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BUREAU OF AIR REGULATION

November 8, 2001

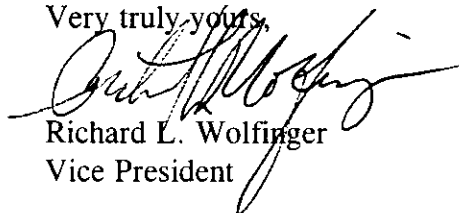
Florida Department of Air Quality  
Bureau of Air Quality  
2600 Blair Stone Road  
Mail Station #5505  
Tallahassee, Florida 32399-2400

RE: DEP File NO. 0490046-001-AC (PSD-FL-306)  
Proof of Publication

Dear Sir:

Enclosed is a full copy of page 10A of The Herald-Advocate which is published in Hardee County, the site of the South Pond Energy Park dated October 25, 2001 which contains the public notice on the above subject draft air permit. This notice was published in the legal section of the newspaper. The Herald-Advocate was instructed to send the newspaper affidavit direct to the Department. Please advise if you have not received it by calling me at toll free at 877-212-6730 or advise by mail.

Very truly yours,



Richard L. Wolfinger  
Vice President

AFFIDAVIT OF PUBLICATION

The Herald-Advocate

Published Weekly at Wauchula, Florida

REC.

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PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0490046-001-AC (PSD-FL-306)

South Pond Energy Park Hardee County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit under the requirements for the Prevention of Significant Deterioration (PSD) of Air Quality to South Pond Energy Park. The permit is to construct a nominal 600-megawatt (MW) natural gas-fueled power plant two miles south of Ft. Green on Ft. Green Road, Hardee County. A Best Available Control Technology (BACT) determination was required for sulfur dioxide (SO2), particulate matter (PM/PM10), nitrogen oxides (NOx), volatile organic compounds (VOC), sulfuric acid mist (SAM), and carbon monoxide (CO) pursuant to Rule 62-212.400, F.A.C. The applicant's name and address are South Pond Energy Park, LLC, 111 Market Place, Suite 200, Baltimore, Maryland 21202.

South Pond Energy Park proposes to construct three nominal 174-MW General Electric Frame 7FA natural gas-fired combustion turbine-electrical generators. Two of the units will operate in simple cycle mode and intermittent duty. The other unit will operate in combine cycle mode and will include an unfired heat recovery steam generator and a separate steam-electrical generator.

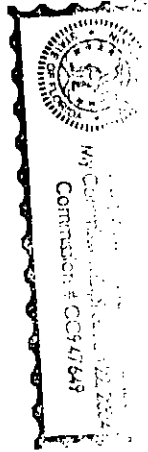
Additional equipment includes an 84 million Btu auxiliary boiler, a 2.8 million gallon fuel oil storage tank, an emergency diesel powered fire pump, and, an emergency diesel fired generator.

NOx emissions will be controlled by Dry Low NOx combustors. The two simple cycle units must meet an emission limit of 9 parts per million by volume, dry, at 15 percent oxygen (ppmvd @ 15% O2). NOx emissions from the combined cycle unit will be further controlled by selective catalytic reduction (SCR) to achieve 2.5 ppmvd at 15% O2. Emissions of CO will be controlled to 7.4 ppmvd @ 15% O2.

Emissions of PM/PM10, SO2 sulfuric acid mist, volatile organic compounds, and hazardous air pollutants

Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department 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 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.



STATE OF FLORIDA, COUNTY OF HARDEE

Before the undersigned authority personally appeared Denise Maye who on oath says he is the bookkeeper of The Herald-Advocate, a newspaper published at Wauchula, in Hardee County, Florida; that the attached copy of advertisement, being a Pub. Not. of Intent

in the matter of \_\_\_\_\_ in the \_\_\_\_\_ Court, was published in said newspaper in the issues of 10.25.01

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.

Denise Maye

Sworn to and subscribed before me this 30 day of October

A. D. 19 2001 Amy Joyce Brown Notary Public

My Commission Expires June 22 19 2004

- cc: E. Sule G. Worley, EPA G. Run... NPS B. Thomas, SWD

operate in combine cycle mode and will include an unfired heat recovery steam generator and a separate steam-electrical generator.

Additional equipment includes an 84 million Btu auxiliary boiler, a 2.8 million gallon fuel oil storage tank, an emergency diesel powered fire pump, and, an emergency diesel fired generator.

NO<sub>x</sub> emissions will be controlled by Dry Low NO<sub>x</sub> combustors. The two simple cycle units must meet an emission limit of 9 parts per million by volume, dry, at 15 percent oxygen (ppmvd @ 15% O<sub>2</sub>). NO<sub>x</sub> emissions from the combined cycle unit will be further controlled by selective catalytic reduction (SCR) to achieve 2.5 ppmvd at 15% O<sub>2</sub>. Emissions of CO will be controlled to 7.4 ppmvd @ 15% O<sub>2</sub>.

Emissions of PM/PM<sub>10</sub>, SO<sub>2</sub> sulfuric acid mist, volatile organic compounds, and hazardous air pollutants (HAP) will be controlled to very low levels by good combustion and use of inherently clean pipeline quality natural gas. Ammonia emissions (NH<sub>3</sub>) generated due to NO<sub>x</sub> control on the combined cycle unit will be limited to 5 ppmvd.

The combined maximum emissions from the four units in tons per year are summarized below. These include the minor emissions from the emergency diesel engines and the cooling towers.

Pollutant

PM/PM<sub>10</sub> (filterable plus condensable)  
CO  
NO<sub>x</sub>  
VOC  
SO<sub>2</sub>  
Sulfuric Acid Mist

Maximum Potential Emissions

120  
346  
654  
46  
145  
15.1

PSD Significant Emission Rate

25/15  
100  
40  
40  
40  
7

Maximum predicted air quality impacts due to emissions from the South Pond project are less than the applicable PSD Class II significant impact levels. Maximum predicted air quality impacts due to emissions from the South Pond Energy Park project are less than the applicable PSD Class I significant impact levels in Chassahowitzka National Wilderness Area located 135 km northwest of the facility.

A CALPUFF modeling analysis for the South Pond project was submitted to the Fish and Wildlife Service (FWS) by the applicant. On the basis of the submittal, the FWS advised the Department "the South Pond project is not expected to significantly impact air quality or visibility at the Chassahowitzka National Wilderness Area."

Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or significantly contribute to a violation of any ambient air quality standard or PSD increment.

other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department 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 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 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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 interests will be affected by the agency determination; (c) A statement of how and when 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 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; 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 Department'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.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

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 project is not subject to Section 403.501-518, F.S., Florida Electrical Power Plant Siting Act, based on information regarding gross electrical power generated from the steam cycle submitted by the applicant and reviewed by the Department.

The Department will issue the 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 Department will accept written comments and requests for a public meeting concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Dept of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida 32301  
Telephone: 850-488-0114  
Fax: 850-922-6979

Dept. of Environmental Protection  
Southwest District Office  
3804 Coconut Palm Drive  
Tampa, Florida 33619-8218  
Telephone: 813-744-6100  
Fax: 813-744-6084

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, Title V Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850-488-0114, for additional information.

10:25c