

AFFIDAVIT OF PUBLICATION  
**The Herald-Advocate**  
Published Weekly at Wauchula, Florida

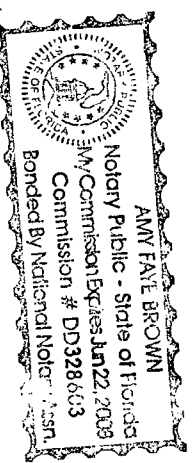
STATE OF FLORIDA,  
COUNTY OF HARDEE

Before the undersigned authority personally appeared Ann Basey  
who on oath says he is the Secretary of The Herald-Advocate, a  
newspaper published at Wauchula, in Hardee County, Florida; that the attached copy of advertise-  
ment, being a Public Notice  
in the matter of Intent to Issue Air Permit  
in the \_\_\_\_\_ Court, was published in said newspaper in the issues  
of October 19, 2006

Affiant further says that the said Herald-Advocate is a newspaper published at Wauchula, in  
said Hardee County, Florida, and that the said newspaper has heretofore been continuously published  
in said Hardee County, Florida, each week and has been entered as second class mail matter at the  
post office in Wauchula, in said Hardee County, Florida, for a period of one year next preceding the  
publication of the attached copy of advertisement; and affiant further says that he 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.

Ann Basey

Sworn to and subscribed before me this 19 day of October  
A.D. 2006  
Amy Jay Brown  
My Commission Expires June 22, 2008  
Notary Public



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

Florida Department of Environmental Protection  
DRAFT/PROPOSED Air Permit No. 0490015-007-AV  
Hardee Power Partners - Hardee Power Station  
Hardee County

**Applicant:** The applicant for this project is Hardee Power Partners, A Subsidiary of Invenergy, LLC. The applicant's Responsible Official is Mr. Alex C. George, V.P., One South Wacker Drive, Suite 2020, Chicago, Illinois 60606.

**Facility Location:** The Hardee Power Partners operate the existing Hardee Power Station, which is located at 6695 County Road 663, Fort Green Springs, Hardee County.

**Project:** The applicant requested a revision to change various permit conditions, that are contained in Air Operation Permit No. 0490015-005-AV, to match the updated requirements of 40 CFR 60, Subpart GG, which was revised on July 8, 2004. Such changes are primarily related to fuel monitoring and additional emissions monitoring options. This permitting action will also be used to replace Appendix TV-4, Title V Conditions (version dated 02/12/02) with Appendix TV-6, Title V Conditions (version dated 6/23/06), as well as other minor administrative corrections as described below. It was determined that a concurrent Air Construction permit revision was not required because the changes contained in this revision do not alter the requirements contained in the construction permits to comply with the applicable portions of 40 CFR 60, Subpart GG. The only referenced attachments that are being issued with this revision are Appendix GG - Standards of Performance for Stationary Gas Turbines and Appendix TV-6, Title V Conditions (version dated 6/23/06), which is replacing the existing Appendix TV-4. The other referenced attachments are unchanged by this permitting action and will remain as issued with the Title V Air Operation Permit Renewal (permit no. 0490015-005-AV) that was effective on January 1, 2005.

**Permitting Authority:** Applications for 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.). The proposed project is not exempt from air permitting requirements and an air permit is required to approve the requested changes. The Department of Environmental Protection's 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 S. Magnolia Drive, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, Mail Station 5505, 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 address indicated above for the Permitting Authority. The complete project file includes the DRAFT/PROPOSED Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. A copy of the complete project file is also available at the Department of Environmental Protection's Southwest District Office at 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926 (Telephone: 813/632-7600).

**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 appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of this DRAFT/PROPOSED 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 DRAFT/PROPOSED Permit for a period of thirty (30) days from the date of publication of this Public Notice. Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), 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 (<http://law.dos.state.fl.us/>) and in a newspaper of general circulation in the area.

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**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. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen (14) days of publication 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 fourteen (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 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 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, 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 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.

**DRAFT/PROPOSED Permit Processing:** EPA has agreed to treat the DRAFT Title V Permit as a PROPOSED Title V Permit and to perform its 45-day review provided 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 results in a different decision or significant change of terms or conditions.

The status regarding EPA's 45-day review of this 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>

Pursuant to 42 United States 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 Title V permit. Any petition shall be based only on objections to the Title V 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 objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any Title V 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.