

 **NORTHERN STAR
GENERATION SERVICES
COMPANY LLC**

2929 Allen Parkway, Suite 2200
Houston, TX 77019
Telephone: 713-580-6300
Facsimile: 713-580-6320

December 13, 2005

RECEIVED

DEC 29 2005

BUREAU OF AIR REGULATION

Mr. Tom Cascio
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Orange Cogeneration Facility
Projects 1050231-008-AC and 1050231-009-AV
Proof of Publication

Dear Mr. Cascio:

I have enclosed the original Proof of Publication for the Title V Operation Permit Revision and Application for Air Construction Permit for Orange Cogeneration Facility. I had previously emailed you a scanned version of this and am now sending the original notarized proof.

If you have any questions, please contact me at (713) 580-6368 or at dave.kellermeyer@northernstargen.com.

Sincerely,



David A. Kellermeyer
Vice President, EH&S

Enclosure

AFFIDAVIT OF PUBLICATION
The Polk County Democrat

Published Semi-Weekly
Bartow, Polk County, Florida

Case No. Permit No. 1050231-008-AC
STATE OF FLORIDA

COUNTY OF POLK:

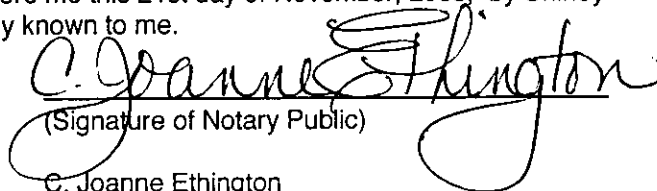
Before the undersigned authority personally appeared Shirley J. Whitaker, who on oath says that he or she is Classified Manager of The Polk County Democrat, a newspaper published at Bartow in Polk County, Florida; that the attached copy of advertisement, being a Public Notice of Intent to Issue an Air Construction Permit and Title V Air Operation Permit Revision in the matter of Project No. 1050231-009-AV, was published in said newspaper in the issues of Nov. 17, 2005.

Affiant further says that The Polk County Democrat is a newspaper published at Bartow, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, each Monday and Thursday and has been entered as periodicals matter at the post office in Bartow, in said Polk County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or 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.

Signed



Sworn to and subscribed before me this 21st day of November, 2005, by Shirley J. Whitaker, who is personally known to me.



(Signature of Notary Public)

C. Joanne Ethington
Notary Public



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

Department of Environmental Protection

Draft Air Construction Permit No. 1050231-008-AC

DRAFT Title V Air Operation Permit Revision Project No. 1050231-009-AV

Orange Cogeneration Facility
Polk County

The Department of Environmental Protection (protection authority) gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit Revision to the Northern Star Generation Services Company, LLC, for the Orange Cogeneration Facility located at 1901 Clear Springs Mine Road, Bartow, Polk County. The applicant's name and address are: Mr. David Kellermeyer, Vice President, EH&S and Responsible Official, Northern Star Generation Services Company LLC, 2929 Allen Parkway, Suite 2200, Houston, TX 77019.

These permitting actions implement requests for: 1) incorporation of alternate startup and shutdown emissions limited utilizing a simple 4-hour moving average; 2) revisions to the NOx emission limit averaging time; 3) definition of excess emissions; and 4) recognition of the operational state of "combustor tuning session" for the emission units and the corresponding definition of allowed excess emissions. The revision also removes the auxiliary boiler from the Acid Rain Part of the Title V permit due to its Cogeneration status under 40 CFR Part 72. The are no pollutant emission changes associated with this project.

The permitting authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Revision and subsequent FINAL Title V Air Operation Permit Revision, in accordance with the conditions of the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit Revision unless a response received in accordance with the following procedures results in a different decision of significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed DRAFT Air Construction Permit issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station # 5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The Permitting Authority will accept written comments the DRAFT Title V Air Operation Permit Revision for a period of thirty (30) days from the date of publication of this Public Notice. Written comments

must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Permitting Authority at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 or facsimile (850/922-6979). As part of his or her comments, any personal 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 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 notice at <http://thorag6.dep.state.fl.us/onw> 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 Title V Air Operation Permit Revision, the Permitting Authority shall issue a Revised DRAFT Title V Air Operation Permit Revision and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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 of the 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, Mail Station #35, Tallahassee, Florida 32399-3000, Telephone: 850/245-2242. Fax: 850/245-2303. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice of 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 the publication. A petitioner shall mail a copy of the petition to the application 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 Section 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 (F.A.C.).

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 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 indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that 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, 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 application(s) 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 Codes (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 45 (forty-five) day review period as established at 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 Street, S.W., 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:
Florida Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive,
Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922/6979
Affected District/Local Program:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619
Telephone: 813/744-6100
Fax: 813/744-6084

The complete project file includes the Technical Evaluation and Preliminary Determination and associated Draft Air Construction Permit and DRAFT Title V Air Operation Permit Revision, the application(s), and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Program Administrator, or call 850/921-9523, for additional information.

Nov. 17, 2005-3640