

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

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MAY 23 2005

STATE OF FLORIDA,  
COUNTY OF HARDEE

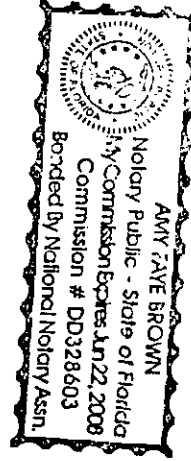
Before the undersigned authority personally appeared Denise Moya BUREAU OF AIR REGULATION who on oath says he is the bookkeeper of The Herald-Advocate, a newspaper published at Wauchula, in Hardee County, Florida; that the attached copy of advertisement, being a Public Notice of Intent in the matter of Seaside Electric Cooperative in the \_\_\_\_\_ Court, was published in said newspaper in the issues of May 12, 2005

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 Moya

Sworn to and subscribed before me this 12 day of May A.D. 2005

Amy Jay Brown  
Notary Public  
My Commission Expires June 22 2008



AND A  
DEPAR  
DRA  
DRAFT Title

**Applicant:** The applicant for Mabry Highway, Tampa, Florida Opalinski, Vice President of T  
**Facility Location:** The applicant County Road 663, Bowling Green

**Project:** The applicant submitted Title V Air Operation Permit modification of air construction requested increase in authorized periods of excess emissions day for hot and warm startups to 2 hours per shutdown event requested a concurrent revisor request. The revision will be in

Details of the project are provided in "Determination".

**Permitting Authority:** Applicant source air operation permit re 403, Florida Statutes (F.S.) and Code (F.A.C.). The proposed an Air Construction Permit modification continue operations at the facility is the Permitting Authority's physical Permitting Authority's physical Air Regulation, 111 South M Permitting Authority's mailing address Tallahassee, Florida 32399-850/488-0114 and facsimile

**Project File:** A complete project of 8:00 a.m. to 5:00 p.m., Monday the Permitting Authority. In application, the Technical Evaluation applicant, exclusive of confidential DRAFT Title V Air Operation website: <http://www.dep.state.fl.us> at the Florida Department of Tampa, Florida 33619-1352

**Notice of Intent to Issue:** A the applicant for the project of the facility will not address provisions of Chapters 62-62-297, F.A.C. The Permit Air Operation Permit Revision with the conditions of the Revision unless a response or a significant change of

**Comments:** The Permitting Permit for a period of four Operation Permit Revisor Written comments must be business (5 pm), on or before address, email or facsimile Authority hold a public record sufficient interest for a Department's official website circulation in the area of

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AND A TITLE V AIR OPERATION PERMIT REVISION  
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Air Construction Permit No. 0490340-004-AC  
DRAFT Title V Air Operation Permit Revision No. 0490340-005-AV  
Payne Creek Generating Station  
Hardee County

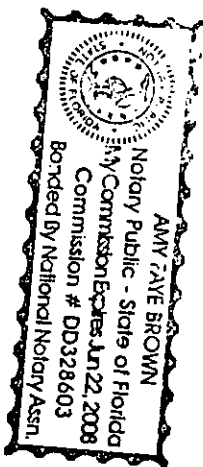
BUREAU OF AIR REGULATION

copy of advertise-

newspaper in the issues

published at Wauchula, in  
continuously published  
as mail matter at the  
of next preceding the  
has neither paid nor  
fund for the purpose

*af*  
*Brown*



**Applicant:** The applicant for this project is Seminole Electric Cooperative, Inc., 16313 North Dale Mabry Highway, Tampa, Florida 33688-2000. The applicant's responsible official is Mr. Michael P. Opalinski, Vice President of Technical Services.

**Facility Location:** The applicant operates a nominal 488 MW Power Plant, which is located at 6697 County Road 663, Bowling Green, Hardee County, Florida.

**Project:** The applicant submitted to the Permitting Authority for an Air Construction Permit modification and Title V Air Operation Permit revision. Air Construction Permit Project No. 0490340-004-AC involves the modification of air construction permit No. PSD-FL-214A for the combined cycle gas turbines. The applicant requested increase in authorized periods of excess emissions to 6 hours per day for cold startups; and increase authorized periods of excess emissions to 2 hours per startup event and no more than three startup events in a day for hot and warm startups. Additionally, the applicant requested increase in authorized excess emissions to 2 hours per shutdown event and no more than three shutdown events in a day. Lastly, the applicant requested a concurrent revision of Title V Air Operation Permit No. 0490340-002-AV to incorporate the above request. The revision will be issued as DRAFT Title V Air Operation Permit No. 0490340-005-AV.

Details of the project are provided in the application and the enclosed "Technical Evaluation and Preliminary Determination".

**Permitting Authority:** Applications for an Air Construction Permit modification and a Title V major source air operation permit revision 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 construction and Title V permitting procedures and an Air Construction Permit modification and Title V Air Operation Permit revision are required to modify or continue operations at the facility. The Department of Environmental Protection, Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination regarding this project. The Permitting Authority's physical address is: Florida Department of Environmental Protection, Bureau of Air Regulation, 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Mail Station #5505. The Permitting Authority's telephone number is 850/488-0114 and facsimile number is 850/922-6979.

**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 Permits, the Statement of Basis, the application, the Technical Evaluation and Preliminary Determination and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the DRAFT Title V Air Operation Permit revision and file electronic comments by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/ards/>. A copy of the complete project file is also available at the Florida Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-1352. Telephone: 813/744-6100.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue a permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the facility 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, 62-214, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C. The Permitting Authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Revision and subsequent FINAL Title V Air Operation Permit Revision in accordance with the conditions of the DRAFT Air Construction Permit and the DRAFT Title V Air Operation Permit Revision unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the DRAFT Air Construction Permit for a period of fourteen (14) days and will accept written comments concerning the DRAFT Title V Air Operation Permit Revision for a period of thirty (30) days from the date of publication of this Public Notice. Written comments must be post-marked, and all e-mail or facsimile comments must be received by the close of business (5 pm), on or before the end of this 14 or 30-day period by the Permitting Authority at the above address, email or facsimile. 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 on the Department's official web site for notices at <http://thora6.dep.state.fl.us/onw> 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.

sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://tthora6.dep.state.fl.us/onw> 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 Air Construction Permit or the DRAFT Title V Air Operation Permit Revision, the Permitting Authority shall issue a Revised DRAFT Air Construction Permit or a Revised DRAFT Title V Air Operation Permit Revision and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Construction Permit and Title V Air Operation Permit Revision. 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 the attached Public Notice or within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Construction Permit and Title V Air Operation Permit Revision, 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 interests will be affected by the agency determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are more than one, 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 Written Notice of Intent to Issue Air Construction Permit and Title V Air Operation Permit Revision. 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 in this proceeding.

**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 sixty (60) 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 the issuance of any Title V air operation permit revision. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the thirty (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 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. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

HIGHLANDS TODAY & THE TAMPA TRIBUNE  
Published Daily  
Sebring, Highlands County, Florida

State of Florida            }  
County of Highlands } ss.

Before the undersigned authority personally appeared C. Offner, who on oath says that she is Advertising Billing Supervisor of Highlands Today & The Tampa Tribune, daily newspapers published at Sebring in Highlands County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE HIGHLANDS TODAY

in the matter of PUBLIC NOTICE OF INTENT

was published in said newspaper in the issues of  
MAY 6, 2005

Affiant further says that the said Highlands Today & The Tampa Tribune are newspapers published at Sebring in said Highlands County, Florida, and the said newspapers have heretofore been continuously published in said Highlands County, Florida, each day and have been entered as second class mail matter at the post office in Sebring, in said Highlands 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, this advertisement for publication in the said newspaper.

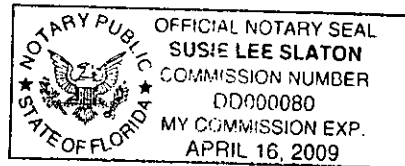
*C. Offner*

Sworn to and subscribed by me, this 06 day  
of MAY, A.D. 20 05

Personally Known  or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

(SEAL)

*Susie Lee Slaton*



RECEIVED

MAY 23 2005

BUREAU OF AIR REGULATION

PUBLIC NOTICE OF INTENT  
TO ISSUE AN AIR  
CONSTRUCTION PERMIT  
AND A TITLE V AIR  
OPERATION PERMIT  
REVISION

STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION  
DRAFT Air Construction  
Permit No. 0490340-004-AC  
DRAFT Title V Air Operation  
Permit Revision No.  
0490340-005-AV Payne  
Creek Generating Station  
Hardee County

Applicant: The applicant for this project is Seminole Electric Cooperative, Inc., 16313 North Dale Mabry Highway, Tampa, Florida 33688-2000. The applicant's responsible official is Mr. Michael P. Opalinski, Vice President of Technical Services.

Facility Location: The applicant operates a nominal 488 MW Power Plant, which is located at 6697 County Road 663, Bowling Green, Hardee County, Florida.

Project: The applicant submitted to the Permitting Authority for an Air Construction Permit modification and Title V Air Operation Permit revision, Air Construction Permit Project No. 0490340-004-AC involves the modification of air construction permit No. PSD-FL-214A for the combined cycle gas turbines. The applicant requested increase in authorized periods of excess emissions to 6 hours per day for cold startups; and increase authorized periods of excess emissions to 2 hours per startup event and no more than three startup events in a day for hot and warm startups. Additionally, the applicant requested increase in authorized excess emissions to 2 hours per shutdown event and no more than three shutdown events in a day. Lastly, the applicant requested a concurrent revision of Title V Air Operation Permit No. 0490340-002-AV to incorporate the above request. The revision will be issued as DRAFT Title V Air Operation Permit No. 0490340-005-AV. Details of the project are provided in the application and the enclosed "Technical Evaluation and Preliminary Determination".

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**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 Permits, the Statement of Basis, the application, the

Technical Evaluation and Preliminary Determination and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the DRAFT Title V Air Operation Permit revision and file electronic comments by visiting the following website: [www.dep.state.fl.us/air/e/products/ards/](http://www.dep.state.fl.us/air/e/products/ards/). A copy of the complete project file is also available at the Florida Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-1352. Telephone: 813/744-6100.

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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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Construction Permit and Title V Air Operation Permit Revision. 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 the attached Public Notice or within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Construction Permit and Title V Air Operation Permit Revision, 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 upon 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 interests will be affected by the agency determination; (c) A statement of how and when each 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 Written Notice of Intent to Issue Air Construction Permit and Title V Air Operation Permit Revision. 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 in this proceeding.

**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 sixty (60) 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 the issuance of any Title V air operation permit revision. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the thirty (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 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. For more information regarding EPA review and objections, visit EPA's Region 4 web site at: [www.epa.gov/region4/air/permits/Florida.htm](http://www.epa.gov/region4/air/permits/Florida.htm)

AD#51900  
SB7714 05/06/2005