

THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

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, being **Notice** in the matter **DEP Permit # 0990568-003-AC** was published in said newspaper in the issues of **November 24, 2003**. 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/her 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 this 11th day of December, A.D. 2003

AR7h mtn

Personally known XX or Produced Identification _____

Type of Identification Produced _____



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NO. 775551
PUBLIC NOTICE OF INTENT
TO ISSUE AIR PERMIT
STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION
Draft Air Permit No.
0990568-003-AC
Lake Worth Generation, LLC
Change to Simple Cycle Only
Operation
The Department of Environ-
mental Protection (Depart-
ment) gives notice of its
intent to issue air construc-
tion Permit No. 0990568-
003-AC to Lake Worth Gen-
eration, LLC, which autho-
rizes simple cycle only
operation for the gas tur-
bine project under construc-
tion. The gas turbine is
being installed at the new
Lake Worth Generation
Plant located in Palm Beach
County at 117 College
Street in Lake Worth,
Florida. The applicant's
authorized representative is
Mr. Brian Chatlosh, Man-
ager of Lake Worth Genera-
tion, LLC. The applicant's
mailing address is 245 Win-
ter Street, Suite 300,
Waltham, MA 02451.
In 1999, the Department
issued Permit No. PSD-FL-
266, which authorized Lake
Worth Generation, LLC to
construct a new combined
cycle gas turbine consisting
of a 186 MW gas turbine
with electrical generator set
and a heat recovery steam
generator with duct firing.
The original project was
subject to preconstruction
review for the Prevention of
Significant Deterioration
(PSD) pursuant to Rule
62-212.400, F.A.C. Initially,
the project was designed to
provide steam for sale to the
adjacent Tom G. Smith
Power Plant operated by
the City of Lake Worth.
However, the heat recovery
steam generator will not be
installed and the applicant
now requests a revised
permit allowing simple cycle
only operation limited to a
maximum of 4500 hours per
year.
The change to simple cycle
only operation will result in
reductions of potential
annual emissions compared
to the original project. In
addition, the new plant will
no longer belong to the List
of 28 PSD Facility Catego-
ries because steam gener-
ated electrical power will not
be produced. Therefore,
the PSD major facility
threshold for the project is
250 tons per year. In accor-
dance with Rule 62-212.
400, F.A.C., the revised
simple cycle project is not
subject to PSD preconstruction
review because permit
conditions limit all potential
emissions below this PSD
major facility threshold. No
additional air quality model-
ing was necessary because
impacts from simple cycle
operation were satisfactorily
reviewed for the initial air
construction permit project.
The previous permit stan-
dards were retained, which
represented determina-
tions of the Best Available
Control Technology (BACT)
for emissions of CO, NOx,
PM, SAM, and SO2 from
large frame gas turbines.
The draft permit removes all
references to combined
cycle operation. Any future
request to add combined
cycle operation will require a
permit modification and PSD
applicability review.
The Department will issue the
Final Permit with the
attached conditions unless
a response received in
accordance with the follow-
ing procedures results in a
different decision or signifi-
cant change of terms or
conditions. The Depart-
ment will accept written
comments concerning the
proposed permit issuance
action for a period of four-
teen (14) days from the date
of publication of this Public
Notice of Intent to Issue Air
Construction Permit. Writ-
ten comments should be
provided to the Depart-
ment's Bureau of Air Regu-
lation 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, 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 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 (14) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (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 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 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, 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; 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 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, F.A.C.

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 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:

Department of
Environmental Protection
Bureau of Air Regulation
(111 S. Magnolia Drive,
Suite 4)
2600 Blair Stone Road,
MS #5505
Tallahassee, Florida,
32399-2400
Telephone: 850/488-0114
Department of
Environmental Protection
Southeast District
Air Resources Section
400 North Congress Avenue
West Palm Beach, Florida
33401
Telephone: 561/681-6600
Palm Beach County
Health Department
Air Pollution Control Section
(901 Evemey Street)
P.O. Box 29
West Palm Beach, FL
33402-0029
Telephone: 561/355-3136
PUB: The Palm Beach Post
November 24, 2003