



**CALPINE**

**OSPREY ENERGY CENTER**

1651 WEST DERBY AVENUE  
AUBURNDALE, FLORIDA 33823

863.551.4660 (MAIN)  
863.551.4666 (FAX)

April 27, 2005

**RECEIVED**

APR 28 2005

Mike Halpin  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, FL 32301  
Fedex tracking number: 7910 5374 9486

**BUREAU OF AIR REGULATION**

Subject: Affidavit of Publication of Public Notice

Dear Mr. Halpin:

Enclosed is the affidavit of publication of the Public Notice of Intent to Issue PSD Permit Modification for Osprey Energy Center.

DEP File No. PSD-FL-287, 1050334-006-AC and PA00-41  
Osprey Energy Center / Polk County

Sincerely,

CALPINE CORPORATION

William Sena  
Plant Engineer  
Osprey Energy Center

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

**Public Notice of Intent**

in the matter of Dept File No. 1050334-006-AC

Concerning Osprey Energy Center, Polk County

was published in said newspaper in the issues of 4-23; 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

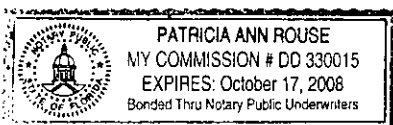
day of

*April*

A.D. 20

*05*

Notary Public



(Seal)

My Commission Expires

*OCT 17, 2008*

LC206345 M402

**PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DEP File No. 1050334-006-AC  
Calpine Corporation  
Osprey Energy Center  
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD Permit Modification for Osprey Energy Center, located near Auburndale, Polk County. The modification allows for operation down to 30% output for extended periods of time, rather than 60% as originally authorized, for combined cycle units 1 and 2. Calpine has provided data, for low load testing, which was performed under permit 1050334-006-AC, granted by the Department on January 7, 2005. This data supports Calpine's assertion that each combustion turbine unit may be operated at loads above 30% (approximately 50 megawatts gross) output while meeting its existing BACT limits. Accordingly, a Determination of Best Available Control Technology (BACT) was not required. The applicant's mailing address is: 2701 N. Rocky Point, Suite 1200, Tampa FL 33607.

Based upon applicant's submittals, the Department estimates that there will be no increases in regulated air emissions as a result of this modification. An air quality impact analysis was not required nor conducted.

The Department will issue the Final Permit with the attached modified conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue PSD Permit Modification. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Station Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the conditions modified as indicated unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #3; Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any person other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department 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 appropriate time period shall constitute a waiver of that person's right to request an administrative de termination (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 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.

A petition that disputes the material facts on which the Department'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, 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; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of a disputed issue of material fact; if there are none, the petitioner must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency'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, 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 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.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

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:

Florida Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida, 32301 Telephone: (850) 488-1344 Fax: (850) 922-6979	Florida Department of Environmental Protection Southwest District 3804 Coconut Palm Drive Tampa, Florida 33619 Telephone: (813) 744-6100
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The complete project file includes the application, draft permit and additional information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. interested persons may review specific details of this project by contacting the Administrator, North Permitting Section, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-6114, for additional information.

M402 4-23; 2005