



RECEIVED

JUL 20 2004

BUREAU OF AIR REGULATION

July 19, 2004

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 – Title V Permit - Affidavit of Publication

Dear Mr. Halpin:

In accordance with Ms. Trina Vielhauer's letter to Mr. Roger Zirkle dated June 25, 2004 we have published the public notice in The Ledger on July 12, 2004. Attached is the Affidavit of Publication.

If you have any questions, please contact me at (727) 826-4187. Thank you for processing the Title V application.

Best Regards,

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

Dave Meyer, P.E.
Senior Environmental Specialist

XC: Roger Zirkle
Mark Tylec
Ken Kosky, Golder

Attachment

AFFIDAVIT OF PUBLICATION THE LEDGER Lakeland, Polk County, Florida

RECEIVED
20 2004
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 Classified Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Notice of Intent

in the matter of **To Issue a Draft Permit No. 1050234-008 AV**

Concerning **Hines Energy Complex, Polk County**

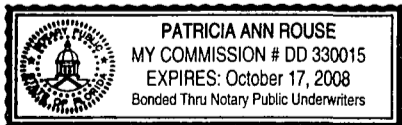
was published in said newspaper in the issues of **7-12; 2004**.....

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
Classified Advertising Manager
Who is personally known to me.

Sworn to and subscribed before me this 16TH

day of July, A.D. 2004.....
Patricia Ann Rouse
Notary Public



(Seal)
My Commission Expires Oct 17, 2008.....

Attach Ad Here

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

**Florida Department of Environmental Protection
DRAFT Permit Project No.: 1050234-008-AV
Hines Energy Complex
Polk County**

The Florida Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Revision to Progress Energy Corporation for their Hines Energy Complex located at County Road 555, 2.5 miles south of CR 640, Barlow, Polk County. The applicant's name and address are: Progress Energy Corporation, Roger Zirkle, Plant Manager, 100 Central Avenue BB1A-HE44, St. Petersburg, Florida 33701-5511.

The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, 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 significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit 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. 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 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 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 intervention 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 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 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.

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
2600 Blairstone Rd., Mail Station 5505
Tallahassee, FL 32399
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District Program:
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8218
Telephone: 813/744-6100
Fax: 813/744-6084

The complete project file includes the DRAFT Permit, the application for revision, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Michael P. Halpin, P.E., at the above address, or call 850/488-0114, for additional information.

L429 7-12; 2004