

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

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SEP 12 2003

BUREAU OF AIR REGULATION



MIRANT™

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,

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

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

# PASCO TIMES

An Edition of the St. Petersburg Times

Published Daily

Port Richey, Pasco County, Florida

# RECEIVED

SEP 12 2003

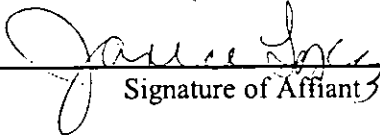
STATE OF FLORIDA  
COUNTY OF PASCO:

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

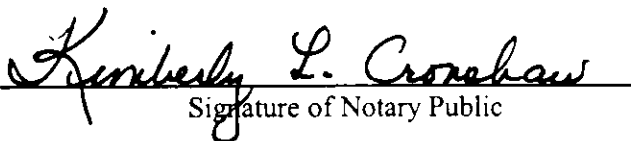
Affiant further says the said Pasco Times is a newspaper published at Port Richey, in said Pasco County, Florida, and that the said newspaper has heretofore been continuously published in said Pasco County, Florida, each day and has been entered as second class mail matter at the post office in Port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

  
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.

  
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: Mirant Corporation, 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 2003. Therefore, the Department is required to open the Title V Permit for cause and install these missing requirements in accordance with Rules 62-4.006(1), 62-213.438(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 permit procedures result 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, Tallahassee, Florida 32399-7205. The Department's office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. 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 210.569 and 210.57, 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, Mall Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2303). Petitions filed by any person other than the applicant for the permit 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 make 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 on 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 upon 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; home 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, and 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 forty-five (45) day review period as established by 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. 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: 850/488-0114  
Fax: 850/722-6979

Affected District Program:  
Department of Environmental Protection  
Southwest District Office  
3804 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. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information. (000796105) 9/8/03

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



**M I R A N T™**

## Facsimile Sheet

<b>To: Tom Cascio and Scott Sheplak</b>	<b>Date: September 9, 2003</b>
<b>Company: FDEP, Bureau of Air Regulations</b>	<b>Facsimile: 850-922-6979</b>
<b>From: Paige Muchmore</b>	<b>Telephone: 850-921-9526</b>
<b>Subject: Public Notice for Shady Hills Generating Station</b>	<b># of pages including cover sheet:</b>

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

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

September 3, 2003

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SEP 04 2003

Scott M. Sheplak, P.E.  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

BUREAU OF AIR REGULATION

MIRANT™

Re: Comments on DRAFT Permit Revision No. 1010373-004-AV  
Shady Hills Generating Station  
Facility ID No. 1010373

Dear Mr. Sheplak:

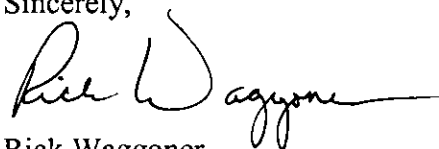
Shady Hills Generating Station requests the removal of the fuel oil supplier nitrogen analysis requirement from General Condition A.39 with the revision to read as follows:

**A.39. Fuel Oil Monitoring Schedule.** The following monitoring schedule for No. 2 or superior grade fuel oil shall be followed: For all bulk shipments of No. 2 fuel oil received at this facility an analysis which reports the sulfur content of the fuel shall be provided by the fuel vendor. The analysis shall also specify the methods by which the analysis was conducted and shall comply with the requirements of 40 CFR 60.335(d).  
[1010373-001-AC, Specific Condition 45.]

A demonstration of fuel bound nitrogen serves little purpose when NO<sub>x</sub> emissions are continuously monitored and reported as required by 40 CFR 75. Unlike continuous emissions monitoring for NO<sub>x</sub>, sulfur content of the fuel is required to determine SO<sub>2</sub> emissions in accordance with 40 CFR 75. The 40 CFR 60.334(b) requirement to monitor nitrogen content of the fuel being fired was more appropriate when NO<sub>x</sub> emissions were determined by continuously monitoring the ratio of water-to-fuel being fired in the turbine in lieu of continuous analysis of the stack gases for NO<sub>x</sub> emissions.

Thanks for your consideration of this request. If you have any questions or require additional information, please do not hesitate to call me at 817/732-6900.

Sincerely,



Rick Waggoner  
Mirant Mid - Continent Environmental, Safety and Health Manager  
Alternate Designated Representative

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