

One Energy Place  
Pensacola, Florida 32520

Tel 850.444.6111

RECEIVED

DEC 01 2008

BUREAU OF AIR REGULATION



Certified Mail

November 20, 2008

Ms. Elizabeth Walker  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
Mail Station # 5505  
Tallahassee, Florida 32399-2400

Dear Ms. Walker:

RE: CRIST ELECTRIC GENERATION FACILITY  
DEP File No. 0330045-023-AC  
New Sulfur Dioxide Emissions Standard - Public Notice Affidavit

Jeff Koerner requested that I send you the attached official proof of publication, i.e. newspaper affidavit regarding the Plant Crist Public Notice of Intent to Issue Air Permit originally sent to Gulf Power on November 6, 2008. The notice was published on November 12, 2008 in the Pensacola News Journal. An electronic copy of the affidavit was routed to Jeff Koerner earlier today.

Please let me know if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Dwain Waters, Q.E.P." The signature is written in a cursive style.

G. Dwain Waters, Q.E.P.  
Special Projects and Environmental Assets Coordinator

Cc: Greg Terry, Gulf Power Company  
Terry Wright, Gulf Power Company  
John Dominey, Gulf Power Company  
Rick Bradburn, FDEP, Northwest District  
Jeff Koerner, FDEP, Tallahassee Office

Published Daily-Pensacola, Escambia County, FL

**PROOF OF PUBLICATION**

State of Florida

County of Escambia:

Before the undersigned authority personally appeared **Laura M. LeNoir** who on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

**Public Notice of Intent to Issue Air Permit**

Was published in said newspaper in the issue(s) of:

November 12, 2008

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia 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 the said newspaper.

Sworn to and subscribed before me 12<sup>th</sup> Day of November, 2008, by Laura M. LeNoir who is personally known to me.

Laura M. LeNoir Affiant

Nikki E. Nichols Notary Public

**NIKKI E. NICHOLS**  
 Notary Public-State of FL  
 Comm. Exp. Aug. 01, 2012  
 Comm. No. DD 789478

**PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT**

Florida Department of Environmental Protection  
 Division of Air Resource Management, Bureau of Air Regulation  
 Gulf Power Company, Crist Electric Generating Plant  
 Draft Air Permit No. 0330045-023-AC  
 New Sulfur Dioxide Emissions Standard  
 Escambia County, Florida

**Applicant:** The applicant for this project is the Gulf Power Company. The applicant's authorized representative and mailing address is: Mr. Theodore J. McCullough, V.P. of Power Generation, Gulf Power Company, Crist Electric Generating Plant, One Energy Place, Pensacola, Florida 32520.

**Facility Location:** Gulf Power Company operates the existing Crist Electric Generating Plant, which is located on Governors Bayou off 10 Mile Road in Pensacola, Escambia County, Florida.

**Project:** The Crist Electric Generating Plant includes four existing coal-fired Units 4 through 7. In 2007, the Department issued Permit No. 0330045-015-AC, which authorized the construction of a new wet flue gas desulfurization system (FGD) to control sulfur dioxide (SO<sub>2</sub>) emissions. Initially, the applicant elected to install the new air pollution control equipment to provide full flexibility in implementing the federal cap and trade program for sulfur dioxide under the Clean Air Interstate Rule (CAIR).

For this new project, the Department is revising the original permit to establish the following new SO<sub>2</sub> emissions standard based on the final design and capabilities of the control equipment. As determined by CEMs emissions data, SO<sub>2</sub> emissions from the combined operation of Units 4, 5, 6, and 7 shall not exceed 885.0 tons during any 30-day rolling total of FGD scrubber operational days. Actual annual SO<sub>2</sub> emissions will be reduced as a result of the project. The project is not subject to the preconstruction review requirements of Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

**Permitting Authority:** Applications for all construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical address is: 1H South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2000 Blair Stone Road, MS 15505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site:

<http://www.dep.state.fl.us/air/eproducts/apds/default.asp>  
**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions:** 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, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by any persons other than those entitled to written notice under

caution of this Public Notice or receipt of a written notice, 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 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 (in a proceeding initiated by another party) 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, 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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (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, 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 including an explanation of how the alleged facts relate to the specific rules or statutes; and; (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Public Notice of Intent to Issue Air Permit. 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:** Mediation is not available for this proceeding.

Pensacola News Journal  
November 12, 2008

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