



Progress Energy

RECEIVED

AUG 10 2004

BUREAU OF AIR REGULATION

August 9, 2004

Mr. Bobby Bull
DEP/DARM
North Permitting Section
Division of Air Resource Management
2600 Blair Stone Road MS 5500
Tallahassee, Florida 32399-2400

Re: Anclote Power Plant – Title V Permit - Affidavit of Publication

Dear Mr. Bull:

In accordance with Ms. Trina Vielhauer's letter to Mr. Bernie Cumbie dated July 13, 2004, we have published the public notice in the North Pinellas Times on August 4, 2004. Attached is the Affidavit of Publication.

We have also published the public notice in the Pasco Times Southwest edition on August 7, 2004. I will forward the Affidavit of Publication as soon as I receive it.

If you have any questions, please contact me at (727) 826-4187. Thank you for processing the Title V application.

Best Regards,

Dave Meyer, P.E.
Senior Environmental Specialist

XC: Bernie Cumbie

Attachment

LEGAL NOTICE

**PUBLIC NOTICE OF INTENT TO ISSUE TITLE V
AIR OPERATION PERMIT RENEWAL
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
DRAFT Permit Project No.: 1010017-006-AV
Anclote Power Plant
Pasco County**

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to Progress Energy Florida, Inc. for Anclote Power Plant located at 1729 Bailey's Buff Road, Holiday, Pasco County. The applicant's name and address are: Progress Energy Florida Inc., 1729 Baillies Bluff Road, Holiday, FL 34691-9753.

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 Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/922-6979). 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 of the 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 (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 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 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 of the 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 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 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 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.

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 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District/Local Program:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, FL 33619-8218
Telephone: (813) 744-6100
Fax: (813) 744-6084

The complete project file includes the DRAFT Permit, the application for renewal, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Jim Pennington, P.E., at the above address, or call (850) 921-9515, for additional information.

ST. PETERSBURG TIMES

Published Daily
St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA } S.S.
COUNTY OF PINELLAS }

Before the undersigned authority personally appeared C. Egan
who on oath says that he is Legal Clerk
of the North Pinellas Times
a daily newspaper published at St. Petersburg, in Pinellas County, Florida: that the
attached copy of advertisement, being a Legal Notice
in the matter RE: DEP PUBLIC NOTICE OF INTENT

was published in said newspaper in the issues of August 4, 2004

Affiant further says the said North Pinellas Times
is a newspaper published at St. Petersburg, in said Pinellas County, Florida, and that the said
newspaper has heretofore been continuously published in said Pinellas County, Florida, each
day and has been entered as second class mail matter at the post office in St. Petersburg, in
said Pinellas 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 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.

C. Egan
Signature of Affiant

Sworn to and subscribed before
me this 4th day of
August A.D. 2004



Kathleen J Klase
My Commission DD319070
Expires June 20, 2008

Kathleen J. Klase
Notary Public

RECEIVED

AUG 10 2004

BUREAU OF AIR REGULATION



Progress Energy

RECEIVED

AUG 18 2004

August 16, 2004

BUREAU OF AIR REGULATION

Mr. Bobby Bull
DEP/DARM
North Permitting Section
Division of Air Resource Management
2600 Blair Stone Road MS 5500
Tallahassee, Florida 32399-2400

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Attached is the Affidavit of Publication (we are 2 days past the 7 day notification due to the hurricane Charlie).

If you have any questions, please contact me at (727) 826-4187. Thank you for processing the Title V application.

Best Regards,

Dave Meyer, P.E.
Senior Environmental Specialist

XC: Bernie Cumbie

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Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District/Local Program:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, FL 33619-8218
Telephone: (813) 744-6100
Fax: (813) 744-6084

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PASCO TIMES

Published Daily
Port Richey, Pasco County, Florida

STATE OF FLORIDA
COUNTY OF PASCO

} S.S.

Before the undersigned authority personally appeared C. Egan
who on oath says that he is Legal Clerk
of the Pasco Times
a daily newspaper published at Port Richey, in Pasco County, Florida: that the
attached copy of advertisement, being a Legal Notice
in the matter RE: DEP Notice of Intent - Anclote Power Plant

was published in said newspaper in the issues of August 7, 2004

Affiant further says the said Pasco Times
is a newspaper published at Port Richey, in said Pasco County, Florida, and that the said
newspaper has heretofore been continuously published in said Pasco County, Florida, each
day and has been entered as second class mail matter at the post office in New Port Richey, in
said Pasco 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 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.

P. Egan

Signature of Affiant

Sworn to and subscribed before
me this 9th day of
August A.D. 2004



Kathleen J Klase
My Commission DD319070
Expires June 20, 2008

Kathleen J. Klase

Notary Public