

The Suwannee Democrat

Published Weekly
Post Office Box 370- Phone 362-1734
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STATE OF FLORIDA
COUNTY OF SUWANNEE:

Before the undersigned authority personally appeared

Teresa Lewellyn

who on oath says that she is
Legal Secretary

of The Suwannee Democrat, a weekly newspaper published at Live Oak in Suwannee County, Florida; that the attached copy of advertisement, being a

PUBLIC NOTICE

in the matter of

INTENT TO ISSUE PERMIT
AND PERMIT REVISION

was published in said newspaper in the issues of

SEPTEMBER 27, 2002

Affiant further says that the said, The Suwannee Democrat is a newspaper published at Live Oak in said Suwannee County, Florida, and that the said newspaper has heretofore been continuously published in said Suwannee County, Florida, each week and has been entered as second class mail matter at the post office in Live Oak, in said Suwannee 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 said newspaper.

Teresa Lewellyn

Sworn to and subscribed before me this 1, day of OCT, 2002.

Christine M. White
(SEAL) Notary Public

Personally known or produced identification _____

Type of identification produced _____

CHRISTINE M. WHITE
Notary Public, State of Florida
My comm. exp. Sept. 4, 2004
Comm. No. CC 964976

RECEIVED

OCT 07 2002

BUREAU OF AIR REGULATION

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

**State of Florida
Department of Environmental Protection**

Draft Air Construction Permit Project No.: 1210003-004-AC
Amendment to Air Construction Permits Nos.: AC61-11862, AC61-11863 and AC61-11864
DRAFT Title V Air Operation Permit Revision No.: 1210003-003-AV

**Florida Power Corporation: Suwannee River Facility
Suwannee County**

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 Revision (copies of the Draft Air Construction Permit and DRAFT Title V Air Operation Permit Revision attached) for the Title V source detailed in the application specified above, for the reasons stated below. The applicant's name and address are: Mr. Brian V. Powers, Plant Manager/Responsible Official, Florida Power Corporation - Suwannee River Facility, 4037 River Road, Live Oak, Florida 32060.

The subject of the Air Construction Permit is to remove the particulate matter (PM) emission limitations for the combustion turbines Nos. P-1, P-2 and P-3. As for the PM limitations, there was no rule basis for establishing the limitations when the air construction permits were issued. Due to the potential emissions, a determination of Best Available Control Technology (BACT) was not required for PM, but was for NO₂ (nitrogen dioxide: 75 ppm, by volume, @ 15% O₂), SO₂ (sulfur dioxide: firing fuel oil with a maximum of 0.5% sulfur content, by weight, and natural gas), and Opacity (< 20%).

The subject of the Title V Air Operation Permit Revision is to remove the testing requirements for PM that were imposed when the initial Title V Air Operation Permit was issued. The testing requirements were established because there were PM emission limits on the emissions units.

The permitting authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Revision and subsequent FINAL Title V Air Operation Permit Revision, in accordance with the conditions of the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit Revision 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 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's Bureau of Air Regulation, 2600 Blair Stone 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 in this 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 proposed DRAFT Title V Air Operation Permit Revision 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's Bureau of Air Regulation, 2600 Blair Stone 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 in this DRAFT Title V Air Operation Permit Revision, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit Revision 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 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 (fourteen) days of publication of the public notice or within 14 (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 14 (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(s) 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 permits. Any petition shall be based only on objections to the permits 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:
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District:
Department of Environmental Protection
Northeast District
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7577
Telephone: 904/804-3300
Fax: 904/448-4366

The complete project file includes the Technical Evaluation and Preliminary Determination and associated Draft Air Construction Permit (letter) and DRAFT Title V Air Operation Permit Revision, 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 Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.