

*Vandolah*

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BUREAU OF AIR REGULATION

09/18/07

The Bureau of Air Regulation  
2600 Blair Stone Rd  
MS # 5505  
Tallahassee, FL 32399-2400

### **Proof of Publication**

Pursuant to Rule 62-110.106(5), F.A.C. Vandolah Power Company L.L.C. hereby provides proof of publication for our **INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL**.

If you have any questions or need further information please contact me at (863)773-2277 x2222.

Regards,



Douglas A. Jensen  
Plant Manger  
Vandolah Power Company L.L.C.

*Vandolah Power Company L.L.C. 2394 Vandolah Road Wauchula, FL 33873*  
*Tel (863)-773-2277 Fac (863) 773-5908*

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

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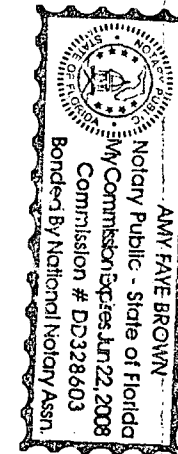
STATE OF FLORIDA,  
COUNTY OF HARDEE

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 intent to close  
in the matter of Air Operation Permit  
in the \_\_\_\_\_ Court, was published in said newspaper in the issues  
of September 13, 2007

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 13 day of September  
A.D. 20 07  
Amy Faye Brown  
Notary Public  
My Commission Expires June 22, 20 08

BUREAU OF AIR REGULATION



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

DRAFT Permit Project No.: 0490043-005-AV  
Vandolah Power Project  
Hardee County

The Bureau of Air Regulation (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to Vandolah Power Company L.L.C., for Vandolah Power Project located at 2394 Vandolah Road, Wauchula, Hardee County. The facility is an existing electrical generating plant consisting of four, dual-fuel, nominal 170 megawatt (MW) combustion turbine-electrical generators and two 2.8 million gallon fuel oil storage tanks. The applicant's name and address are: Vandolah Power Company L.L.C., Mr. Douglas Jensen, 2394 Vandolah Road, Wauchula, Florida 33873.

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 DRAFT 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 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400 or facsimile 850/921-9533. 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 and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT 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.

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 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). 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 of the 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 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.

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 the permitting authority.

**Permitting Authority:**

The Bureau of Air Regulation  
2600 Blair Stone Road, MS #5505  
Tallahassee, Florida 32399-2400  
Telephone: 850/488-0114  
Fax: 850/921-9533

The complete project file includes the DRAFT Permit, the application for renewal, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Jeff Koerner, P.E., at the above address, or call 850/488-0114, for additional information.