



THE TRIBUNE
ST. LUCIE COUNTY, FLORIDA
 P.O. Box 69, Fort Pierce, FL 34954-0069

RECEIVED

DEC 29 2000

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA

COUNTY OF ST. LUCIE

Before the undersigned authority personally appeared, Lynn Ferraro, General Manager; Kathy LeClair, Business Manager or Dorothy Dicks, Advertising Manager of The Tribune, a daily newspaper published at

Fort Pierce in St. Lucie County, Florida; that the attached copy of advertisement was published in The Tribune in the following issues below. Affiant further says that the said Tribune is a newspaper published at Fort Pierce in said St. Lucie County, Florida and that the said newspaper has heretofore been continuously published in said St. Lucie County, Florida daily and distributed in St. Lucie County, Florida, for a period of one year next preceding the first publication of attached copy of advertisement; and affiant further says that he/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. The Tribune has been entered as second class matter at the Post Office in Fort Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

BUREAU OF AIR REGULATION

| Ad # | Name | Date | Price Per Day | PO # |
|---------|---------------------|------------|---------------|------|
| 2047502 | DEPT., OF ENVIRONME | 12/21/2000 | \$419.44 | |
| Total | | | \$419.44 | |

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT
 STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DEP File No. 1110099-002-AC (PSD-FL-305)
 Midway Energy Center - Units 1-3
 St. Lucie County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit under the requirements for the Prevention of Significant Deterioration (PSD) of Air Quality to Midway Development Company, L.L.C (an affiliate of Enron North America). The permit is to construct three 170-megawatt (MW) dual-fuel combustion turbines with inlet chillers, three 80-foot stacks, a natural gas heater, a 2.5 million gallon fuel oil storage tank, and a 0.6 million gallon fuel oil day storage tank for the Midway Energy Center to be located West of I-95 near Port St. Lucie and Fort Pierce in St. Lucie County. A Best Available Control Technology (BACT) determination was required for sulfur dioxide (SO₂), particulate matter (PM/PM₁₀), nitrogen oxides (NO_x), sulfuric acid mist (SAM), and carbon monoxide (CO) pursuant to Rule 62-212.400, F.A.C. The applicant's name and address are Midway Development Company (affiliate of Enron North America), 1400 Smith Street, Houston, Texas 77002-7631.

The new units will be nominal 170 MW General Electric PG7241FA combustion turbine-electrical generators. The units will operate in simple cycle mode and intermittent duty. The units will operate primarily on natural gas and will be permitted to operate 3,500 hours per year of which no more than 1,000 hours per year will be using maximum 0.05 percent sulfur distillate fuel oil.

NO_x emissions will be controlled by Dry Low NO_x (DLN-2.6) combustors. The units must meet a continuous emission limit of 9 parts per million by volume, dry at 15 percent oxygen (ppm). NO_x will be controlled to 42 ppm by wet injection when firing fuel oil. Sulfuric acid mist, SO₂, and PM/PM₁₀ will be limited by use of clean fuels. Emissions of VOC and CO will be controlled by good combustion practices.

The maximum emissions from the combustion turbines in tons per year based on the original application are summarized below. There will be minor emissions of VOC from the fuel oil storage tank. However total VOC emissions will still be less than significant for PSD purposes.

| Pollutant | Maximum Potential Emissions | PSD Significant Emission Rate |
|---------------------|-----------------------------|-------------------------------|
| PM/PM ₁₀ | 119 | 25/15 |
| CO | 213 | 100 |
| NO _x | 708 | 40 |
| VOC | 20 | 40 |
| SO ₂ | 190 | 40 |
| Sulfuric Acid Mist | 29 | 7 |

Air quality impact analyses were conducted. Maximum predicted impacts due to proposed emissions from the project are less than the applicable PSD Class I and Class II significant impact levels. There will be insignificant impacts on visibility in the Class I Everglades National Park. Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or significantly contribute to a violation of any AAQS or PSD increment.

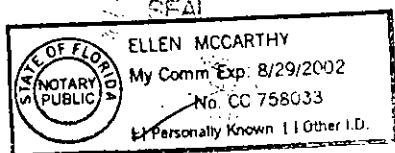
The Department will issue the FINAL Permit in accordance with the conditions of the

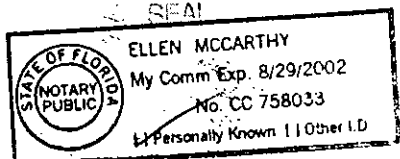
Subscribed and sworn to me before this date:

12/21/2000

Kathy LeClair

Ellen McCarthy
 Notary Public





| Pollutant | Maximum Potential Emissions | PSD Significant Emission Rate |
|--------------------|-----------------------------|-------------------------------|
| PM/PM10 | 119 | 25/15 |
| CO | 213 | 100 |
| NOX | 708 | 40 |
| VOC | 20 | 40 |
| SO2 | 190 | 40 |
| Sulfuric Acid Mist | 29 | 7 |

Air quality impact analyses were conducted. Maximum predicted impacts due to proposed emissions from the project are less than the applicable PSD Class I and Class II significant impact levels. There will be insignificant impacts on visibility in the Class I Everglades National Park. Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or significantly contribute to a violation of any AAQS or PSD increment.

The Department will issue the 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 Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone 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 attached conditions 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. Mediation is not available in this proceeding.

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 #35, 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 persons 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 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.

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 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 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:

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| Dept. of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: 850/488-0114 Fax: 850/922-6979 | Dept. of Environmental Protection Southeast District Office 400 North Congress Ave. West Palm Beach, FL 33416-5425 Telephone: 561/681-6600 Fax: 561/681-6755 | Dept. of Environmental Protection Southeast District Branch Office 1801 SE Hillmoor Drive, Suite 204 Port St. Lucie, Florida 34952 Telephone: 561/398-2806 Fax: 561/398-2815 |
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The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. The draft permit, technical evaluation and preliminary BACT determination can be accessed at www.dep.state.fl.us/air by clicking on permitting and then construction permits.

cc: C. Carlson
J. Goldman, SEID
EPA
NPS