



CSW Energy, Inc.

A Central and South West Company
Orange Cogeneration Facility
1901 Clear Springs Road
Post Office Box 782
Bartow, Florida 33831-0782

Telephone (863) 534-1141
Facsimile (863) 533-4152

Via Federal Express

RECEIVED

OCT 18 2002

BUREAU OF AIR REGULATION

October 16, 2002

Mr. Scott M. Sheplak, P.E.
Administrator – Title V Section
Bureau of Air Regulation
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Orange Cogeneration Facility
Facility ID: **1050231**; ORIS Code: **54365**
Proof of Publication

Dear Mr. Sheplak:

Please find enclosed the original Affidavit of Publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" for the above referenced facility.

If you have any questions regarding this submittal please contact Gwynne Johnson at 863-534-1141, ext. 28.

Sincerely,

A handwritten signature in black ink that reads "Don Walters". The signature is written in a cursive, flowing style.

Don Walters
Responsible Official

cc: Wade Smith, OCLP

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 treasurer 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 A Title V Air Operation Permit Renewal in the matter of Draft Air Construction Permit No. 1050231-007-AC, Draft Title V Air Operation Permit Renewal No. 1050231-006-AV, Renewal of Title V Air Operation Permit No. 1050231-001-AV, Orange Cogeneration Facility Polk County, was published in said newspaper in the issues of Sept. 26, 2002.

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 Mary G. Frisbie

Sworn to and subscribed before me this 2nd day of October, 2002, by Mary G. Frisbie, who is personally known to me.

C. Joanne Ethington
(Signature of Notary Public)

C. Joanne Ethington
Notary Public



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BUREAU OF AIR REGULATION

**PUBLIC NOTICE OF INTENT TO
ISSUE AN AIR CONSTRUCTION
PERMIT AND A TITLE V AIR OP-
ERATION PERMIT RENEWAL**

Department of Environmental Pro-
tection

Draft Air Construction Permit No.
1050231-007-AC

DRAFT Title V Air Operation Per-
mit Renewal No. 1050231-006-AV
Renewal of Title V Air Operation
Permit No. 1050231-001-AV
Orange Cogeneration Facility
Polk County

The Florida Department of En-
vironmental Protection (permitting
authority) gives notice of its intent
to issue an Air Construction Permit
and a Title V Air Operation Permit
Renewal to Orange Cogeneration,
L.P., Inc., for the Orange Co-
generation Facility located at 1901
Clear Springs Mine Road, Bartow,
Polk County. This is a renewal of
Title V Air Operation Permit No.
1050231-001-AV. The applicant's
name and address are: Mr. Allan
Wade Smith, General Manager
and Responsible Official, Orange
Cogeneration, L.P., Inc., 1125 US
98 South, Suite 100, Lakeland, FL
33801.

The modification is to: (A)
slightly increase the maximum
heat input rate to reflect the oper-
ating experience with the combus-
tion turbines, (B) revise the BACT
determination to reflect good com-
bustion practices and clean fuels,
and (C) specify compliance with
the Acid Rain Monitoring require-
ments of 40 CFR 75 for the NO_x
and oxygen monitors.

The permitting authority will is-
sue the Air Construction Permit
and the PROPOSED Title V Air
Operation Permit Renewal and
subsequent FINAL Title V Air Op-
eration Permit Renewal, in accor-
dance with the conditions of the
Draft Air Construction Permit and
the DRAFT Title V Air Operation
Permit Renewal unless a re-
sponse received in accordance
with the following procedures re-
sults in a different decision or sig-
nificant change of terms or con-
ditions.

The permitting authority will ac-
cept written comments concerning
the proposed Draft Air Construc-
tion Permit issuance action for a
period of 14 (fourteen) days from
the date of publication of this No-
tice. Written comments should be
provided to the Department's Bu-
reau of Air Regulation, 2600 Blair
Stone Road, Mail Station #5505,
Tallahassee, Florida 32399-2400.
Any written comments filed shall
be made available for public in-
spection. If written comments re-
ceived result in a significant
change in this Draft Air Construc-
tion Permit, the permitting author-
ity shall issue a Revised Draft Air
Construction Permit and require, if
applicable, another Public Notice.

The permitting authority will accept
written comments concerning the
proposed DRAFT Title V Air Op-
eration Permit Renewal issuance
action for a period of 30 (thirty)
days from the date of publication
of this Notice. Written comments
should be provided to the Depart-
ment's Bureau of Air Regulation,
2600 Blair Stone Road, Mail Sta-
tion #5505, Tallahassee, Florida
32399-2400. Any written com-

ments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Title V Air Operation Permit Renewal, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit Renewal and require, if applicable, another Public Notice.

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: 850/488-9730; Fax 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the notice of intent, whichever occurs first. Under Section 120.6(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 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 applicable 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 inter-

vention 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 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; 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;

(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 state;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief;

(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 permitting authority'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 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 Code (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 7661(b)(1), to object to issuance of any permit renewal. Any petition shall be based only on objections to the permit renewal 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 days 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: 813/744-6458

The complete project file includes the Technical Evaluation and Preliminary Determination and associated Draft Air Construction Permit and DRAFT Title V Air Operation Permit Renewal, the application(s), and the information submitted by the responsible official, exclusive of confidential records under Section 403.11, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.

Sept. 26, 2002-4418