

One Energy Place  
Pensacola, Florida 32520

Tel 850.444.6111



Certified Mail

March 24, 2009

Mr. Yousry Attalla, P.E.  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
Mail Station # 5505  
Tallahassee, Florida 32399-2400

RECEIVED

MAR 30 2009

BUREAU OF AIR REGULATION

Dear Mr. Attalla:

*Joe*

RE: CRIST ELECTRIC GENERATION FACILITY

DEP File No. 0330045-024-~~ACAV~~

Air Construction Permit for System NOx Averaging Plan - Public Notice Affidavit

Certified Mail # 7008 2810 0001 4245 6202

Thanks for the quick response to Gulf Power's request to revise the Crist Title V Permit to incorporate a new Southern System NOx Averaging Plan. Enclosed is the proof of publication, i.e., newspaper affidavit regarding the Public Notice of Intent to Issue Title V Air Operation Permit Revision originally sent to Gulf Power on March 13, 2009. The notice was published on March 19, 2009 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,

*G. Dwain Waters, Q.E.P.*

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

**RECEIVED**

PENSACOLA

# News Journal

MAR 20 2009

BUREAU OF AIR REGULATION

Informed. In Tune. In Touch.

Published Daily-Pensacola, Escambia County, FL

### PROOF OF PUBLICATION

State of Florida

County of Escambia:

Before the undersigned authority personally appeared **LESLEY WHALEY** 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 TITLE V AIR OPERATION PERMIT REVISION

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

March 19, 2009

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 this 19<sup>th</sup> Day of March, 2009, by **LESLEY L. WHALEY** who is personally known to me.

Lesley L. Whaley Affiant

Alfred Nichols Notary Public

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

### PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

Florida Department of Environmental Protection  
Division of Air Resource Management  
Bureau of Air Regulation  
Draft/Proposed Air Permit No. 0330045-024-AV/  
Gulf Power Company, Crist Electric Generating Plant  
Escambia County, Florida

**Applicant:** The applicant for this project is Gulf Power Company. The applicant's authorized representative and mailing address is: Mr. James O. Vick, Director, Environmental Affairs, Gulf Power Company, Crist Electric Generating, One Energy Place, Pensacola, Florida 32526-0100.

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

**Project:** The applicant has submitted a complete and certified revised Acid Rain Phase II NOx Averaging Plan and has requested its incorporation into the existing Title V air operation permit.

The existing facility consists of the following emissions units. Currently at the plant site are four active fossil fuel fired steam generators (boilers) and two fly ash silos. Boilers 4 and 5 are substitution Acid Rain Phase I Units. Boilers 6 and 7 are Acid Rain Phase I Units. All four boilers are subject to the Acid Rain Phase II requirements. Pulverized coal is the primary fuel for boilers 4, 5, 6 and 7. Natural gas fuel oil and on-specification used oil are used as supplemental fuels in all four of the units.

**Permitting Authority:** Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-214 of the Florida Administrative Code (F.A.C.). This proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate this facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 Soul Magnolia Drive, Suite 14, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS 18505, 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 normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the draft/proposed permit, the Statement of Basis, application, and the information submitted by the applicant exclusive of confidential records under Section 403.111, F.S. Interested persons may view if draft/proposed permit by visiting the following website: <http://www.dep.state.fl.us/air/products/apps/consul.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air 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 applicable provisions of Chapters 62-4, 62-210, 62-213, 62-214, 62-215, 62-216, 62-217, 62-218, 62-219 and 62-297, F.A.C. The Permitting Authority will issue a final permit in accordance with the conditions of the proposed Draft/Proposed Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. 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 a draft/proposed Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the draft/proposed permit, the Permitting Authority shall issue a revised draft permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

**Petitioner:** 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 391 Commonwealth Boulevard, Mail Station 735, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.80(3), F.S. must be filed within 14 days of publication of this Public Notice of receipt of a written notice, whichever occurs first, under Section 120.80(3), F.S., however, any person who asked the Permitting Authority for notice of action may file a petition within 14 days of receipt of that notice, regardless of its 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 120.51 and 120.57, F.S., or to intervene in this proceeding and participate as a party to any subsequent intervention in a proceeding initiated by another party, will be solely 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

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 used 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 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, 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 a 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.

**EPA Review:** EPA has agreed to treat the Draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review period by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The Final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that result in a different decision of significant change of terms or conditions. The status regarding EPA's 45-day review of the project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

**Objections:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public 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 each objection arose after the comment period. Filing a petition with the Administrator of the EPA does not stay the effective date of a permit properly issued pursuant to the provisions of Chapter 82-213, F.A.C. Petitions filed with the Administrator of the 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. For more information regarding EPA review and objections, visit EPA's Region 4 web site <http://www.epa.gov/region4/air/permits/Florida.htm>.

Legal No. 14R1294 IT March 10 2000