

Friday, Barbara

From: Bull, Robert
Sent: Thursday, October 24, 2002 7:15 AM
To: Friday, Barbara
Subject: FW: Vandolah Power Project Public Notice



Title V Air Operation
Permit-P...

-----Original Message-----

From: Mollhagen, Jennifer [mailto:Jennifer.Mollhagen@ElPaso.com]
Sent: Wednesday, October 23, 2002 4:07 PM
To: Bull, Robert
Cc: Sheplak, Scott
Subject: RE: Vandolah Power Project Public Notice

Yes, the notice was published on October 3, 2002 in the Herald Advertiser newspaper in Wauchula, Florida (see attachment). I spoke with the paper this morning to remind them to forward the proof of publication to me ASAP. They said that they will send it out today. Once I receive it, I will forward to the FDEP. I apologize for the delay. Please let me know if you need anything else. Thanks.

-----Original Message-----

From: Bull, Robert [mailto:Robert.Bull@dep.state.fl.us]
Sent: Wednesday, October 23, 2002 2:57 PM
To: jennifer.mollhagen@elpaso.com
Cc: Sheplak, Scott
Subject: Vandolah Power Project Public Notice

Dear Ms. Mollhagen,

In Regards to your Draft Permit for Vandolah Power Project, the Tallahassee Division Office has yet to receive Public Notice Confirmation for the Draft Permit. Was the notice ever published, and if so, when and in which local publication was the notice published?

Thank you,

Bobby Bull
Florida DEP

This email and any files transmitted with it from the ElPaso Corporation are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.

PUBLIC NOTICE OF INTENT TO ISSUE **TITLE V AIR OPERATION PERMIT**

STATE OF FLORIDA **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DRAFT Permit No.: 0490043-03-AV

Vandolah Power Project

Hardee County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit to the Vandolah Power Company, LLC, for the Vandolah Power Project located at 2394 Vandolah Road, Wauchula, Hardee County. The applicant's name and address are: Mr. John O'Rourke, Vice President and Managing Director, Vandolah Power Company, LLC, 1001 Louisiana Street, Houston, TX 77002.

The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the DRAFT 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 Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the permitting authority's office, 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 Permit, the permitting authority shall issue a Revised DRAFT 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 the 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 or identification number, 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;

(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 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.

In addition to the above, 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 permit. Any petition shall be based only on objections to the 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 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.

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 Program:

Department of Environmental Protection
Southwest District Office
8407 Laurel Fair Circle, Suite 214
Tampa, Florida 33610-7355
Telephone: 813/744-6100
Fax: 813/744-6458

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Shepiak, P.E. at the above address, or call 850/921-9532, for additional information.



October 29, 2002

Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station #5505
Tallahassee, Florida 32399-2400
Phone: 850-488-0114

RECEIVED

NOV 01 2002

BUREAU OF AIR REGULATION

Re: Proof of Publication of Public Notice
Title V Operation Permit
Vandolah Power Project
Draft Permit No. 0490043-003-AV
ORIS Code: 55415

To Whom It May Concern:

El Paso Corporation, on behalf of Vandolah Power Project (Vandolah), is submitting proof of publication for the "Public Notice of Intent to Issue Title V Air Operation Permit." This public notice was published in the Herald-Advocate newspaper in Wauchula, Florida on October 3, 2002. If you have any questions or comments regarding this submission, please call me at (713) 420-4771, or Doug Jensen, the plant manager of the Vandolah Power Project, at 863-773-2277. Thank you very much for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Mollhagen".

Jennifer Mollhagen
Environmental Scientist

Enclosure

cc: Paul Talarico, El Paso
Doug Jensen, Vandolah
Chris Coombs, Vandolah

AFFIDAVIT OF PUBLICATION
The Herald-Advocate

Published Weekly at Wauchula, Florida

STATE OF FLORIDA,
COUNTY OF HARDEE

Before the undersigned authority personally appeared Denise Moyer
who on oath says he is the bookkeeper of The Herald-Advocate, a news
paper published at Wauchula, in Hardee County, Florida; that the attached copy of

advertisement, being a Notice to Issue Permit
in the matter of Vandolah Power Co.

in the _____ Court, was published in said newspaper in
the issues of Oct. 3, 2002

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 hereto-
fore 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 Har-
dee 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.

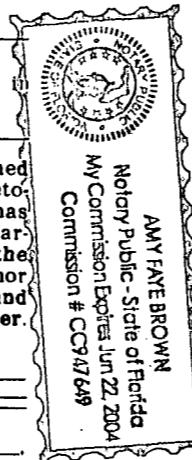
Denise Moyer

Sworn to and subscribed before me this 23 day of October
A. D. 2002

Amy Faye Brown

Notary Public

My Commission Expires June 22 2004



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TITLE V AIR OPERATION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Hardee County

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Fax: 850/922-6979

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8407 Laurel Fair Circle, Suite 214
Tampa, Florida 33610-7355
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