

**Sheplak, Scott**

-f:le-

**From:** Sheplak, Scott  
**Sent:** Tuesday, February 03, 2009 5:14 PM  
**To:** 'Kathleen Forney'  
**Subject:** Public Notice notification for Draft/Proposed CAIR projects

We have received proof of publication for the following projects:

1050004-021-AV  
 Lakeland, McIntosh  
 They published on 1/24/2009 therefore Day 45 = 3/9 (end of the USEPA Region 4 review period).

1010017-011-AV  
 Progress Energy, Anclote  
 They published on 1/26/2009 therefore Day 45 = 3/11 (end of the USEPA Region 4 review period).

1030011-013-AV  
 Progress Energy, Bartow  
 They published on 1/28/2009 therefore Day 45 = 3/13 (end of the USEPA Region 4 review period).

1030013-005-AV  
 Progress Energy, Bayboro  
 They published on 1/28/2009 therefore Day 45 = 3/13 (end of the USEPA Region 4 review period).

1030012-006-AV  
 Progress Energy, Higgins  
 They published on 1/28/2009 therefore Day 45 = 3/13 (end of the USEPA Region 4 review period).

0110036-008-AV  
 FP&L, Port Everglades  
 They published on 1/29/2009 therefore Day 45 = 3/14 (end of the USEPA Region 4 review period).

**Permit File Scanning Request from Elizabeth**

**Priority:**   -ASAP (Public Records Request, etc.)                      -Place in Normal Scanning Queue

Facility ID	Project#	Type	PSD #	Submittal Date	Batch #
1030017	606	AG/AV		SEP 30 2010	

- File Approved For Disposal                       Correspondence    Intent    Permit    Draft  
 Return File to BAR                                       Amendment    Application    OGC    Proposed

Document Date 2-3-09

St. Petersburg Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA  
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared B. Harr who on oath says that he/she is Legal Clerk of the St. Petersburg Times a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement being a Legal Notice in the matter RE: HIGGINS POWER PLANT AIR PERMIT 1030012-006-AV was published in said newspaper in the issues of North Pinellas Times, 1/28/2009.

Affiant further says the said St. Petersburg Times is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second-class matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/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.

*B. Harr*

Signature of Affiant

Sworn to and subscribed before me  
this 28th day of January A.D. 2009

*[Signature]*

Signature of Notary Public

Personally known  or produced identification

Type of identification produced



LEGAL NOTICE

LEGAL NOTICE

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT MODIFICATION

Florida Department of Environmental Protection  
Division of Air Resource Management, Bureau of Air Regulation  
Draft/Proposed Air Permit No: 1030012-006-AV  
Progress Energy, Higgins Power Plant,  
Pinellas County, Florida

Applicant: The applicant for this project is Florida Power Corporation dba Progress Energy. The applicant's authorized representative and mailing address is: Ms. Brenda Brinkhouse, Director, Environmental Services Section, Progress Energy, Higgins Power Plant, P.O. Box 14042, IC-44, St. Petersburg, Florida 33733-4042.

Facility Location: Progress Energy operates the existing Progress Energy, Higgins Power Plant, which is located at 998 East Shore Drive, Oldsmar, Florida.

Project: The applicant has submitted a complete and certified Clean Air Interstate Rule (CAIR) Part Form and has requested its incorporation into the existing Title V air operation permit.

This existing facility consists of four simple cycle combustion turbine peaking units (CTP). CTP 1-4 commenced operations in 1969, 1968, 1970 and 1971, respectively. The three (3) Fossil Fuel Fired Steam Generators (SG) - SG 1, SG 2, & SG 3, Emissions Unit ID Numbers -001, -002 and -003, were torn down and operators permanently shutdown on October 29, 2006. This SG had been on long-term reserve shutdown since January 24, 1994 (Rule 62-210.300(2)(a)3 d, F.A.C.).

Permitting Authority: Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-299.470 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. 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. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 950/489-0114.

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/Proposed Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the Draft/Proposed Permit by visiting the following website: <http://www.dep.state.fl.us/air/products/ops/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

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, 62-213, 62-299 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft/Proposed 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 Draft/Proposed Title V air operation Permit for a period of 30 days from the date of publication of this Public Notice. Written comments must be received by the close of business (5:00 p.m.) on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is a sufficient interest for a public meeting, it will publish notice of the time, date, and location on the official web site for notices at Florida Administrative Weekly (FAW) at <http://law.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting 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/Proposed Permit, the Permitting Authority shall issue a Revised 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 and participate as a party to it. Any subsequent intervention in a proceeding initiated by another party 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 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 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: Mediation is not available for this proceeding.

EPA Review: EPA has agreed to treat the Draft/Proposed Title V air operation permit as a Proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The Final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661(d)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661(d)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public 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 7661(d)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C., 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

## Sheplak, Scott

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**From:** Bradley, Chris [Chris.Bradley@pgnmail.com]  
**Sent:** Monday, February 02, 2009 5:34 PM  
**To:** Sheplak, Scott  
**Cc:** McDaniel, Kim  
**Subject:** Higgins - Affidavit of publication of the Public Notice of Intent to Issue the CAIR proposed/Draft Permit

**Attachments:** Document.pdf



Document.pdf  
f (687 KB)

Good afternoon Scott -

Scanned affidavit of publication of the Public Notice of Intent to Issue the CAIR proposed/Draft Permit for Higgins Power Plant is attached. This was published in the St. Petersburg Times on Wednesday, January 28, 2009. The original will follow shortly in the US mail.

If you have any questions, please contact me.

Best regards,

Chris Bradley  
Sr. Environmental Specialist  
Technical Services/EHSS Section-POG  
Progress Energy Florida, Inc.  
Telephone: 727.820.5962  
Fax: 727.820.5229  
E-mail: Chris.Bradley@pgnmail.com



July 21, 2008

Ms. Trina Vielhauer, Bureau Chief  
Bureau of Air Regulation  
Division of Air Resource Management  
Florida Department of Environmental Protection,  
26 Blair Stone Road, MS 5500  
Tallahassee, Florida 32399-2400

RE: Comments of Draft/Proposed Air Permit Projects  
Florida Power Corporation dba Progress Energy Florida, Inc.

Dear Ms. Vielhauer:

Please find below the comment on the Draft/Proposed Air Permit Projects regarding the inclusion of the provisions and requirements of the Clean Air Interstate Rule (CAIR) into the following Air Permit Projects and the associated facilities.

Project Permit No.	Site Facility Name	Project Permit No.	Site Facility Name
0010001-008-AV	U OF FL COGEN PLANT	1030013-005-AV	BAYBORO POWER PLANT
0170004-020-AV	CRYSTAL RIVER POWER PLANT	1050223-014-AV	TIGER BAY COGEN PLANT
0550003-006-AV	AVON PARK	1050234-017-AV	HINES ENERGY COMPLEX
0970014-015-AV	INTERCESSION CITY PLANT	1210003-006-AV	SUWANNEE RIVER PLANT
1010017-011-AV	ANCLOTE POWER PLANT	1270020-003-AV	TURNER PLANT
1030011-013-AV	BARTOW PLANT	1270028-008-AV	DEBARY FACILITY
1030012-006-AV	HIGGINS PLANT		

**Comment:** On July 11, 2008, the D.C. Circuit issued an opinion vacating CAIR. Accordingly, Florida Power Corporation dba Progress Energy Florida, Inc. (PEF) requests that the CAIR Part for each of the facilities listed above with their respective project permit numbers not be submitted by the Florida Department of Environmental Protection (FDEP) to the EPA in proposed form, and not finalized at this time. Once the D.C. Circuit Court's ruling is final, PEF requests that this permit revision process be terminated, either by withdrawing the draft permit, returning our application or treating it as withdrawn. In the event the D.C. Circuit Court's ruling

Progress Energy Florida, Inc.  
P.O. Box 14042  
St. Petersburg, FL 33733

Ms. Trina Vielhauer, Bureau Chief

July 21, 2008

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is reheard or overturned on appeal, PEF and the FDEP can discuss how best to continue the permit-revision process, and whether the Statement of Basis or Permit requires additional language.

Thank you for your assistance in this matter. In addition, if you have any questions or would like the comment on the Draft/Proposed Air Permits submitted in an alternative format, please contact me at (727) 820-5962 or at [Chris.Bradley@pqnmail.com](mailto:Chris.Bradley@pqnmail.com).

Sincerely,



Chris Bradley

Senior Environmental Specialist

Ms. Trina Vielhauer, Bureau Chief  
July 21, 2008

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bcc: Wilson Hicks, Plant Manager – UF Co-Gen  
Reggie Anderson, Plant Manager – Debary & Turner Power Plants  
Mark Tylec, EHSS – UF Co-Gen, Debary & Turner Power Plants  
Larry Hatcher, Plant Manager – Crystal River Power Plant  
Cyndy Wilkinson, EHSS – Crystal River Power Plant  
Julie Turner, Plant Manager – Intercession City & Avon Park Power Plants  
Gus Schafer, EHSS – Intercession City, Avon Park, Higgins & Bayboro Power Plants  
Rufus Jackson, Plant Manager – Anclote Power Plant  
Suzanne Hamilton, EHSS – Anclote Power Plant  
Thomas Lawery, Plant Manager – P.L. Bartow, Higgins & Bayboro Power Plants  
Terese Sanchez, EHSS – P.L. Bartow Power Plant  
Martin Drango, P.E., Plant Manager – Hines Energy Complex & Tiger Bay Co-Gen  
Tommy Oneal, EHSS – Hines Energy Complex  
Tony Flavors, EHSS – Tiger Bay Co-Gen  
Cary Hamilton, Plant Manager – Suwannee River Plant  
Ralph Ross, EHSS – Suwannee Power Plant

**Sheplak, Scott**


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**From:** Holtom, Jonathan  
**Sent:** Tuesday, July 22, 2008 8:25 AM  
**To:** Cascio, Tom; Sheplak, Scott; Tart, Cecily  
**Subject:** FW: Comments of Draft/Proposed Air Permit Projects, Florida Power Corporation dba Progress Energy Florida, Inc.  
**Attachments:** Document.pdf

Please keep a copy of these comments for each of the Progress Energy projects you have worked on. This is the comment that will allow us to take more than the rule required 30 days to send the Proposed CAIR permit to EPA.

-Jon

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**From:** Vielhauer, Trina  
**Sent:** Tuesday, July 22, 2008 7:54 AM  
**To:** Holtom, Jonathan  
**Subject:** FW: Comments of Draft/Proposed Air Permit Projects, Florida Power Corporation dba Progress Energy Florida, Inc.

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**From:** Bradley, Chris [mailto:Chris.Bradley@pgnmail.com]  
**Sent:** Monday, July 21, 2008 5:19 PM  
**To:** Vielhauer, Trina  
**Cc:** Walker, Elizabeth (AIR); McDaniel, Kim; Meyer, Dave  
**Subject:** Comments of Draft/Proposed Air Permit Projects, Florida Power Corporation dba Progress Energy Florida, Inc.

Good afternoon Ms. Vielhauer.

Please find attached correspondence pertaining to DARM Air Permitting Projects specific to power generating plants owned/operated by Florida Power Corporation dba Progress Energy Florida, Inc. (PEF). These DARM permitting projects address the inclusion of the CAIR provisions and requirements into the Title V permits.

If you have any questions regarding the attached correspondence, please feel free to contact me. The original of this document has been forwarded to DARM via the U.S. Postal Service.

Best regards,

Chris Bradley  
 Sr. Environmental Specialist  
 Technical Services/EHSS Section-POG  
 Progress Energy Florida, Inc.  
 Telephone: 727.820.5962  
 Vnet No: 230.5962  
 Cell: 727.409.2477  
 Fax: 727.820.5229  
 E-mail: [Chris.Bradley@pgnmail.com](mailto:Chris.Bradley@pgnmail.com)



# Clean Air Interstate Rule (CAIR) Part

For more information, see instructions and refer to 40 CFR 96.121, 96.122, 96.221, 96.222, 96.321 and 96.322, and Rule 62-296.470, F.A.C.

This submission is:  New  Revised  Renewal

## STEP 1

Identify the source by plant name and ORIS or EIA plant code

Plant Name: HIGGINS POWER PLANT	State: Florida	ORIS or EIA Plant Code:  630
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## STEP 2

In column "a" enter the unit ID# for every CAIR unit at the CAIR source.

In columns "b," "c," and "d," indicate to which CAIR program(s) each unit is subject by placing an "X" in the column(s).

For new units, enter the requested information in columns "e" and "f."

a	b	c	d	e	f
Unit ID#	Unit will hold nitrogen oxides (NO <sub>x</sub> ) allowances in accordance with 40 CFR 96.106(c)(1)	Unit will hold sulfur dioxide (SO <sub>2</sub> ) allowances in accordance with 40 CFR 96.206(c)(1)	Unit will hold NO <sub>x</sub> Ozone Season allowances in accordance with 40 CFR 96.306(c)(1)	New Units: Expected Commence Commercial Operation Date	New Units: Expected Monitor Certification Deadline
E.U.-004	X	X	X		
E.U.-005	X	X	X		
E.U.-006	X	X	X		
E.U.-007	X	X	X		

**Sheplak, Scott***-file-*

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**From:** Meyer, Dave [Dave.Meyer@pgnmail.com]  
**Sent:** Thursday, June 12, 2008 4:46 PM  
**To:** Sheplak, Scott  
**Cc:** Bradley, Chris  
**Subject:** (Archived w/ Attachments) CAIR Form Administrative Correction  
**Attachments:** Document.pdf

Hi Scott,

Thank you very much for your call concerning the CAIR part form. When Progress Energy completed the forums it was our understanding that column c was asking if the unit was an acid rain unit. As many of our older combustion turbines are not in the acid rain program, we did not check this box "c". Based on your call and the regulation cited under column c, it appears that this column should have been checked for the older combustion turbines. These older turbines are in the CAIR program and subject to the CAIR rules.

Accordingly, I have updated the first page of the CAIR part form and have attached it to this e-mail. I would very much appreciate your updating our records with the attached sheets as an administrative correction.

Thank you very much for your attention to this matter. If you have any questions, please feel free to contact me at 727-820-5295. Best regards, Dave

Dave Meyer P.E.  
Senior Environmental Specialist  
Progress Energy Florida, Inc.  
Environmental Services Section  
299 – First Avenue North PEB PEF - 903  
Saint Petersburg, FL 33701  
Office (727) 820-5295  
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1/15/2009