

THE PALM BEACH POST  
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PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Janet Taylor Fisher, who on oath says that she is Classified Call Center Manager of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice in the matter of DEP Project #0990045-007-AC was published in said newspaper in the issues of May 6, 2009. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach 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/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. Also published in Martin and St. Lucie Counties.

Sworn to and subscribed before 6<sup>th</sup> day of May, A.D. 2009.  
Who is personally known to me.

NOTARY PUBLIC-STATE OF FLORIDA  
Karen M. McLinton  
Commission #DD832672  
Expires: NOV. 15, 2012  
BONDED THRU ATLANTIC BONDING CO., INC.

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MAY 15 2009

BUREAU OF AIR REGULATION

RECEIVED  
MAY - 7 2009  
UTILITIES ADMINISTRATION

NO. 4353042  
Florida Department of  
Environmental Protection  
Division of Air Resource Management,  
Bureau of Air Regulation  
Project No. 0990045-007-AC  
City of Lake Worth Utilities -  
Tom G. Smith Power Plant  
Palm Beach County, Florida  
Applicant: The applicant for this project is the City of Lake Worth Utilities. The applicant's authorized representative and mailing address is: Mr. David L. Mulvey, Plant Manager, City of Lake Worth Utilities, Tom G. Smith Power Plant, 1900 2nd Avenue North, Lake Worth, Florida 33461.  
Facility Location: The City of Lake Worth Utilities operates an existing electric utility, the Tom G. Smith Power Plant, located at 117 College Street in Lake Worth, Palm Beach County, Florida.  
Project: The primary purpose of the proposed project is to replace damaged water-wall tubes and refractory of existing fossil-fuel steam generator Unit 5-3. This emissions unit is required for system security to maintain the power grid within the City of Lake Worth distribution limits as the City of Lake Worth is on a radial spur from the main statewide electrical transmission grid. It is currently used as a peaking unit. The project will not change the combustion properties of the unit, increase the unit capacity or the current dispatch criteria for the unit.  
The project is not subject to preconstruction review pursuant to Rule 62-212.400, Florida Administrative Code (F.A.C.) for the Prevention of Significant Deterioration because there will not be significant net emissions increases of any criteria pollutant. This analysis is based on comparison baseline actual emissions with projected actual emissions. Pursuant to Rule 62-212.300(1)(e), F.A.C., the permittee is required to submit reports characterizing the actual emissions for a period of five years after completing the project. The project is considered a minor modification to a major stationary source.  
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. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 950/488-0144.  
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 Permit, the Technical Evaluation and Preliminary Determination of Emission, and the information submitted by the applicant, exclusive of confidential records under Section 403.11, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: [www.dep.state.fl.us/air/products/ada/default.asp](http://www.dep.state.fl.us/air/products/ada/default.asp).  
Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit 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 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 proposed Draft Permit for a period of 14 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 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft 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.

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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 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 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 is not available for this proceeding.  
PUB: The Palm Beach Post  
May 6, 2009