



**Progress Energy**

**RECEIVED**

NOV 13 2006

BUREAU OF AIR REGULATION

Via Overnight Delivery

November 9, 2006

Mr. Jeff Koerner, PE  
Professional Engineer Administrator  
Division of Air Resource Management  
Florida Department of Environmental Protection  
2600 Blair Stone Road, M.S. 5500  
Tallahassee, Florida 32399-2400

RE: Proof of Publication – Public Notice  
Draft Air Construction Permit Project No.: 1050234-015-AC/PSD-FL-195(D)/PSD-FL-296(C)/PSD-FL-330(B) and Draft/Proposed Title V Air Operation Permit Renewal Project No. 1050234-014-AV  
Florida Power Corporation d/b/a Progress Energy Florida, Inc.  
Hines Energy Complex  
Facility ID 1050234

Dear Mr. Koerner:

Please find enclosed a proof of publication for the public notice of intent to issue the air construction permit and Title V permit renewal for the Florida Power Corporation d/b/a Progress Energy Florida, Inc. (“PEF”) Hines Energy Complex.

Please let me know at (727) 820-5962, if you have any questions.

Sincerely,

Ann Quillian, PE  
Senior Environmental Specialist  
Environmental Services Section

Enclosure

cc: Martin J. Drango, PE – PEF – HE44

# AFFIDAVIT OF PUBLICATION

## THE LEDGER

### Lakeland, Polk County, Florida

Case No's:

STATE OF FLORIDA)  
COUNTY OF POLK)

Before the undersigned authority personally appeared Paula Freeman, who on oath says that she is Inside Classified Sales Manager The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being

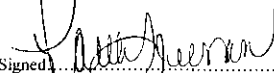
Notice of Intent

in the matter of Permit No. 1050234-015-AC

Concerning Hines Energy Complex, Polk County

was published in said newspaper in the issues of 11-1; 2006

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:   
Paula Freeman  
Inside Classified Sales Manager  
Who is personally known to me.

Sworn to and subscribed before me this 1ST  
day of November A.D. 2006

  
Notary Public

(Seal)   
My Commission Expires

RECEIVED

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

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Air Construction Permit No: 1050234-015-AC/PSD-F-195(D)/PSD-F-200(C)/PSD-F-330(B)  
Draft Title V Air Operation Permit Renewal No: 1050234-015-AC

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit Renewal for the Hines Energy Complex Power Blocks 1, 2 and 3, located off County Road 555, approximately 2.5 miles South of County Road 640, Polk County. The applicants name and address is Mr. Martin J. Drango, Plant Manager and Corporate Office Manager, Hines Energy Florida, Inc., Hines Energy Complex, 100 Central Avenue, NE-44 St Petersburg, Florida 33701.

The subjects of the Air Construction Permit are to: (1) remove the Emergency Generator; (2) for Power Block 1 - 3, allow the use of the ASTM analytical methods for testing the sulfur content of the fuels as established in 40 CFR 63 Subpart GG; (3) for Power Block 1, allow GMS data exclusion for fuel switches; and, (4) for Power Block 2 and 3, revise the duration of GMS data exclusion due to cold startups and fuel switches.

The subject of the Title V Air Operation Permit is for the renewal of the initial Title V Air Operation Permit No. 1050234-015-AC. In addition, the renewal will be used to incorporate the terms and conditions of the ACs identified above.

The facility is also subject to Florida Power Plant Site Certification Act, project No. PA 92-33.

The permitting authority will issue the Air Construction Permit in accordance with the conditions of the Draft Air Construction Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

EPA has agreed to treat the DRAFT Title V Permit as a PROPOSED Title V 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 some EPA Administrator will be determined as EPA'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 the 45-day EPA review period so long as no adverse comments are received that result in a different decision or 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/florac.htm>

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 of Environmental Protection, 2600 Bell Street 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 to the 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 concerning the DRAFT/PROPOSED Title V Air Operation Permit Renewal 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 on the day of the 30-day period, by the Permitting Authority office or facsimile, as listed below. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on the 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 in the Florida Administrative Weekly (<http://law.dos.state.fl.us/>) and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority office at the address or phone number listed below. If written comments or comments received at a public meeting result in a significant change to the DRAFT/PROPOSED Title V Air Operation Permit Renewal, the Permitting Authority shall issue a Revised DRAFT Title V Air Operation Permit and require, if applicable, another Public Notice. All comments will be made available for public inspection.

Persons 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 Office General Counsel of the Department of Environmental Protection, 3000 Commonwealth Boulevard, Mail Station #35 Tallahassee, Florida 32399-3000 (telephone: 850/245-2241; fax: 850/245-2303). Petitions filed by any person 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 or 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 publication. A petitioner shall make 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 of the merits of the petition under Sections 120.60(3) and 120.60(4), F.S., or to intervene in the proceeding and participate as a party to it. Any subsequent intervention will be only after 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:

- The name and address of each person affected and each agency file or identification number, if known;
- 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;
- A statement of how and when each petitioner received notice of the agency action or proposed action;
- A statement of all disputed issues of material fact, if there are none, the petitioner must so indicate;
- A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;
- A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- A statement of the relief sought by the petitioner, stating precisely the action petitioner wants 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 dispute exists 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 a 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 its 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:

- Intervention is not available for this proceeding;
- In action taken under Section 42 United States Code (U.S.C.) Section 7601(d)(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 in 42 U.S.C. Section 7601(d)(1), to object to issuance of any permit. Any petition that is based on objections to the permit that were raised with respect to the permit specifically 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 during the 30 (thirty) day public comment period, shall be accepted for such objection after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit proposal issued pursuant to the requirements of 42 U.S.C. Section 7601(d)(2). Petitions filed with the Administrator of the EPA must meet the requirements of 42 U.S.C. Section 7601(d)(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:

Affected District Office  
Department of Environmental Protection  
Bureau of Air Regulation  
2675 1111 South Magnolia Drive, Suite 4  
Tallahassee, Florida 32301-1111  
Telephone: 850/498-0114  
Fax: 850/922-6779

Department of Environmental Protection  
Bureau of Air Regulation  
1305 N. Telecom Parkway  
Tallahassee, Florida 32301-1111  
Telephone: 850/245-0729  
Fax: 813/744-6084

The complete project file includes the Technical Evaluation and Determination, Determination and Proposed Draft Air Construction Permit and DRAFT/PROPOSED Title V Air Operation Permit Renewal, 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 Jeffrey F. Kuyens, P.E., of the above offices, at 850/245-0729, for additional information.

1062-1111-2006