

Progress Energy

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MAY 20 2005

BUREAU OF AIR REGULATION

May 16, 2005

Ms. Teresa Heron
DEP/DARM
Permitting Section
Division of Air Resource Management
2600 Blair Stone Road MS 5500
Tallahassee, Florida 32399-2400

Re: Progress Energy Avon Plant – Title V Permit - Affidavit of Publication

Dear Ms. Heron:

In accordance with Ms. Trina Vielhauer's letter to Mr. Kris Edmondson dated April 21, 2005 we have published the public notice in the Highlands Today & The Tampa Tribune on May 5, 2005. Attached is the Affidavit of Publication.

A copy of the publication was faxed to you on 5/10/5.

If you have any questions, please contact me at (727) 820-5295. Thank you for your help in processing the Title V permit revision.

Best Regards,

Dave Meyer

Dave Meyer, P.E.
Senior Environmental Specialist

XC: Kris Edmondson
Gus Schaefer
Scott Osbourn, Golder

Attachment

HIGHLANDS TODAY & THE TAMPA TRIBUNE

Published Daily

Sebring, Highlands County, Florida

State of Florida }
County of Highlands } ss.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is Advertising Billing Supervisor of Highlands Today & The Tampa Tribune, daily newspapers published at Sebring in Highlands County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE HIGHLANDS TODAY

in the matter of PUBLIC NOTICE

was published in said newspaper in the issues of
MAY 5, 2005

Affiant further says that the said Highlands Today & The Tampa Tribune are newspapers published at Sebring in said Highlands County, Florida, and the said newspapers have heretofore been continuously published in said Highlands County, Florida, each day and have been entered as second class mail matter at the post office in Sebring, in said Highlands 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, this advertisement for publication in the said newspapers.

C. Pugh

Sworn to and subscribed by me, this 06 day
of MAY, A.D. 20 05

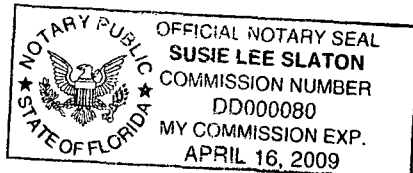
Personally Known or Produced Identification _____
Type of Identification Produced _____

Susie Lee Slaton

RECEIVED (SEAL)

MAY 20 2005

BUREAU OF AIR REGULATION



PUBLIC NOTICE OF INTENT TO TITLE V AIR OPERATION PERMIT REVISION STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DRAFT Permit Project No. 0550003-004-AV Progress Energy - Avon Park Power Plant Highlands County

Applicant: The applicant for this project is Progress Energy Florida, Post Office Box 14042, MAC DB44, St. Petersburg, Florida 33733. The applicant's responsible official is Mr. Kris G. Edmondson, Plant Manager. **Facility Location:** The applicant operates a Power Electric Utility, which is located at 1415 South Memo-

rial Drive, Avon Park, Highlands County. **Project:** On January 18, 2005 (complete on April 11, 2005) the applicant applied to the Permitting Authority for a Permit revision. There will be no physical construction or emissions increases as a result of this project.

The applicant requested the revision of the facility Title V Operation Permit 0550003-002-AV to incorporate the following language: "ASTM D1552-90 or later edition" to the list of acceptable fuel oil tests methods in Section III, Specific Condition A.12. Details of the project are provided in the application and the enclosed "Statement of Basis". This facility is subject to applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

This facility consists of two gas turbine peaking units, numbered No. 1 and No. 2. Both units are permitted to fire No. 2 fuel oil or natural gas. Each turbine is rated at 33.8 MW at a maximum heat input of 562.6 mmbtu/hr. Emissions are not controlled, and each turbine exhausts through a separate stack. These units began commercial service in 1968. These units are not subject to any federal requirements, including NSPS - 40 CFR 60, Subpart GG, Stan-

dards of Performance for Stationary Gas Turbines, or the Federal Acid Rain Program. The emissions units are regulated under Rule 62-210.300, F.A.C., Permits Required.

Permitting Authority: Applications for processing 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, 62-210, 62-212, and 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements; an air permit is required to operate the facility in the manner requested. The Department of Environmental Protection, Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination regarding this project. The Permitting Authority's physical address is: Florida Department of Environmental Protection, Bureau of Air Regulation, 111 South Magnolia Drive, Suite 4, Tallahassee, Florida, 32301. The Permitting Authority's mailing address is: Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Mail Station #5505. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above or at the following email address: teresa@www.dep.state.fl.us/air/eproducts/ards/. A copy of the complete project file is also available at the Florida Department of Environmental Protection South District Office, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33901. Telephone: 941/332-6875. Fax 941/6969.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue a Title V Air Operation Permit Revision to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the facility will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Proposed Permit and subsequent 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 a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the DRAFT Title V Air Operation Permit for a period of thirty (30) days from the date of publication of this Public Notice. Written comments must be post-marked, and all e-mail

or facsimile comments must be received by the close of business (5 pm), on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile.

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 notice of the time, date, and location on the Department's official web site for notices (<http://tthorab.dep.state.fl.us/onw/>) and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall revise the DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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 fourteen (14) days of publication of this 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 fourteen (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 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 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 petitioner must so state; (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 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 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 Public Notice of intent. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available for this proceeding.

Objections: In addition to the above right to petition, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within sixty (60) 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 the issuance of any Title V major source air operation permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the thirty (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 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. For more information regarding objections, visit the EPA Region 4 web site at: www.epa.gov/region4/air/permits

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Teresa Heron