



**CALPINE**

AUBURNDALE POWER PARTNERS  
LIMITED PARTNERSHIP

1501 WEST DERBY AVENUE  
AUBURNDALE, FLORIDA 33823

863.965.1561 (MAIN)  
863.965.1924 (FAX)

April 4, 2002

Mr. A. A. Linero  
New Source Review Section  
Division of Air Resource Management  
Florida Department of Environmental Protection  
111 South Magnolia  
Suite 4  
Tallahassee, FL 32399  
(850) 921-9519

RECEIVED

APR 05 2002

BUREAU OF AIR REGULATION

Re: Affidavit of Public Notice of Intent to Issue Air Construction Permit  
Auburndale Peaker at the  
Auburndale Cogeneration Facility  
Auburndale Peaker Energy Center, L.L.C.  
Facility Number: 1050221  
ORIS Code: 54658  
Federal Express Tracking Number: 7920 1202 4273

Enclosed is the original affidavit for the publication of Public Notice of Intent to Issue Air Construction Permit. The notice ran in the Saturday, March 30<sup>th</sup> Legal Advertisement section of the Lakeland Ledger.

If you have any questions or concerns, please feel free to call Heidi Whidden at (813) 637-7316.

Sincerely,

*Bob Callery*

Bob Callery  
Plant Manager  
Designated Representative  
Auburndale Peaker Energy Center LLC

Cc: Bob Soich— FDEP Southwest District Office; Federal Express No.: 7905 0586 4359  
Rich Donatelli—Auburndale Peaker Construction  
Heidi Whidden—Calpine Tampa

Enclosure

# AFFIDAVIT OF PUBLICATION

## THE LEDGER

### Lakeland, Polk County, Florida

Case No .....

STATE OF FLORIDA)  
COUNTY OF POLK)

Before the undersigned authority personally appeared Ken Holtzinger, who on oath says that he is the Classified Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Notice of Intent

in the matter of.....


Dep. File No. 1050221-006-AC

in the.....

Court, was published in said newspaper in the issues of.....

3-30; 2002

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk 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 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.

Signed   
Ken Holtzinger  
Classified Manager  
Who is personally known to me.

Sworn to and subscribed before me this 1<sup>st</sup>

day of APRIL A.D. 20 02

  
Notary Public

**PATRICIA ANN ROUSE**

(Seal)

My Commission Expires.....



Attach Notice Here

**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT**  
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DEP File No. 1050221-006-AC  
Auburndale Cogeneration Facility  
Auburndale, Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to Caprine, for the Auburndale Cogeneration Facility located at 1501 West Dairy Avenue, Auburndale, Polk County. The permit is to install a wet compression system on the existing Simple Cycle Gas Turbine of the facility. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's mailing address is: Caprine Eastern Corporation, Island Center, 2701 N. Rocky Point Drive, Suite 1200, Tampa FL 33607.

A PSD Applicability Determination was made and emissions of regulated pollutants will not increase above the de minimis thresholds established for PSD Review. There will be no change to hours of operation or fuel types as a result of this modification, although fuel throughput is expected to increase.

Total increases in the emissions of PSD pollutants as a result of this project are as follows:

Parameter	Current Emissions (lb./day)	Proposed Emissions (lb./day)	Increased Emissions (lb./day)	PSD Significant Emissions Rate	Review Required
PM10	0.002	1380	0.7	15	No
SO2	0.003	2070	1.0	40	No
NOX	0.099	68326	34	40	No
CO	0.023	15674	7.9	100	No

An air quality impact analysis was not conducted, nor required. The Department will issue the Final Permit with the attached conditions in accordance with the following procedures resulting in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5506, 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 of the Florida Statutes. 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 days of receipt of the notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department 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 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 of the Florida Administrative Code.

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.

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:

Dept. of Environmental Protection Bureau of Air Regulation Suite 4, 1111 S. Magnolia Drive Tallahassee, Florida, 32301 Telephone: 850/488-0114 Fax: 850/722-6979	Dept. of Environmental Protection Southwest District 3804 Coconut Palm Drive Tampa, Florida 33619-8218 Telephone: 813/744-6100 Fax: 813/744-6284
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The complete project file includes the application, technical evaluations, Draft permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Source Review Section, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. The Technical Evaluation and PSD Applicability Determination as well as the Draft Permit may be viewed at <http://www.dep.state.fl.us/air/permits/construct.htm>

G491 - 3-30-2002