

Orlando Utilities Commission
500 South Orange Avenue
P.O. Box 3193
Orlando, Florida 32802
Phone: 407.423.9100
Administrative Fax: 407.236.9616
Purchasing Fax: 407.384.4141
Website: www.ouc.com



The Reliable One

RECEIVED

OCT 19 2000

BUREAU OF AIR REGULATION

Via Airborne Express No. 4145319334

October 18, 2000

Mr. C. H. Fancy, P.E., Chief
Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station #5505
Tallahassee, FL 32399-2400

Re: Indian River Plant
Title V Permit Revision No.: 0090008-002-AV

Dear Mr. Fancy:

Enclosed is the "proof of publication" from the Florida Today Newspaper confirming that the intent to issue our referenced Title V Permit was published on October 12, 2000.

If you have any questions, please call me at 407/423-9133.

Very truly yours,

Robert F. Hicks
Sr. Environmental Engineer

RFH:rc
Enclosure

xc: F. F. Haddad
D. M. Stalls

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RECEIVED

Published Daily

OCT 19 2000

STATE OF FLORIDA
COUNTY OF BREVARD

BUREAU OF AIR REGULATION

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# 590951-\$349.65) in the matter of

ORLANDO UTILITIES COMMISSION

in the Court

DEP PERMIT AD

was published in the FLORIDA TODAY NEWSPAPER

in the issues of OCTOBER 12, 2000

Affiant further says that the said FLORIDA TODAY NEWSPAPER

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 me this 12th day of OCTOBER 2000.

Linda L. Braud (Signature of Notary Public)

LINDA L. BRAUD

(Name of Notary Typed, Printed or Stamped)



Personally Known or Produced Identification

Type of Identification Produced

AD#590951-10/12,2000

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Title V DRAFT Permit Revision No. 0090008-002-AV
Indian River Plant
Brevard County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit revision for selected emission units (the four existing combustion turbines) of the Indian River Plant, located at US 1 and Kings Highway, Titusville, Brevard County. The revision reflects the removal of the three boilers and the lime storage silo from the permit, due to the recent sale of these units to Reliant Energy, Inc. The applicant's name and address are: Mr. Frederick F. Haddad, Jr., Vice President, Power Resources Business Unit, Orlando Utilities Commission, 500 South Orange Avenue, P.O. Box 3193, Orlando, Florida 32802.

The permitting authority will issue the Title V PROPOSED Permit Revision, and subsequent Title V FINAL Permit Revision, in accordance with the conditions of the Title V DRAFT 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 Title V DRAFT 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 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 another 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 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in 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 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), F.S., however, any person who asked the permitting authority 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 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, 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 expansion 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; and
(f) A demand for relief;

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 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 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 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 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street SW, Washington D.C. 20460.

A completed 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: 850/488-1344
Fax: 850/922-6979
Affected District Program:
Department of Environmental Protection
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-2966

The complete project file includes the DRAFT Permit Revision, the application, 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.