

One Energy Place  
Pensacola, Florida 32520

Tel 850.444.6111



Certified Mail

October 07, 2004

Mr. Jonathan K. Holtom, P.E.  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
Mail Station #5510  
Tallahassee, Florida 32399-2400

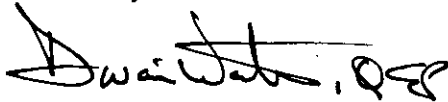
Dear Mr.Holtom:

RE: SCHOLZ ELECTRIC GENERATION FACILITY  
DEP File No. 0630014-005-AV  
Intent to Issue Title V Permit - Public Notice Affidavit

Attached, please find Gulf Power's proof of publication, i.e., newspaper affidavit regarding the Public Notice of Intent to Issue Draft Title V Permit for Scholz originally sent to Gene L. Ussery, Jr. (Gulf Power) on September 20, 2004. Due to Hurricane Ivan, Gulf did not receive the notice until September 29, 2004.

Please let me know if you have any questions regarding this matter and if you receive any public comments regarding this permit.

Sincerely,



G. Dwain Waters, Q.E.P.  
Air Quality Programs Supervisor

Cc: Jim Vick, Gulf Power Company  
Kenton Peacock, Gulf Power Company  
Michael Burroughs, Gulf Power Company  
Sandra Veazey, FDEP, Northwest District

# Florida Freedom Newspapers, Inc.

PUBLISHERS OF THE NEWS HERALD  
Panama City, Bay County, Florida  
Published Daily

## State of Florida County of Bay

Before the undersigned authority appeared \_\_\_\_\_

Glenda Sullivan, who on oath says that (s)he  
is Classified Manager of The News Herald, a daily  
newspaper published at Panama City, in Bay County, Florida; that the attached copy of  
advertisement, being a Legal Advertisement-7384

in the matter of Public Notice of Intent to Issue an Air-  
Construction Permit and a Title V Air Operation  
Permit  
in the Bay County

Court, was published in said newspaper in the issue of \_\_\_\_\_

October 6, 2004

Affiant further says that The News Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as periodicals matter at the post office in Panama City, in said Bay County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or 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.

*Glenda Sullivan*

State of Florida

County of Bay

Sworn and subscribed before me this 6th day of October

A.D., 2004 by Glenda Sullivan, Classified Manager

of The News Herald, who is personally known to me or has produced na

as identification.

*Marie Forrest*

Notary Public, State of Florida at Large

### 7384 PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT

Department of Environmental Protection

Draft Air Construction Permit No.: 0630014-006-AC  
DRAFT Title V Air Operation Permit No.: 0630014-005-AV

Gulf Power Company  
Scholz Electric Generating Plant  
Jackson County

Applicant: The applicant for this project is Gulf Power Company, One Energy Place, Pensacola, Florida 32520-0100. The applicant's responsible official is Mr. Gene L. Ussery, Jr., VP Power Generation.

Facility Location: The applicant operates a coal-fired electric generating plant, which is located at 1480 Gulf Power Road, Jackson County.

Project: The applicant submitted an application for a Title V Air Operation Permit renewal. This facility consists of two coal-fired steam generators (boilers). The two boilers are Acid Rain Phase II Units. Pulverized coal is the primary fuel for the boilers. Distillate fuel oil is used as a "back-up" fuel for the boilers.

Also include in this permitting action is an Air Construction Permit, which is being issued to establish the method of compliance with the heat input limitations as the use of the on-site composite fuel sampling.

Permitting Authority: Applications for Air Construction Permits and 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, 62-210, and 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to operate the facility. The Department of Environmental Protection is the Permitting Authority responsible for making a permit determination regarding this project. The Permitting Authority's physical address is: 1111 South Magnolia Drive, Suite 14, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/468-0114.

Project File: A complete project file is available for public inspection during

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 Permits, the Permitting Authority shall revise the Draft Permits 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 32306-3005. Petitions filed by any person 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 the 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 26-103.005, 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

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Marie Forrest  
Commission # DD209621  
Expires May 5, 2007

Bonded Troy Fain - Insurance, Inc. 800-365-7019

above for the Permitting Authority. The complete project file includes the Draft Permits, 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: jonathan.holtom@dep.state.fl.us. A copy of the complete project file is also available at the Department of Environmental Protection's Northwest District Office at 180 Governmental Center, Pensacola, Florida 32501-6794. (Telephone: 850/595-8364).

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit 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, 62-214, 62-256, 62-257, 62-261, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Air Construction Permit, a Proposed Title V Air Operation Permit and subsequent Final Title V Air Operation Permit in accordance with the conditions of the Draft Permits 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 Air Construction Permit for a period of fourteen (14) days from the date of publication of this Public Notice. 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 provided to 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 notice of the time, date, and location on the Department's official web site for notices (<http://thorad.dep.state.fl.us/omw/>) and in a newspaper of general circulation in the area affected by the permitting action. For additional information:

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 28-108.901, 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 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.

**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 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](http://www.epa.gov/region4/air/permits).

October 6, 2004