



RECEIVED

FEB 10 2009

BUREAU OF AIR REGULATION

February 5, 2009

Mr. Jeff Koerner  
Bureau of Air Regulation – New Source Review Section  
Florida Department of Environmental Protection  
Division of Air Resource Management  
2600 Blair Stone Road, MS5505  
Tallahassee, FL 32399-2400

**Re: Midulla Generating Station (0490340-011 -AV) and (0490340-010-AC)  
Proof of Public Notice for the Revision of a Title V Air Permit and Air  
Construction Permit.**

Dear Mr. Koerner:

Enclosed you will find the required proof of public notice for the incorporation of the permit changes to the Midulla Generating Station's Title V permit and Air Construction Permit.

If you have any questions or need additional information, please contact me at (813) 739-1219.

Sincerely,

Juan Ramirez  
Senior Environmental Engineer

Enclosures: Public Notice from the Wauchula Herald-Advocate

AFFIDAVIT OF PUBLICATION

The Herald-Advocate

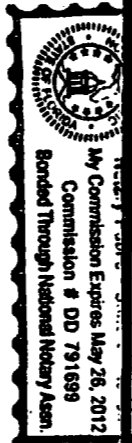
Published Weekly at Wauchula, Florida

STATE OF FLORIDA, COUNTY OF HARDEE

Before the undersigned authority personally appeared Kim Beas 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 advertisement, being a Public Notice in the matter of Intent to issue Air Permits in the Court, was published in said newspaper in the issues of Jan. 29, 2009

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.

Sworn to and subscribed before me this 30th day of January A.D. 2009. Nancy P. Davis, Notary Public, My Commission Expires May 26, 2012



PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMITS

Florida Department of Environmental Protection

Notice of Intent to Issue Air Permits Seminole Electric Cooperative, Inc., Midulla Generating Station

Draft/Proposed Permit No. 0490340-011-AV, Title V Air Permit Revisions Draft Permit No. 0490340-010-AC, Air Construction Permit Revisions

Applicant: The applicant for this project is Seminole Electric Cooperative, Inc. The applicant's responsible official is Mr. Mike Roddy, the Manager of Environmental Affairs for Seminole Electric Cooperative, Inc. The applicant's mailing address is P.O. Box 272000, Tampa, Florida 33688-2000.

Facility Location: Seminole Electric Cooperative, Inc. operates the Midulla Generating Station, which is an existing electrical generating plant located in Hardee County at 6695 County Road 663 in Bowling Green, Florida. This station was formerly known as the Payne Creek Generating Station.

Project: Project No. 0490340-010-AC (PSD-FL-214E and PSD-FL-344B) will revise original air construction permit PSD-FL-214 for the existing two combined cycle combustion turbines (Units 1 and 2) and revise original air construction permit PSD-FL-344 for the existing five sets of simple cycle combustion turbines (CT-4A to CT8B). These projects were subject to preconstruction review in accordance with Rule 62-212.400 of the Florida Administrative Code (F.A.C.) for the Prevention of Significant Deterioration (PSD) of Air Quality. Original air construction Permit No. PSD-FL-214 (Units 1 and 2) will be revised to: replace the current sulfuric acid mist emission limits with a fuel sulfur limitation; and establish the carbon monoxide emissions standard as a surrogate for volatile organic compounds. Original air construction Permit No. PSD-FL-344 (CT-4A to CT-8B) will be revised to: increase the maximum heat input rate when firing natural gas from 566.6 to 676.2 MMBtu/hour; increase the maximum heat input rate when firing distillate oil from 576.8 to 606.6 MMBtu/hour; and establish the carbon monoxide emissions standard as a surrogate for volatile organic compounds. The changes in maximum heat input rates are to reflect the actual installed capabilities of the equipment as documented by the manufacturer, Pratt & Whitney.

Project No. 0490340-011-AV will revise existing Title V air operation Permit No. 0490340-006-AV to incorporate the changes proposed in Project No. 0490340-010-AC. In addition, Project No. 0490340-011-AV will incorporate the final changes made in previously issued final Permit No. 0490340-012-AC for the existing five Twin Pac simple cycle combustion turbines. That final project replaced the requirement to conduct annual compliance tests for carbon monoxide upstream of the oxidation catalyst systems with a requirement to conduct periodic tests to determine the reactivity of the oxidation catalyst.

Details of the projects are provided in the attached documents.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, F.S. and Chapters 62-4, 62-210 and 62-213, F.A.C. The projects are not exempt from the permitting procedures for air construction permits and Title V air operation permits. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Florida Department of Environmental Protection's Division of Air Resource Management. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone 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 and draft/proposed permits, the Statement of Basis, the Technical Evaluation and Preliminary Determination, the application, and the additional 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. The draft/proposed permit documents can be viewed at: http://www.dep.state.fl.us/air/eproducts/apds/default.asp.

Notice of Intent to Issue Permits with Parallel Review by EPA: The Permitting Authority gives notice of its intent to issue a draft air construction permit revision and a concurrent draft/proposed Title V air operation permit revision for the projects 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 applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue final permits in accordance with the conditions of the draft/proposed Permits 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.

The EPA has agreed to treat the draft Title V air operation permit as a Proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period (parallel review). 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 were completed.

tion permits are subject to review in accordance with the provisions of Chapters 62-213, F.A.C. The projects are not exempt from the permitting procedures for air construction permits and Title V air operation permits. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Florida Department of Environmental Protection's Division of Air Resource Management. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone 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 and draft/proposed permits, the Statement of Basis, the Technical Evaluation and Preliminary Determination, the application, and the additional 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. The draft/proposed permit documents can be viewed at: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

**Notice of Intent to issue Permits with Parallel Review by EPA:** The Permitting Authority gives notice of its intent to issue a draft air construction permit revision and a concurrent draft/proposed Title V air operation permit revision for the projects 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 applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue final permits in accordance with the conditions of the draft/proposed Permits 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.

The EPA has agreed to treat the draft Title V air operation permit as a Proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period (parallel review). 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 result 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>.

**Comments:** The Permitting Authority will accept written comments concerning the draft air construction permit and the draft/proposed Title V air operation permit and requests for a public meeting for a period of 30 days from the date of publication of this Public Notice. Written comments and requests for a public meeting must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. 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. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to a draft/proposed permit, the Permitting Authority shall revise the draft/proposed permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. All comments filed for these projects will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decisions 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 (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 14 days of publication of this Public Notice or within fourteen 14 days of receipt of 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 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 (in a proceeding initiated by another party) 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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; 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 Permits. 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 to the Draft Title V Air Operation Permit:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45 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. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 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>.