

RECEIVED THE PALM BEACH POST

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West Palm Beach, Palm Beach County, Florida

BUREAU OF AIR REGULATION PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Tracey Diglio, who on oath says that she is Telephone Sales Supervisor 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 DRAFT Permit #0990045-004-AV was published in said newspaper in the issues of June 22, 2005. 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.

*Tracey Diglio*

Sworn to and subscribed before 22<sup>nd</sup> day of June, A.D. 2005

*[Signature]*

Personally known XX or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



Karen M. McLinton  
Commission # DD359566  
Expires: NOV. 15, 2008  
Bonded Thru  
Atlantic Bonding Co., Inc.

NO. 3586469  
PUBLIC NOTICE OF  
INTENT TO ISSUE TITLE V  
AIR OPERATIONS PER-  
MIT REVISION  
Florida Department of  
Environmental Protection,  
Bureau of Air Regulation  
DRAFT Permit Project  
No. 0990045-004-AV  
Tom G. Smith Power Plant  
Palm Beach County  
The Department's Bureau of  
Air Regulation (permitting  
authority) gives notice of its  
intent to issue a Title V Air  
Operation Permit Revision to  
the City of Lake Worth for  
their Tom G. Smith Power  
Plant located at 117 South  
College Street, Lake Worth,  
Palm Beach County. The  
applicant's name and address  
are: City of Lake  
Worth; George Adair, 1900  
2nd Avenue North, Lake  
Worth, FL 33461.  
The purpose of this permit  
revision is to reflect the  
shutdown of the SO2 CEMS  
on EU 009, Fossil Fuel  
Steam Generating Unit  
(S-3), the SO2 CEMS origi-  
nally served to demon-  
strate compliance with the  
Acid Rain requirements of  
30 CFR Part 75. The facil-  
ity has now chose to use  
the Optional Emissions  
Data Protocol For Gas-  
Fired Units, of Appendix D  
in lieu of the SO2 CEMS to  
comply with the Acid Rain  
requirements. This protocol  
utilizes fuel sampling and  
analysis, along with fuel  
flow metering as a method  
of calculating hourly SO2  
emissions rates. All refer-  
ences to the SO2 CEMS  
shall be removed from the  
Title V permit.  
The permitting authority will  
issue the PROPOSED  
Permit, and subsequent  
FINAL Permit, in accor-  
dance with the conditions of  
the DRAFT Permit unless a  
response received in  
accordance with the fol-  
lowing procedures results  
in a different decision or  
significant change of terms  
or conditions.  
The Permitting Authority will  
accept written comments  
concerning the DRAFT  
Permit for a period of thirty  
(30) days from the date of  
publication of the "PUBLIC  
NOTICE OF INTENT TO  
ISSUE TITLE V AIR  
OPERATION PERMIT  
REVISION." Written com-  
ments must be post-marked  
and all facsimile comments  
must be received by the  
close of business (5:00  
pm), on or before the end of  
this 30-day period, by the  
Permitting Authority at 2600  
Blair Stone Road, MS  
#5505, Tallahassee, FL  
32399-2400 or facsimile. As  
part of his or her com-  
ments, any person may  
also request that the Per-  
mitting Authority hold a  
public meeting on this per-  
mitting action. If the Per-  
mitting Authority determines  
there is sufficient interest  
for a public meeting, it will  
publish notice of the time,  
date, and location on the  
Department's official web  
site for notices at [http://  
thor06.dep.state.fl.us/ona](http://thor06.dep.state.fl.us/ona)  
and in a newspaper of gen-  
eral circulation in the area  
affected by the permitting  
action. For additional infor-  
mation, contact the Per-  
mitting 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 Permit, the Per-  
mitting Authority shall issue a  
Revised DRAFT Permit and  
require, if applicable,  
another Public Notice. All  
comments filed will be  
made available for public  
inspection.  
A person whose substantial  
interests are affected by the  
proposed permitting  
decision, may petition for an  
administrative hearing in  
accordance with Section  
120.569 and 120.57 of the  
Florida Statutes (F.S.). The  
petition must contain the  
information set forth below  
and must be filed (received)

in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242, 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 fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, 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 fourteen 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 applicable time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Section 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 (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, 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 petitioner's substantial rights will be affected by the agency determination;
- (c) A statement of how and when the 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 state;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle 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; and
- (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 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 notice of intent. Persons whose substantial interests will be affected by such final decision of the

permitting authority on the application have the right to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

In addition to the above, pursuant to 42 United State Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administration of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit revision. Any petition shall be based only on objections to the permit revision that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this 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 the 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.

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:

Permitting Authority:  
Florida Department of  
Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
MS #5505  
Tallahassee, FL 32399-2400  
Telephone: 850/488-0114  
Fax: 850/921-9533  
Affected District/Local  
Program:  
Palm Beach County  
Health Department  
Air Program  
PO Box 29  
West Palm Beach, FL 33401  
Telephone: 561/355-3070  
Fax: 561/355-2442

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Program Administrator, Permitting South Section, at the above address, or call 850/921-8968, for additional information.

PUB: The Palm Beach Post  
June 22, 2005