

Mirant Americas Development, Inc.
4200 S. Hulen, Suite 527
Fort Worth, TX 76109
T 817 732 6900 F 817 732 9686

RECEIVED

SEP 12 2003

BUREAU OF AIR REGULATION



September 11, 2003

Department of Environmental Protection
Bureau of Air Regulation
Attn: Scott Sheplak
2600 Blair Stone Road Mail Stop 5505
Tallahassee, Florida 32399-2400

Re: Shady Hills Generating Station
Permit Number: 1010343-004-AV
Public Notice Newspaper Affidavits

Dear Mr. Sheplak:

Enclosed please find the newspaper publishing affidavit for the Public Notice of Intent to Issue Title V Air Operating Permit Revision. The Notice was published in *The Pasco Times* on September 8, 2003.

If you have any questions or require additional information, please do not hesitate to contact me at 817/732-6900, ext. 12.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Waggoner", with a long, sweeping horizontal line extending from the end of the name.

Rick Waggoner
Environmental, Safety and Health Manager – Mirant Mid-Continent

cc: Bruce Lobach - Shady Hills Generating Station
Jimmy Packer - Mirant

Mirant Americas Development, Inc.
4200 S. Hulen, Ste. 527, Fort Worth, TX 76109
T 817-732-6900 F 817-732-9686



Facsimile Sheet

To: Tom Cascio and Scott Sheplak

Date: September 9, 2003

Company: FDEP, Bureau of Air Regulations

Facsimile: 850-922-6979

From: Paige Muchmore

Telephone: 850-921-9526

Subject: Public Notice for Shady Hills Generating Station

of pages including cover sheet:

Please find attached proof of publication of the "Public Notice of Intent to Issue Title V Air Operating Permit Revision" for the Shady Hills Generating Station, Permit No. 1010343-004-AV. The original affidavit will be mailed upon receipt. Please call me at (817) 732-6900 ext. 11 if you need further information.

Thanks,

Paige Muchmore

PASCO TIMES

An Edition of the St. Petersburg Times

Published Daily

Port Richey, Pasco County, Florida

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STATE OF FLORIDA COUNTY OF PASCO:

BUREAU OF AIR REGULATION

Before the undersigned authority personally appeared Janice Lopez who on oath says that she is Legal Clerk of the Pasco Times a daily newspaper published at Port Richey, in Pasco County, Florida: that the attached copy of advertisement, being a Legal Notice in the matter of RE: Notice of Intent
Shady Hills

 in the Court
was published in said newspaper in the issues of
September 8, 2003

Affiant further says the said Pasco Times is a newspaper published at Port Richey, in said Pasco County, Florida, and that the said newspaper has heretofore been continuously published in said Pasco County, Florida, each day and has been entered as second class mail matter at the post office in Port Richey in said Pasco 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 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.

Janice Lopez
Signature of Affiant

Sworn to and subscribed before me this 8th day
of September, 2003.



Kimberly L. Cronshaw
MY COMMISSION # DD199802 EXPIRES
June 26, 2007
BONDED THRU TROY FAIR INSURANCE, INC.

Kimberly L. Cronshaw
Signature of Notary Public

Personally known X or produced identification

Type of identification produced

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit Revision No. 1010373-004-AV
Shady Hills Generating Station
Pasco County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Revision to the Mirant Corporation, for the Shady Hills Generating Station, located at 14240 Merchant Energy Way, Shady Hills, Pasco County. The permittee's name and address are: Mr. James Packer, Director of Operations, Southeast Business Unit, Mirant Corporation, 1155 Perimeter Center West, Atlanta, GA 30338-5416.

It has been discovered that certain applicable requirements related to volatile organic compounds (VOC) emissions were inadvertently omitted from the FINAL Title V Permit for the facility that was effective January 1, 2003. Therefore, the Department is required to open the Title V Permit for cause and install these missing requirements in accordance with Rules 62-4.080(1), 62-213.430(4) and 62-213.440(1), F.A.C., and 40 CFR 70.7(f)(1)(iii). The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the permitting authority's office, the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. 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, 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 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 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, 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:

- The name and address of each agency affected and each agency's file or identification number, if known;
- 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;
- A statement of how and when the petitioner received notice of the agency action or proposed action;
- A statement of all disputed issues of material fact. If there are none, the petition must so state;
- A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief;
- A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,
- 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 any such final decision of the permitting authority on the permitting action 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. In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator 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. Any petition shall be based only on objections to the permit 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 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:
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/468-0114
Fax: 850/922-6779

Affected District Program:
Department of Environmental Protection
Southwest District Office
3904 Coconut Palm Drive
Tampa, Florida 33619
Telephone: 813/744-6100
Fax: 813/744-6458

The complete project file includes the DRAFT Permit Revision and the permitting action justification documentation. Interested persons may contact Scott M. Sheplek, P.E., at the above address, or call 850/921-9532, for additional information. (000796105) 9/8/03