

Orlando Sentinel

Published Daily

State of Florida } S.S.
COUNTY OF ORANGE

BEVERLY C. SIMMONS

Before the undersigned authority personally appeared _____

_____ who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at ORLANDO in ORANGE County, Florida; that the attached copy of advertisement, being a **PUBLIC NOTICE OF I** in the matter of 0970071-004-AV

in the ORANGE Court, was published in said newspaper in the issue; of 09/30/02

Affiant further says that the said Orlando Sentinel is a newspaper published at ORLANDO in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each Week Day and has been entered as second-class mail matter at the post office in ORLANDO in said ORANGE 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 acknowledged before me this 1st day of OCTOBER, 20 02, by BEVERLY C. SIMMONS, who is personally known to me and who did take an oath.

(SEAL)

OFFICIAL NOTARY SEAL
JULIA NICHOLS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. DD054311
MY COMMISSION EXP. SEPT 23, 2005

BUREAU OF AIR REGULATION

OCT 10 2002

RECEIVED

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRAFT Permit No.: 0970071-004-AV
Reliant Energy Osceola, L.L.C.
Osceola County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit to Reliant Energy Osceola, L.L.C. for the Reliant Energy Osceola, L.L.C. facility, located at 5200 West Holopaw Road, St. Cloud, Osceola County. The applicant's name and address are: Mr. Terry E. Gish, Managing Director, Southeast Operations, Reliant Energy Osceola, L.L.C., 7800 South U.S. Highway 1, Titusville, Florida 32780.

The permitting authority will issue the 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 significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed 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 permitting authority's office at Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5305, Tallahassee, Florida 32399-2400. Any written comments filed 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 Section 120.569 and 120.57, Florida Statutes (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.

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 the 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 the 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.

Florida Administrative Code (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 explanation 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;

(f) A statement of the specific rules or statutes the petition 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 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 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 petition 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.

A complete 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 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District and/or Local Program:
Department of Environmental Protection
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555

Fax: 407/897-5963

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.1111, F.S. Interested persons may contact the Administrator, Title V Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

COR4687541 SEPT. 30, 2002