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SEP 23 2004

BUREAU OF AIR REGULATION

September 21, 2004

Mr. Jonathan Holtom  
DEP/DARM  
North Permitting Section  
Division of Air Resource Management  
2600 Blair Stone Road MS 5500  
Tallahassee, Florida 32399-2400

Re: Tiger Bay Power Plant – Title V Permit - Affidavit of Publication

Dear Mr. Holtom:

In accordance with Ms. Trina Vielhauer's letter to Mr. Roger Zirkle dated September 2, 2004, we have published the public notice in The Ledger on September 16, 2004. Attached is the Affidavit of Publication.

If you have any questions, please contact me at (727) 826-4187. Thank you for processing the Title V application.

Best Regards,

A handwritten signature in cursive script that reads "Dave Meyer".

Dave Meyer, P.E.  
Senior Environmental Specialist

XC: Roger Zirkle

Attachment

REC...VED  
 SEP 23 2004  
**AFFIDAVIT OF PUBLICATION**  
**THE LEDGER**  
 Lakeland, Polk County, Florida

BUREAU OF AIR REGULATION

Case No .....

STATE OF FLORIDA)  
 COUNTY OF POLK)

Before the undersigned authority personally appeared C. Morgan Miller, who on oath says that he is Display Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being an

**Notice of Intent**

in the matter of Issuance of An Air Construction Permit and Title V.

Concerning Tiger Bay Cogeneration Facility in Polk County

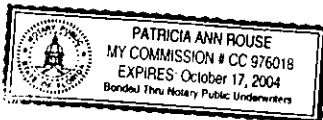
was published in said newspaper in the issues of 9-16; 2004.

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.....  
 C. Moran Miller  
 Display Advertising Manager  
 Who is personally known to me.

Sworn to and subscribed before me this 16<sup>TH</sup> day of September A.D. 2004.

Patricia Ann Rouse  
 Notary Public



(Seal)

My Commission Expires Oct 17, 2004

LC142451 L649

**Attach Ad Here**

**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Air Construction Permit No. 1060223-013 AC / PSD-FL-190A  
 DRAFT Title V Air Operation Permit No.: 1060223-012-AV

Progress Energy - Tiger Bay Cogeneration Facility  
 Polk County

**Applicant:** The applicant for this project is Progress Energy, 3219 State Road 630 West, Ft. Meade, Florida 33841. The applicant's responsible official is Mr. Roger Zinke, Plant Manager.

**Facility Location:** The applicant operates a Cogeneration Facility, which is located at 3219 State Road 630 West in Ft. Meade, Polk County, Florida.

**Project:** The applicant submitted an application for a Title V Air Operation Permit renewal. This facility consists of a single combustion turbine (CT) that exhausts through a heat recovery steam generator (HRSG). The facility is permitted to combust natural gas as the primary fuel and distillate fuel as back-up fuel. However, the fuel of capability has yet to be installed. The total combined capacity of the facility is 269.5 megawatts. A nominal 184 megawatts are provided by the combustion turbine. In addition, a nominal 85.5 megawatts are provided by a steam generator. Emissions unit #01 is regulated under Acid Rain Phase II. The permit will be a renewal Title V air operation permit for the facility.

The applicant also submitted an application for an Air Construction Permit in order to establish an allowable emissions limitation for emissions of nitrogen oxides (NO<sub>x</sub>) during periods of start up and shut down of the combustion turbine, and to regulate excess emissions resulting from combustor tuning. The current permit allows emissions in excess of the permitted limit for up to 2 hours in any 24 hour period for occurrences of a unit start up, shut down or malfunction. However, due to the operational nature of the combined cycle combustion turbine, start up of the unit must be performed over as much as a five hour period to avoid heat stress damage to the steam turbine. As a result, emissions in excess of the emissions limit can sometimes occur for more than two hours during the start up and shut down periods. The permit will be a revision Air Construction permit No. AC53-214903 / PSD-FL-190 for this facility.

**Permitting Authority:** Applicants for Air Construction Permits and 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, and 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to operate the facility. The Department of Environmental Protection is the Permitting Authority responsible for making a permit determination regarding this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**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 Permit, the Statement of Basis, and the information submitted by the applicant, exclusive of confidential records as defined under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above or at the following email address: jonathan.noltom@dep.state.fl.us. A copy of the complete project file is also available at the Department of Environmental Protection's Southwest District Office at 3804 Coconut Palm Drive Tampa, Florida 33619-8218 (Telephone: 813/744-6100).

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the facility will not adversely impact air quality and that the project complies with all applicable provisions to Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-257, 62-281, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a final Air Construction Permit, a Proposed Title V Air Operation Permit and subsequent Final Title V Air Operation Permit in accordance with the conditions of the Draft Permits unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the DRAFT Air Construction Permit for a period of fourteen (14) days from the date of publication of this Public Notice. The Permitting Authority will accept written comments concerning the Draft Title V Air Operation Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be provided to the Permitting Authority of 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 sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices (<http://thermal.dep.state.fl.us/aw/aw/>) 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 Permits, the Permitting Authority shall revise the Draft Permits 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, 3700 Commonwealth Boulevard, Mail Station #35, Tallahassee, FL 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 fourteen (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 fourteen (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 will be only of the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.206, 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; (c) 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 petitioner's substantial rights will be affected by the agency determination; (d) A statement of how and when the petitioner received notice of the agency action or proposed action; (e) A statement of all disputed issues of material fact, if there are none, the petition must so state; (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief; (g) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (h) 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.

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 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.

**Objections:** In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661(d)(2), any person may petition the administrator of the EPA within sixty (60) days of the expiration of the Administrator's 45 (forty-five) 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 thirty (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 objections, visit the EPA Region 4 web site at: [www.epa.gov/rla/region4/air/permits](http://www.epa.gov/rla/region4/air/permits)

L649 9-16 2004