



May 10, 2010

**RECEIVED**

**MAY 19 2010  
BUREAU OF  
AIR REGULATION**

Mr. Jonathan Holtom  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
Division of Air Resource Management  
2600 Blair Stone Road, MS5505  
Tallahassee, FL 32399-2400

**Re: Midulla Generating Station (0490340-015-AV) and (0490340-014-AC )  
Proof of Public Notice from the Revision of a Title V and Air Construction  
Permit**

Dear Mr. Holtom:

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**

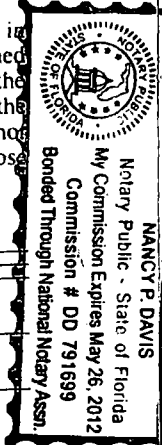
Published Weekly at Wauchula, Florida

STATE OF FLORIDA,  
COUNTY OF HARDEE

Before the undersigned authority personally appeared Kimi 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 advertise-  
ment, being a Public Notice  
in the matter of Intent to issue Air Construction Permit  
Modification and Title V Air Operation Permit Revision  
in the \_\_\_\_\_ Court, was published in said newspaper in the issues  
of May 6, 2010

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 6<sup>th</sup> day of May  
A.D. 2010  
Nancy P. Davis  
Notary Public  
My Commission Expires May 26 2012



**PUBLIC NOTICE OF INTENT TO ISSUE AIR  
CONSTRUCTION PERMIT MODIFICATION AND TITLE V AIR OPERATION PERMIT REVISION**

Florida Department of Environmental Protection  
Division of Air Resource Management, Bureau of Air Regulation  
Draft Air Construction Permit Modification No. 0490340-014-AC (PSD-FL-344C)  
Draft/Proposed Title V Air Operation Permit No. 0490340-015-AV  
Seminole Electric Cooperative, Inc., Midulla Generating Station  
Hardee County, Florida

**Applicant:** The applicant for this project is Seminole Electric Cooperative, Inc. The applicant's responsible  
official and mailing address are: Mr. Michael Opalinski, Sr. Vice President of Strategic Services, Seminole  
Electric Cooperative, Inc., 16313 North Dale Mabry Highway, Tampa, Florida 33618-1427.

**Facility Location:** The applicant operates the existing Midulla Generating Station, which is located in Hardee  
County at 6697 County Road 663 in Bowling Green, Florida. This station was formerly known as the Payne  
Creek Generating Station.

**Project:** The applicant applied on August 5, 2009 to the Department for an air construction permit modifica-  
tion and a concurrent Title V air operation permit revision.

The existing facility is an electrical power plant, which consists of the following emissions units and activities:  
two combined cycle combustion turbines, ten simple cycle combustion turbines (five twin-packs) and miscel-  
laneous unregulated and insignificant activities. The facility is classified as a Title V major source, a Title IV acid  
rain source, a major stationary source subject to the Prevention of Significant Deterioration (PSD) of Air Quality,  
and a synthetic minor source of hazardous air pollutants.

The draft air construction permit, which revises permit No. 0490340-003-AC (PSD-FL-344) authorizes the instal-  
lation and operation of nitrogen oxide (NOX) and carbon dioxide (CO2) Continuous Emissions Monitoring sys-  
tems (CEMS) on each Simple Cycle Combustion Turbine. The CEMS will be used to monitor and report NOX  
emissions as required by the Acid Rain Program (ARP) and the Clean Air Interstate Rule (CAIR) in lieu of the  
currently authorized 40 CFR Part 75 Appendix E procedures and will be used to demonstrate continuous com-  
pliance with the NOX emissions limits. Seminole Electric Cooperative, Inc. plans to install and certify the NOX  
and CO2 CEMS during the first quarter of 2010.

Project No. 0490340-015-AV revises the existing Title V air operation Permit No. 0490340-006-AV to incorporate  
the changes proposed in Project No. 0490340-014-AC (PSD-FL-344C).

**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 of the Florida  
Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air  
permit is required to perform the proposed work. The Bureau of Air Regulation is the Permitting Authority  
responsible for making a permit determination for this project.

Applications for Title V air operation permits for facilities that contain Acid Rain units 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 air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone 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 the address indicated above for the Permitting Authority. The complete project file includes the draft air construction permit modification, the draft/proposed Title V air operation permit revision, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed permits by visiting the following website: <http://www.dep.state.fl.us/air/emission/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air construction permit modification to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment 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, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final permit in accordance with the conditions of the proposed draft air construction permit modification 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 Permitting Authority also gives notice of its intent to issue a Title V air operation permit revision to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of the existing equipment 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, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final Title V air operation permit in accordance with the conditions of the draft/proposed Title V air operation permit 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.

**Comments:** The Permitting Authority will accept written comments concerning the draft air construction permit modification and the draft/proposed Title V air operation permit revision for a period of 30 days from the date of publication of the Public Notice. Written comments 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. 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 (FAW). 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 written comments or comments received at a public meeting result in a significant change to the draft air construction permit or to the draft/proposed Title V air operation permit, the Permitting Authority shall revise the draft air construction permit and the draft/proposed Title V air operation permit and require, if applicable, another Public Notice. All comments filed 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 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to write ten notice under Section 120.60(3), F.S. must be filed within 14 days of publication of the Public Notice or receipt of a 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 the 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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (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 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 Permit. 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 for this proceeding.

**EPA Review:** EPA has agreed to treat the draft/proposed 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. 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>.

**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 60 days of the expiration of the Administrator's 45-day review period established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. A 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 62-4, 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>.



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017H15558608  
**HASLER** **\$5.540**  
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