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OF COUNSEL:
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June 18, 2001

RECEIVED

JUN 18 2001

VIA HAND DELIVERY

BUREAU OF AIR REGULATION

Mr. Alvaro A. Linero
Administrator,
New Source Review Section
Bureau of Air Regulation
Department of Environmental Protection
2600 Blirstone Road
Tallahassee, FL 32399-2400

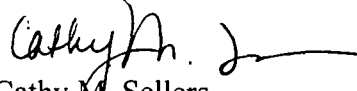
Re: CPV Gulfcoast, Ltd., DEP File No. 0810194-002-AC and PSD-FL-300
Proof of Publication of Public Notice of Intent to Issue Air Construction Permit

Dear Mr. Linero:

On behalf of CPV Gulfcoast, Ltd., please find attached for your files the Proof of Publication for the Public Notice of Intent to Issue Air Construction Permit, which was published in the legal notices section of the Bradenton Herald on June 14, 2001, and the related Affidavit of Publication.

Please contact me if you have any questions.

Sincerely,


Cathy M. Sellers

cc: Sean Finnerty, CPV Gulfcoast Ltd.

J. Linero
C. Walladay ✓
B. Hoover, SWD
B. Worley, OPA
W. Campbell, PSD

BRADENTON HERALD

www.bradenton.com
P.O. Box 921
Bradenton, FL 34206-0921
102 Manatee Avenue West
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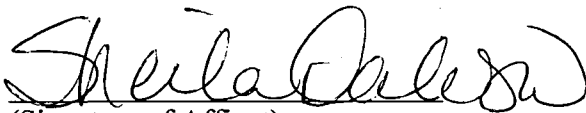
Bradenton Herald
Published Daily
Bradenton, Manatee, Florida

STATE OF FLORIDA
COUNTY OF MANATEE;

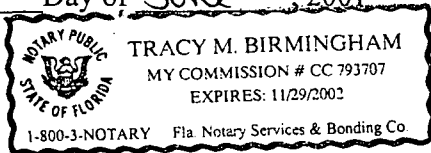
Before the undersigned authority personally appeared Sheila Dalesio, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of PUBLIC NOTICE OF INTENT TO ISSUE PERMIT in the Court, was published in said newspaper in the issues of JUNE 14, 2001.

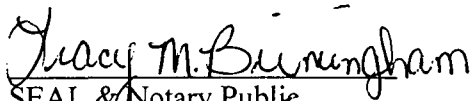
Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida for a period of 1 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, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

See
Back
of
Sheet


(Signature of Affiant)

Sworn to and subscribed before me this
14th Day of June, 2001




SEAL & Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

**PUBLIC NOTICE OF
INTENT TO ISSUE AIR
CONSTRUCTION
PERMIT**

**STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

**DEP File No.
0810194-002-AC and
PSD-FL-300A**

**CPV Gulfcoast Power
Generating Facility
Zero Liquid Discharge
(ZLD) System
Manatee County**

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to CPV Gulfcoast Ltd. The permit is to construct a Zero Liquid Discharge (ZLD) System at the CPV electrical power generating plant near Piney Point in Manatee County. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. Prevention of Significant Deterioration of Air Quality (PSD), for emissions of particulate matter (PM/PM10). The applicant's name and address are CPV Gulfcoast Ltd., 35 Bristol Road, Suite 101, Easton, Massachusetts 02375.

The project consists of the installation of a Zero Liquid Discharge (ZLD) System. The ZLD system will result in an additional source of particulate emissions. These additional emissions will result from the waste water treatment system, which includes two mechanical forced draft cooling towers. As with the already permitted five cell cooling tower, the waste water towers will experience cooling tower drift with attendant emissions of dissolved solids contained in the water droplet drift. Although the waste water towers will be equipped with state-of-the-art drift eliminators designed to achieve a drift rate of 0.0005% of the circulating water flow, the higher dissolved solids concentration in the circulating water results in higher emission rates. Total annual emissions for the ZLD system are predicted to be 4.11 tons/yr.

An air quality impact analysis was conducted. Maximum impacts due to proposed emissions from the project are less than the applicable PSD Class II significant impact levels for all applicable pollutants. Therefore no increment consumption analysis was required. Emissions from the facility will not cause or contribute to a violation of any state or federal ambient air quality standards. 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 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, as well as the rules and statutes which entitle the petitioner to relief; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; (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

project has no significant impact on the PSD Class I Chassahowitzka National Wilderness Area.

The Department will issue the FINAL permit with the attached conditions 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 concerning the proposed permit issuance action for a period of thirty (30) days from the date of publication of "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 written 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. 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 sections 120.60F(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. 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:

**Dept. of
Environmental
Protection Bureau of
Air Regulation**
111 S. Magnolia Dr, Ste 4
Tallahassee, FL 32301
Ph. (850)488-1344
Fax: (850) 922-6979

**Dept. of
Environmental
Protection Southwest
District Office**
3804 Coconut Drive
Tampa, FL 33619-
8218
Ph. (813) 744-6100

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, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. The Department's technical evaluations and Draft Permit can be viewed at www.dep.state.fl.us/air/permitting.htm by clicking on Utility and Other Facility Permits. 6/14/01

**PUBLIC NOTICE OF
INTENT TO ISSUE AIR
CONSTRUCTION
PERMIT**

**STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

DEP File No.
0810194-002-AC and
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An air quality impact analysis was conducted. Maximum impacts due to proposed emissions from the project are less than the applicable PSD Class II significant impact levels for all applicable pollutants. Therefore no increment consumption analysis was required. Emissions from the facility will not cause or contribute to a violation of any state or federal ambient air quality standards. The

Legals 4995

project has no significant impact on the PSD Class Chassahowitzka National Wilderness Area.

The Department will issue the FINAL permit with the attached conditions 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 concerning the proposed permit issuance action for a period of thirty (30) days from the date of publication of "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 written 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.

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Legals 4995

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:

Dept. of Environmental Protection Bureau of Air Regulation
111 S. Magnolia Dr, Ste 4
Tallahassee, FL 32301
Ph. (850) 488-1344
Fax: (850) 922-6979

Dept. of Environmental Protection Southwest District Office
3804 Coconut Drive
Tampa, FL 33619-8218
Ph. (813) 744-6100

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