrative Code. Based upon information provided by the applicant and pursuant to the applicant's request, the Department has determined that there is a satisfactory showing that all test information should be kept confidential as "secret processes", in accordance with 403.111, Florida Statutes. Accordingly, all documents or information submitted in connection with this permit application shall be confidential and test results shall be maintained as confidential, pursuant to applicable Florida law. The applicant's mailing address is: One Energy Place, Pensacola FL 32520-0110.

An air quality impact analysis was not required. The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or set of change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation, Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.57 F.S., before the deadline for filing a petition. The procedures for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permit issuance decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel, the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties to the proceeding below must be filed within fourteen days of receipt of this notice of intent to issue the permit. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of publication 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 as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with section 106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of the 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 person for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency's action; (c) A statement of how and when petitioner received notice of the agency's action or proposed action; (d) A statement of all disputed issues of material fact where there are none, the petition must so indicate; (e) A concise statement of the material facts alleged, including the specific facts the petitioner contends warrant the denial or modification of the agency's proposed action; (f) A statement of the 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 Department's action is based shall state that no such facts are in dispute and shall contain the same information as set forth above, as required by section 106.301.

Because the administrative hearing process is designed to form a final agency action, the filing of a petition means that the Department's final action will be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on this petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during non-business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

Florida Department of
Environmental Protection
Bureau of Air Regulation

Florida Department of
Environmental Protection
Northwest District Office

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 033004B-011-AC

Gulf Power Company
Crist Electrical Generating Plant
Escambia County

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit for Crist Electrical Generating Plant located on Pate Road, off of Mile Road, on Governors Bay, Panama City, Escambia County. The permit is to allow the construction and operation of a temporary 10 MW equivalent slip-stream facility equipped with a complete system of fine-particle technologies at Crist Unit 5. The proposed slip-stream facility will incorporate a selective catalytic reduction (SCR) system, a rotary air heater, an electrostatic precipitator (ESP), a baghouse (BH), and a wet flue gas desulfurization (FGD) system. According to the applicant, no increase of pollutants above PSD thresholds is anticipated. As such, a Determination of Best Available Control Technology (BACT) was not required since there will be no significant increases in criteria pollutants as defined by Table 62-212.400-2 of the Florida Administrative Code. Based upon information provided by the applicant and pursuant to the applicant's request, the Department has determined that there is a satisfactory showing that all test information should be kept confidential as "secret processes" in accordance with Section 403.111, Florida Statutes. Accordingly, all documents or information submitted or disclosed as confidential to the Department related to tests conducted and test results shall be maintained as confidential pursuant to applicable Florida law. The applicant's mailing address is: One Energy Place, Panama City, FL 32520-0110.

An air quality impact analysis was not required. The Department will issue the Final Permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department 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 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 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.

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 interests will be affected by the agency determination; (c) A statement of how and when 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 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; 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 Department'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

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

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:

Florida Department of
Environmental Protection

Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: (850) 488-1344
Fax: (850) 922-6979

Florida Department of
Environmental Protection
Northwest District Office
160 Governmental Center
Pensacola, Florida 32502-5794
Telephone: (850) 595-8300
Fax: (850) 595-4417

The complete project file includes the application, Draft permit, and the information submitted by the Responsible Official, exclusive of confidential records under Section 403.111, F.S. Interested persons may review specific details of this project by contacting the Administrator, North Permitting Section, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

Legal No. 67552 1T March 3, 2005