



Progress Energy

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BUREAU OF AIR REGULATION

October 2, 2009

Mr. Scott M. Sheplak, P.E.
DEP/DARM
TV Program
Division of Air Resource Management
2600 Blair Stone Road MS 5505
Tallahassee, Florida 32399-2400

Re: Turner Power Plant – Permit Number 1270020-004-AV – Affidavit of Publication

Dear Mr. Sheplak:

In accordance with Ms. Trina Vielhauer's letter to Mr. Dupont dated September 17, 2009, we have published the public notice in Orlando Sentinel on September 28, 2009.

Attached is the Affidavit of Publication.

If you have any questions, please contact me at (727) 820-5295. Thank you very much for processing the permit renewal.

Best Regards,

Dave Meyer, P.E.
Senior Environmental Specialist

XC: Lyndon Dupont

Attachment

Orlando Sentinel

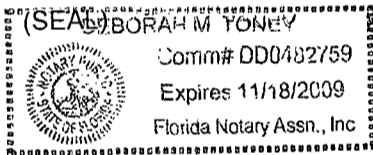
Published Daily

State of Florida } s.s.
COUNTY OF ORANGE }

Before the undersigned authority personally appeared Tamela Vargas, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at Deland in Volusia County, Florida; that the attached copy of advertisement, being a Public Hearing in the matter of Permit No. 1270020-004-AV in the Volusia County, was published in said newspaper in the issue; of 9/28/09

Affiant further says that the said Orlando Sentinel is a newspaper published at Deland, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each Week Day and has been entered as second-class mail matter at the post office in Deland in said Volusia 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/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 foregoing instrument was acknowledge before me this 29 day of September, 2009, by Tamela Vargas, who is personally known to me and who did take an oath.



Order# 1021589

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Florida Department of Environmental Protection Division of Air Resource Management, Bureau of Air Regulation Drafted Permit No. 1270020-004-AV Florida Power Corporation dba Progress Energy Florida, Inc. (PEF) Turner Power Plant Volusia County, Florida

Applicant: The applicant for this project is Florida Power Corporation dba Progress Energy Florida, Inc. The applicant's responsible official and mailing address are: Mr. Lyndon Dupont, Plant Manager, Turner Power Plant, Florida Power Corporation dba Progress Energy Florida, Inc., P. O. Box 530179, DeBary, Florida 32753-0179.

Facility Location: The applicant operates the existing Turner Power Plant, which is located at 201 DeBary Avenue, Deland in Volusia County, Florida.

Project: The applicant applied on April 29, 2009 to the Department for a Title V air operation permit renewal. This is a renewal of Title V air operation permit No. 1270020-002-AV. This existing facility consists of four simple cycle combustion turbine peaking units (CTP Nos. 1, 2, 3 and 4), all of which are pre-NSPS emissions units. Air pollutant emissions from the CTP are not controlled and each turbine exhausts through a separate stack (CTP Nos. 1 and 2 began commercial service on October 9, 1970; CTP Nos. 3 and 4 began commercial service on June 14, 1974. The three fossil fuel fired steam generators (SG Nos. 2, 3 and 4) were permanently retired on January 1, 1998; these units were completely dismantled early 2008 and have been removed from the facility. Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

Permitting Authority: Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-10 and 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project file: A complete project file is available for public comment during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (excluding holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft/proposed permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of existing records under Section 403.11, F.S. Interested persons may view the draft/proposed permit by visiting the following web site: <http://www.dep.state.fl.us/air/emission/opds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of existing equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final permit in accordance with the conditions of the draft/proposed permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the draft/proposed Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.) before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If written comments received at a public meeting result in a significant change to the draft/proposed permit, the Permitting Authority shall issue a revised draft/proposed permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

Petitions: 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, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 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 14 days of publication of the Public Notice or receipt of a written notice, 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 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 (in a proceeding initiated by another party) will be only at 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: (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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petitioner must so indicate; (e) A concise statement of the material 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 including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 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 Public Notice of Intent to Issue Air Permit. 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: Mediation is not available for this proceeding. EPA Review: EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation 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 submitting a citizen petition to object to the EPA Administrator will be determined as if 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 results in a different decision or significant 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 web site address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 766d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 766d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public 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 766d(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. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.