

**NEWS-PRESS**

Published every morning - Daily and Sunday

Fort Myers, Florida

**Affidavit of Publication**

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared

**Kathy Allebach**

who on oath says that he/she is the

**Legal Assistant**

of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

**Notice of Action**

In the matter of

**Intent to Issue Title V Air Operation Permit Revision**

In the court was published in said newspaper in the issues of

**July 9, 2008**

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she 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

9th day of July 2008 by

**Kathy Allebach**

personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

Print Name

My commission Expires

**PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION**  
Florida Department of Environmental Protection Division of Air Resource Management, Bureau of Air Regulation Draft/Proposed Air Permit No. 07 10002-01 7-A V Florida Power & Light Company, Fort Myers Plant Lee County, Florida. Applicant: The applicant for this project is Florida Power & Light Company. The applicant's authorized representative and mailing address is: Sheila Wilkinson, PGD Interim General Manager, Florida Power & Light Company, Fort Myers Plant, 700 Universe Boulevard (GPA1JB), Juno Beach, FL 33408. Facility Location: Florida Power & Light Company operates the existing Fort Myers Plant, which is located in Lee County at 10650 State Road 80, Fort Myers, FL 33905. Project: The applicant has submitted a complete and certified Clean Air Interstate Rule (CAIR) Part Form and has requested its incorporation into the existing Title V air operation permit. This facility consists of two fuel oil fired conventional steam electric generating stations, designated as Units 1 and 2 (classified as permanently retired under Phase II of the Federal Acid Rain Program); 12 simple-cycle combustion turbines, designated as Units 3 through 14; 6 combined-cycle combustion turbines, designated as Units 2A through 2F; and two simple-cycle combustion turbines peaking units, designated as Units 3A and 3B, by the Florida Power and Light Company. Unit 1 was comprised

of a Babcock and Wilcox outdoor-type boiler/steam generator and a Westinghouse outdoor reheating steam condensing turbine that drove a hydrogen-cooled generator with a nameplate rating of 156.3 megawatts (MW). Unit 2 was comprised of a Foster-Wheeler outdoor-type boiler/steam generator and a General Electric outdoor reheating steam condensing turbine that drove a hydrogen-cooled generator with a nameplate rating of 402 MW. Although the boilers have been removed, their associated steam turbines have been retained and are driven by the steam generated in the non-fired heat recovery steam generators associated with the new combined-cycle combustion turbines 2A through 2F. Units 3 through 14 are fuel oil fired combustion turbines manufactured by the General Electric Company, each with a rated gross capacity of 63 MW. Foggers were installed at the compressor inlet to each of the twelve combustion turbines during 1999, and initial compliance testing was completed on November 30, 1999. Units 2A through 2F are combined-cycle units. Each unit is a 170 MW General Electric MS724 1 FA gas fired combustion turbine-generator with an unfired heat recovery steam generator (HRSG) that will raise sufficient steam to produce another 80 MW via the existing steam-driven electrical generators. The tall stacks associated with Units 1 and 2 were dismantled and replaced by two relatively short stacks per new unit for simple and combined-cycle operation. The facility includes a cooling tower for once-through brackish water and 6 direct fired natural gas heaters with a 30-foot stack to heat the natural gas prior to use during simple cycle operation and cold start-ups. Units 3A and 3B are simple-cycle combustion turbine peaking units. Each unit is a 170 MW General Electric MS724 1 FA gas-fired combustion turbine-generator with a 100.5-foot stack. Also included are two natural gas heaters with 30-foot stacks. Unit 3A started commercial operation on April 14, 2003, and Unit 3B started commercial operation on March 18, 2003. Based on the Title V permit renewal application received on July 2, 2007, this facility is a major source of hazardous air pollutants (HAP). Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

Permitting Authority. Applications for Title V air operation permits 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 62-296.470 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements under 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 address indicated above for the Permitting Authority. The complete project file includes the Draft/Proposed Permit, 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 Permit by visiting the following website: <http://www.dep.state.fl.us/air/products/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 permit 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, 62-213, 62-214, 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/Proposed 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/Proposed Title V air operation Permit for a period of 30 days from the date of publication of this Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. 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 official web site for notices at Florida Administrative Weekly (FAW) at <http://faw.dos.state.fl.us/> 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/Proposed Permit, the Permitting Authority shall issue a Revised Permit 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. 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 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 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 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 petitioner 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 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 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 results 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 761d(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 761d(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 761d(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>. 7/9 No.1297266