

OCT 07 2004

Published Daily

BUREAU OF AIR REGULATION

STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared: MAUREEN FARR who on oath says that she is LEGAL ADVERTISING CLERK

of the FLORIDA TODAY, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a LEGAL NOTICE

(AD#459208)

the matter of

F. P. & L.

in the _____ Court

AIR OPERATION PERMIT NOTICE

was published in the FLORIDA TODAY

in the issues of SEPTEMBER 10, 2004

affiant further says that the said FLORIDA TODAY

is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that 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 said newspaper.

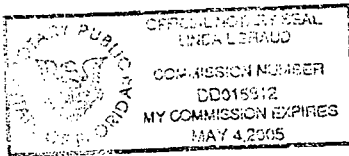
Maureen Farr
(Signature of Affiant)

Sworn to and subscribed before this this 10TH DAY OF SEPTEMBER, 2004

Linda L Braud
(Signature of Notary Public)

LINDA L. BRAUD

(Name of Notary Typed, Printed or Stamped)



Personally Known or Produced Identification _____
Type Identification Produced _____

AD#459208-9/10,2004

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Title V DRAFT Permit Renewal No. 0090006-003-AV
Cape Canaveral Plant
Brevard County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit renewal to the Florida Power & Light Company for the Cape Canaveral Plant located on the West side of the Indian River, approximately eight miles north of Cocoa, Florida on U.S. Highway No. 1, Brevard County. The applicant's name and address are: Mr. Lowell Trotter, Florida Power & Light Company, Environmental Services Department, P.O. Box 14000, Juno Beach, FL 33408.

This facility consists of two oil and natural gas fired conventional steam electric generating stations, designated as Units #1 and #2. These emissions units are regulated under Acid Rain, Phase II, and Rule 62-296.405, F.A.C., Fossil Fuel Steam Generators with more than 250 million Btu per Hour heat input.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V 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 and requests for public meetings concerning the proposed Title V 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's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #505, 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 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, 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: 850/245-2242; Fax: 850/245-2303). Petitions must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this notice of intent, whichever occurs first. A petitioner must 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 specified 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 28-5.207 of the Florida Administrative Code (F.A.C.). A petition must contain the following information:

- (a) The name, address and telephone number of each petitioner, the applicant's name and address, the Permit File Number, and the county in which the permit is proposed;
- (b) A statement of how and when each petitioner received notice of the permitting authority's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;
- (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioners want the permitting authority to take with respect to the action or proposed action addressed in this notice of intent.

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 761(d)(2), any person may petition the Administrator of the EPA within 40 (forty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 761(d)(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 761(d)(2) and must be filed with the Administrator of the EPA at 410 M. Street, SW, Washington D.C. 20460.

A complete project file is available for public inspection during normal business hours, 8:30 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: 850/972-6979
Affected District Program:
Department of Environmental Protection
Central District Office
3319 Maguire Boulevard
Suite 222
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-2966

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