



Orange Cogeneration, L.P.  
1901 Clear Springs Road  
P.O. Box 782  
Bartow, FL 33831

RECEIVED

FEB 06 2009

BUREAU OF AIR REGULATION

February 5, 2009

Mr. Jonathan Holtom  
Department of Environmental Protection  
Division of Air Resource Management  
Bureau of Air Regulation  
2600 Blair Stone Road, MS #5505  
Tallahassee, Florida 32399-0114

Re: Public Notice Affidavit for CAIR Part Permit Revision  
DRAFT/PROPOSED Permit # 1050231-011-AV  
Orange Cogeneration L.P.

Dear Mr. Holtom:

Per the Public Notice requirements please find attached the Affidavit of Publication for our Title V revision to incorporate the CAIR Part for the above referenced facility. If you have any questions, please contact me at 863-534-1141, ext. 29.

Sincerely,

A handwritten signature in cursive script that reads "Gwynne Johnson".

Gwynne Johnson  
Alternate Designated Representative

AFFIDAVIT OF PUBLICATION  
**The Polk County Democrat**

Published Semi-Weekly  
Bartow, Polk County, Florida

STATE OF FLORIDA

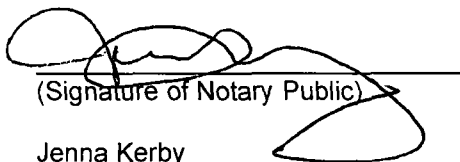
COUNTY OF POLK:

Before the undersigned authority personally appeared Mary G. Frisbie, who on oath says that he or she is Accounting Supervisor of The Polk County Democrat, a newspaper published at Bartow in Polk County, Florida; that the attached copy of advertisement, being a Notice of Intent To Issue Title V Air Operation Permit Revision in the matter of Orange Cogeneration Facility, was published in said newspaper in the issues of Jan. 31, 2009.

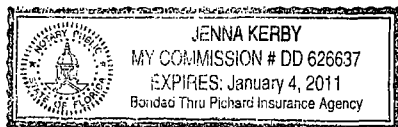
Affiant further says that The Polk County Democrat is a newspaper published at Bartow, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, each Wednesday and Saturday and has been entered as periodicals matter at the post 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 Mary G. Frisbie

Sworn to and subscribed before me this 4th day of February, by Mary G. Frisbie, who is personally known to me.

  
(Signature of Notary Public)

Jenna Kerby  
Notary Public



# 2179701

**PUBLIC NOTICE OF INTENT TO  
ISSUE TITLE V AIR OPERATION  
PERMIT REVISION**

Florida Department of Environmental  
Protection

Division of Air Resource Manage-  
ment, Bureau of Air Regulation  
Draft/Proposal Air Permit No.  
1050231-011-AV

Orange Cogeneration, L.P., Orange  
Cogeneration Facility  
Polk County, Florida

**Applicant:** The applicant for this project is Orange Cogeneration, L.P. The applicant's authorized representative and mailing address is: Allen Czerkiewicz, Plant Manager, Orange Cogeneration, L.P., Orange Cogeneration Facility, 1901 Clear Springs Road, PO Box 782, Bartow, FL 33831.

**Facility Location:** Orange Cogeneration L.P., operated the existing Orange Cogeneration Facility, which is located in Polk County at 1901 Clear Springs Mine Road in Bartow, 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.

The existing facility consists of two combined cycle combustion turbine units and an auxiliary boiler. The combined cycle units consist of two combustion turbine-electrical generator sets, two heat recovery steam generators (HRSG), two exhaust stacks, and a common steam turbine-electrical

generator set. The facility also includes miscellaneous unregulated and insignificant emissions units and activities.

**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 62-296-470, Florida Administration 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 Department's Bureau of Air Regulation 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: 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/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, or may view the Draft/Proposed Permit and filed electronic comments by visiting the following website: <http://www.dep.state.fl.us/air/products/apds/default.asp> and entering the permit number shown above. Interested persons may contract the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue An 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 the facility 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, 62-214, 62-256, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the 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 thirty (30) days from the date of publication of this Public Notice. Written 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 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 official web site for notices at Florida Administrative Weekly (FAW) <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. But 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 significant change to the Draft/Proposed Permits, 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 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed with (received by) the Department Agency Clerk 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 (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 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 decision; (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 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 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 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(s) 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 citizens petition to object to the EPA Administrator will be determined as if EA'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 a 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 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 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 (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. For more information regarding objections, visit the EPA Region 4 web site at: [www.epa.gov/region4/air/permits/Florida.htm](http://www.epa.gov/region4/air/permits/Florida.htm).

Jan. 31, 2009-2179701