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BUREAU OF AIR REGULATION

February 15, 2005

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

Re: Hines Energy Complex – Construction and Title V revisions – Affidavit of Publication

Dear Mr. Halpin:

In accordance with Ms. Trina Vielhauer's letter to Mr. Zirkle dated February 4, 2005, we have published the public notice in The Ledger on February 14, 2005.

Attached is the Affidavit of Publication.

If you have any questions, please contact me at (727) 820-5295. Thank you for processing the Construction and Title V revisions.

Best Regards,

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

Dave Meyer  
Senior Environmental Specialist

XC: Roger Zirkle

Attachment

# AFFIDAVIT OF PUBLICATION

## THE LEDGER

### Lakeland, Polk County, Florida

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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 **Revised Draft Permits 1050234-011-AC, 105034-013 AC**

.....  
Concerning **Hines Energy Complex, Polk County, Florida** .....

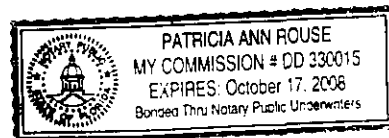
.....  
was published in said newspaper in the issues of **2-14; 2005**.....

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

Sworn to and subscribed before me this 14<sup>TH</sup>.....  
day of February..... A.D. 2005.....

*Patricia Ann Rouse*  
Notary Public



(Seal)

My Commission Expires 04 17 2008.....

L206153 M174

PUBLIC NOTICE OF INTENT TO ISSUE  
REVISED AIR CONSTRUCTION PERMIT/TITLE V AIR OPERATION PERMIT

Florida Department of Environmental Protection  
Revised Draft Air Construction Permit No.'s 1050234-011-AC and 1050234-013-AC  
DRAFT Title V Air Operation Permit No. 1050234-012-AV  
Hines Energy Complex  
Polk County, Florida

**Applicant:** The applicant for this project is Progress Energy Florida. The applicant's mailing address is 100 Central Avenue, CX1B, St. Petersburg, Florida 33701. The applicant's responsible official is Roger Zirkle, Plant Manager.

**Facility Location:** The Hines Energy Complex is located at 7700 County Road 555, Bartow, Polk County, Florida.

**Revised Air Construction Permit Projects:** These projects increase the maximum heat input of Emission Units 014, 015, 016 and 017 by nearly 7% each. The referenced Emission Units are more commonly known as Combustion Turbine Units 2A, 2B, 3A and 3B. Each emission unit is a gas turbine, currently rated at a maximum heat input of 1,915 MMBtu per hour when firing natural gas and 2,020 MMBtu per hour when firing distillate oil (based on a compressor inlet air temperature of 59 °F, the HHV of each fuel, and 100% load). The new ratings will be 2048 MMBtu per hour when firing natural gas and 2155 MMBtu per hour when firing distillate oil (based on a compressor inlet air temperature of 59 °F, the HHV of each fuel, and 100% load). All other permit conditions will remain the same, and calculated emission increases are less than the PSD significant thresholds of 40 tons per year (TPY) NOX, 40 TPY VOC and 100 TPY CO.

**Title V Air Operation Permit Project:** This project is to incorporate the above, applicable revisions to the Title V Air Operation permit for the facility.

**Permitting Authority:** Applications for these permitting actions are subject to review in accordance with the provisions of Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-212, 62-213 and 62-214 of the Florida Administrative Code (F.A.C.). The proposed projects are not exempt from air permitting requirements and air permits are required for the revised air construction permit and to operate the facility. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making permit determinations regarding these projects. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, in Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114 and facsimile number is 850/922-6979.

**Project Files:** Complete project files are 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. For the Revised Air Construction Permit Project, the complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. For the Title V Air Operation Permit Project, the complete project file includes the DRAFT 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 Permit documents and file electronic comments by visiting the following website: <http://www.dep.state.fl.us/air/products/ords/>. Copies of the complete project files are also available at the Air Resources Section of the Department's Southwest District Office at 3804 Coconut Palm Drive, Tampa. Phone Number 813-744-6100.

**Notice of Intent to Issue Air Permits:** The Permitting Authority gives notice of its intent to issue the Revised Draft Air Construction Permit and the DRAFT Title V Air Operation Permit to the applicant for the projects described above. The applicant has provided reasonable assurance that operation of the facility will not adversely impact air quality and that the projects will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C. For the Draft Air Construction Permit, the Permitting Authority will issue a Final Permit in accordance with the conditions of the Draft Permit unless a response received in accordance with the following procedure results in a different decision or a significant change of terms or conditions. For the DRAFT Title V Air Operation Permit, the Permitting Authority will issue PROPOSED Permit conditions and subsequent FINAL Permit conditions in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

**Comments on the Air Construction Permit Project:** The Permitting Authority will accept written comments concerning the Revised Draft Air Construction Permit for a period of fourteen (14) days from the date of publication of the Public Notice. Written comments must be post-marked, and all e-mail or facsimile comments must be received by the close of business (5:00 p.m.), on or before the end of this 14-day period by the Permitting Authority at the above address, email or facsimile. If written comments result in a significant change to the Draft Permit, the Permitting Authority will issue a revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Comments on the DRAFT Title V Air Operation Permit Project:** The Permitting Authority will accept written comments concerning the DRAFT Permit for a period of thirty (30) days from the date of publication of the Public Notice. Written comments must be post-marked, and all e-mail or facsimile comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile. 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 at <http://flhogan.dep.state.fl.us/qnw> 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 Permit, the Permitting Authority will issue a Revised DRAFT 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 decisions may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petitioner 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, 390C Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this "Written Notice of Intent". 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 the attached "Public Notice" or within fourteen (14) days of receipt of this "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 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; (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 the petitioner's substantial interests will be affected by the agency determination; (d) A statement of how and when each petitioner received notice of the agency action or proposed action; (e) A statement of the disputed issues of material fact. If there are none, the petition must so state; (f) A statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (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 the 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 "Written Notice". Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on these applications 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 in this proceeding.

**Objections to the FINAL Title V Permit:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661a(b)(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 7661a(b)(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 EPA must meet the requirements of 42 U.S.C. Section 7661a(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 EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>