

 **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:

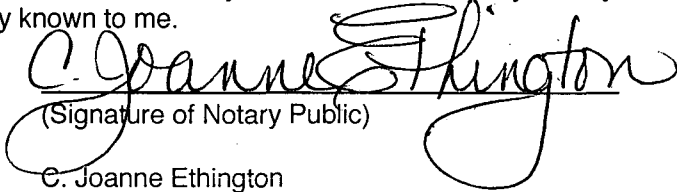
Before the undersigned authority personally appeared Shirley J. Whitaker, who on oath says that he or she is Classified Manager of The Polk County Democrat, a newspaper published at Bartow in Polk County, Florida; that the attached copy of advertisement, being a Public Notice of Intent to Issue an Air 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

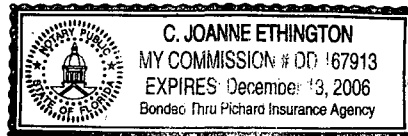


Sworn to and subscribed before me this 21st day of November, 2005, by Shirley J. Whitaker, who is personally known to me.



(Signature of Notary Public)

C. Joanne Ethington
Notary Public



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

Department of Environmental Protection

Draft Air Construction Permit No.
1050231-008-AC

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

Orange Cogeneration Facility
Polk County

The Department of Environ-
mental Protection (protection
authority) gives notice of its in-
tent to issue an Air Construction
Permit and a Title V Air Operation
Permit Revision to the Northern
Star Generation Services Com-
pany, LLC, for the Orange Co-
generation 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 Park-
way, Suite 2200, Houston, TX
77019.

These permitting actions imple-
ment 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 aver-
aging time; 3) definition of ex-
cess emissions, and 4) recognition
of the operational state of "com-
bustor tuning session" for the
emission units and the corre-
sponding definition of allowed ex-
cess 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 is-
sue the Air Construction Permit
and the PROPOSED Title V Air
Operation Permit Revision and
subsequent FINAL Title V Air Op-
eration Permit Revision, in ac-
cordance 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 ac-
cept written comments concerning
the proposed DRAFT Air Con-
struction 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 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 ac-
cept written comments the DRAFT
Title V Air Operation Permit Revi-
sion for a period of thirty (30) days
from the date of publication of this
Public Notice. Written comments

must be post-marked and all fac-
simile comments must be re-
ceived by the close of business
(5:00 pm), on or before the end of
this 30-day period, by the Permit-
ting Authority at 2600 Blair Stone
Road, Mail Station #5505, Talla-
hassee, Florida 32399-2400 or facsimile (850/922-6979). As part
of his or her comments, any per-
sonal may also request that the
Permitting Authority hold a public
meeting on this permitting action.
If the Permitting Authority deter-
mines there is sufficient interest
for a public meeting, it will publish
action. If the Permitting Authority
determines there is sufficient inter-
est for a public meeting, it will pub-
lish notice of the time, date and lo-
cation on the Department's official
web site for notice at
<http://thorag.dep.state.fl.us/onw>
and in a newspaper of general cir-
culation in the area affected by the
permitting action. For additional in-
formation, contact the Permitting
Authority at the above address or
phone number. If written com-
ments or comments received at a
public meeting result in a signifi-
cant change to the DRAFT Title V
Air Operation Permit Revision, the
Permitting Authority shall issue a
Revised DRAFT Title V Air Op-
eration Permit Revision and require, if
applicable, another Public Notice.
All comments filed will be made
available for public inspection.

A person whose substantial in-
terests are affected by the pro-
posed permitting decision may pe-
tition 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, Talla-
hassee, Florida 32399-3000, Tele-
phone: 850/245-2242, Fax:
850/245-2303. Petitions filed by
any persons other than those enti-
tled to written notice under Section
120.60(3), F.S., must be filed
within fourteen days of publication
of the public notice of within four-
teen 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 indi-
cated 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 inter-
vention will be only at the approval
of the presiding officer upon the fil-
ing of a motion in compliance with
Rule 28-106.205 of the Florida Ad-
ministrative Code (F.A.C.).

A petition that disputes the
material facts on which the De-
partment's action is based must
contain the following informa-

tion:

- (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 peti-
tioner, the name, address, and
telephone number of the peti-
tioner's representative, if any,
which shall be the address for
service purposes during the
course of the proceeding; and
an explanation of how the peti-
tioner'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 peti-
tioner contends warrant rever-
sal or modification of the agen-
cy'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, stat-
ing precisely the action peti-
tioner wishes the agency to
take with respect to the agen-
cy's proposed action.

A petition that does not dis-
pute 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 pro-
ceeding, in accordance with the
requirements set forth above.

Mediation is not available for
this proceeding.

In addition to the above, pur-
suant 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 Admin-
istrator'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 com-
ment period provided in this
notice, unless the petitioner
demonstrates to the Adminis-
trator of the EPA that it was

impracticable to raise such ob-
jections 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 Ad-
ministrator of the EPA at: U.S.
EPA, 401 M Street, S.W., Wash-
ington, 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., Mon-
day through Friday, except legal
holidays at:

Permitting Authority:
Florida Department of Environ-
mental 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 Pro-
gram:

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 in-
cludes the Technical Evaluation
and Preliminary Determination
and associated Draft Air Con-
struction Permit and DRAFT Ti-
tle V Air Operation Permit Revi-
sion, the application(s), and the
information submitted by the
responsible official, exclusive of
confidential records under Sec-
tion 403.111, F.S. Interested
persons may contact Program
Administrator, or call 850/921-
9523, for additional informa-
tion.

Nov. 17, 2005-3640