

**AUBURNDALE POWER PARTNERS,
LIMITED PARTNERSHIP**

March 12, 1997

RECEIVED

Mr. C. H. Fancy, P.E.
Chief, Bureau of Air Regulation
Florida Department of Environmental Protection
Mail Station Number 5505
2600 Blair Stone Road
Tallahassee, FL 32399-2400

MAR 13 1997

BUREAU OF
AIR REGULATION

**Re: Auburndale Power Partners (APP) Limited Partnership;
Publication of Air Construction Permit Modification Public Notice**

Dear Mr. Fancy:

Enclosed is a certified copy of the newspaper affidavit attesting to the actual publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION". It was published in the legal advertisement section of *The Lakeland Ledger* on 12 March, 1997.

If you have any questions, please contact me at (941) 965-1561.

Sincerely,


Jeff Shaske
Contract Engineer

Enclosure

cc: Bruce Franco w/enclosure
Dave Sanches w/o enclosure
Tom Davis, ECT w/o enclosure
RF w/o enclosure

cc: C. Holladay, BAR

Certification of a Copy

State of Florida)

) ss.:

County of Polk)

On this 12th day of March 19 97, I attest that the preceding

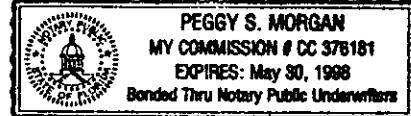
or attached document is a true, exact, complete and unaltered copy of

Affidavit of Publication dated March 12th, 19 97,

presented to me by the document's custodian, Jeffrey A. Shaske.

I also attest to the fact that the photocopied document(s) is neither a public record nor a publicly recordable document.

Peggy S. Morgan
Peggy S. Morgan, Notary Public
State of Florida



PEGGY S. MORGAN

MY COMMISSION # CC 376181

EXPIRES: May 30, 1998

Bonded Thru Notary Public Underwriters

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

Case No.

STATE OF FLORIDA
COUNTY OF POLK)

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

Public Notice Of Intent

in the matter of

..... Permit No. AC53-208321, PSD-F1-185

in the

Complaint was published in said newspaper in the issues of

March 12;

1997

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

Nelson Kirkland
Classified Advertising Manager

By Nelson Kirkland who is personally known to me

12th

Sworn to and subscribed before me this

day of March A.D. 19..... 97.

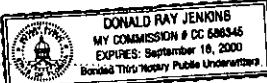
(Seal)

Donald Ray Jenkins
Notary Public

My Commission Expires

Order#658496

L



A85

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Permit No. AC53-208321, PSD-F1-185
File No. 105221-003
Auburndale Power Plant, Inc.
Auburndale, Polk County, Florida
Cogeneration facility
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Auburndale Power Plant, Inc., the Cogeneration facility located in Auburndale, Polk County. A Best Available Control Technology (BACT) analysis was not required pursuant to Rule 62-125-400, F.A.C. and 40 CFR 52.21. Prevention of Significant Deterioration (PSD) and the applicant name and address are pursuant to the Pollution Prevention Plan (APP), 12500 Fox Lake Circle, Suite 200, Fort Lauderdale, Florida 33303-3304.

The Department is requesting compliance with its present nitrogen oxide (NO_x) limit of 25 parts per million (ppm). Specific Condition 1 (Table 1) of the above referenced construction permit requires that the 100 megawatt (MW) simple cycle 50/50 combustion turbine achieve an NO_x emission limit of 15 ppm by September 30, 1997. APP and the manufacturer have advised the Department that the current system is designed to both the needs of its steam heat and injection to further lower NO_x emissions. The extension will affect APP and Westinghouse plant 10 to test a system that includes a new steam heat injection. They will also evaluate other options such as installing auxiliary steam boilers prior to making a final commitment to installation of a selected control or reduction system. The modification will extend the compliance date of Specific Condition 1 (Table 1 as related to NO_x) from September 30, 1997 December 31, 1998. Other very minor permit revisions will be made relating to schedule for compliance testing and submission of annual operating reports.

The Department will issue a Final Permit Modification in accordance with the conditions of the DRAFT Permit Modification unless a response received in accordance with the following instructions results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit Modification balance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be addressed to the Department of Environmental Protection, 300 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments must be submitted in time for public inspection. If written comments received necessitate significant changes in the DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue Final Permit Modification under the conditions of the DRAFT Permit Modification, unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.571 F.S. or a party intervenes in the proceeding in accordance with Section 120.563 before the deadline for filing a petition. Choosing mediation will not adversely affect that right to a hearing if mediation does not result in a hearing. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

In cases where substantial interests are affected by the Department's proposed permitting decision, a petition for an administrative hearing may be filed pursuant to Sections 120.569 and 120.571 F.S. This petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 300 Commonwealth Boulevard, Mail Station #33, Tallahassee, Florida 32399-3000, telephone (850) 245-7303, fax (850) 245-7351. There shall be no filing fee. A copy of the petition or publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first, a copy of the motion for an administrative hearing to the applicant or to the address indicated above, at the time of filing. The failure of any person to file a petition for a request for mediation does not constitute a waiver of the appropriate time period that constitutes a waiver of that person's right to request an administrative hearing in accordance with Sections 120.569 and 120.571 F.S. or to intervene in the proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the Department after the filing of a motion in compliance with Subpart 52.07 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of the nature of each petitioner's substantial interest in the proposed action or proposed action; (c) A statement of how each petitioner's substantial interest in the proposed action or proposed action; (d) A statement of the facts that the petitioner considers to be material to the review of the Department's action or proposed action; (e) A statement identifying the rules or statutes that the petitioner believes require review or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely how the petitioner expects the Department to take action with respect to the Department's action or proposed action addresses in this notice of intent.

In cases where substantial interests are affected by the Department's proposed permitting decision, the filing of a petition means that the Department's final decision may be different from the position taken by the petitioner. Petitioners whose substantial interests will be affected by any such final decision of the Department on the application may file a petition to become a party to the proceeding in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed permitting decision may elect to pursue mediation rather than file a petition to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such persons to the mediation process. Such agreement must be filed (received) by the Office of General Counsel of the Department, 300 Commonwealth Boulevard, Mail Station #33, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative if any.

For more information concerning the mediation process is designed to formulate final agency action, the filing of a petition means that the Department's final decision may be different from the position taken by the petitioner. Petitioners whose substantial interests will be affected by any such final decision of the Department on the application may file a petition to become a party to the proceeding in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed permitting decision may elect to pursue mediation rather than file a petition to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such persons to the mediation process. Such agreement must be filed (received) by the Office of General Counsel of the Department, 300 Commonwealth Boulevard, Mail Station #33, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative if any.

Signed

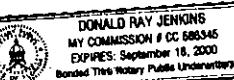
Nelson Kirkland
Nelson Kirkland
Classified Advertising Manager
By Nelson Kirkland who is personally known to me

12th

Sworn to and subscribed before me this

day of March A.D. 19.. 97.

(Seal) *Donald Ray Jenkins*



My Commission Expires

Order#658496

L

A85

The public notice or written, four-part copy of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the application for the time indicated on the notice of filing. The petitioner may petition to the Department for a request for modification as discussed below, within the appropriate time period to constitute a waiver of the right to file a petition for an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to waive the notice of intent requirement to file a petition. Any subsequent intervention will be only of

the type of proceeding allowed upon filing of a motion to compliance with Rule 5-200, Florida Administrative Code.

A petition must contain the following information: (a) The name, address and telephone number of each petitioner, the name and address of the project, the Project Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the relief sought; (e) A statement of the fact that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A waiver of the notice of intent requirement if the petitioner concedes reversal or modification of the Department's action or proposed action; and (g) A statement of the action that the petitioner wants the Department to take with respect to the Department's action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition for a hearing does not mean that action may be different from the position taken by it in the notice of intent. Persons whose substantial interests are affected by any such final decision of the Department after the application have the right to petition to become a party to the proceeding in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed action may determine to settle the dispute by mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation of their dispute. All parties shall be given the opportunity to agree to mediation and to select a mediator. The request and agreement must be filed in (received by) the Office of General Counsel, Department of Environmental Protection, 301 Government Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative; (b) The name, address, and telephone number of the other party to the dispute; (c) The action; (d) A statement of the relief sought; and (e) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action or a reference to the notice of intent or a statement clearly identifying the petition for hearing that the requester had already filed and is incorporating it by reference.

The agreement to mediate must contain the following: (a) The names, addresses, and telephone numbers of any persons who may act as mediators; (b) The names, addresses, and telephone numbers of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The date, time, and place at which the mediation will be conducted; (d) The names and addresses of the parties associated with the mediation; (e) The agreement of the parties on the confidentiality of the mediation and information introduced during mediation; (f) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (g) The names and addresses of any representative who shall have authority to settle or recommend a settlement; and (g) The signature of the names of parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations for requesting and holding an administrative hearing, unless otherwise agreed by the parties. If the mediation must be conducted within a specified time after execution of the agreement, if mediation results in settlement of the administrative dispute, the Department may issue a final order incorporating the agreement of the parties. If mediation of the dispute substantially affects the petitioner's substantial interests will be affected by such mediation that decision of the Department have a finality equivalent to a hearing and in accordance with the requirements for such petition set forth above. If mediation settles without settlement of the dispute, the Department may issue a final order incorporating the administrative hearing process under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will remain the notice of intent, which will apply for challenging the agency action and seeking remedies under those two statutes.

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 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 904/488-1344
Fax: 904/922-0979

Department of Environmental Protection
Southwest District
3001 Coconut Point Drive
Tampa, Florida 33614-1248
Telephone: 813/744-6102
Fax: 813/744-6454

The complete project file includes the Draft Permit Modification, the application, and the information submitted by the responsible official, along with any records received under Section 403.111, F.S. ("Received" per the memo in the Administrative New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.)