



Progress Energy

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OCT 23 2007

BUREAU OF AIR REGULATION

October 22, 2007

Mr. Scott M. Sheplak, P.E.
DEP/DARM
Permitting Section
Division of Air Resource Management
2600 Blair Stone Road MS 5505
Tallahassee, Florida 32399-2400

Re: Higgins Power Plant – Permit Number 1030012-005-AV – Affidavit of Publication

Dear Mr. Sheplak:

In accordance with Ms. Trina Vielhauer's letter to Mr. David Fernandes dated October 5, 2007, we have published the public notice in The St. Petersburg Times on October 16, 2007.

Attached is the Affidavit of Publication.

If you have any questions, please contact me at (727) 820-5295. Thank you very much for processing the permit renewal.

Best Regards,

Dave Meyer, P.E.
Senior Environmental Specialist

XC: David Fernandes

Attachment

St. Petersburg Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **B. Harr** who on oath says that he/she is Legal Clerk of the *St. Petersburg 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: **NOTICE OF INTENT TO ISSUE PERMIT - PEF-903** was published in said newspaper in the issues of *North Pinellas Times*, 10/16/2007.

Affiant further says the said *St. Petersburg 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/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.

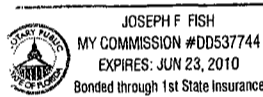
Signature of Affiant

Sworn to and subscribed before me this 16th day of October A.D.2007

Signature of Notary Public

Personally known or produced identification

Type of identification produced _____



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BUREAU OF AIR REGULATION

LEGAL NOTICE

LEGAL NOTICE

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

Department of Environmental Protection
DRAFT/PROPOSED Title V Air Operation Permit No. 1030012-005-AV
Florida Power Corporation d.b.a. Progress Energy Florida, Inc. Higgins Power Plant
Pinellas County

Applicant: The applicant for this project is Florida Power Corporation d.b.a. Progress Energy Florida, Inc., 299 First Avenue North, MAC PEF-903, St. Petersburg, Florida 33701. The applicant's responsible official is Mr. David Fernandez, Plant Manager.

Facility Location: The applicant operates the Higgins Power Plant, which is located at 998 East Shore Drive, Oldsmar, Pinellas County, Florida.

Project: The applicant submitted an application for a Title V Air Operation Permit Renewal.

The facility consists of four simple cycle combustion turbine peaking units (CTP), all of which are pre-NSPS sources. Each CT exhausts through a separate stack. Relocatable diesel fired generator(s) with a maximum heat input of 25.74 MMBtu/hour and a maximum rating of 2460 Kilowatts may be relocated to this and six other Progress Energy facilities in Florida.

Permitting Authority: Applications 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, 62-213, and 62-214 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, Bureau of Air Regulation, is the Permitting Authority responsible for making a permit determination regarding this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is: 850/468-0114 and facsimile number is 850/921-9533.

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/PROPOSED 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 view the DRAFT/PROPOSED Permit by visiting the following web site: <http://www.dep.state.fl.us/air/products/ands/default.asp>

Notice of Intent to Issue A Permit: The Permitting Authority gives notice of its intent to issue a 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, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a FINAL Permit in accordance with the conditions of the DRAFT/PROPOSED Permit unless a response is 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/PROPOSED 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, e-mail, or facsimile. As part of this process, 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 official web site for notices at Florida Administrative Weekly (FAW) at <http://law.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. Subsequent action on the Title V and Title V parts of the Permit Renewal may be split if comments are received on the Title V portion of the DRAFT/PROPOSED Permit. For additional information, contact the Permitting Authority at the above address, phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT/PROPOSED Permit, the Permitting Authority shall issue a Revised 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 (in a proceeding initiated by another party) 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 facts. 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, including an explanation of how the alleged facts relate to specific rules or statutes; 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 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.

EPA Review & Objections: EPA has agreed to treat the DRAFT Title V Permit as a PROPOSED Title V Permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The FINAL Title V Air Operation Permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions.

The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following web site address <http://epa.gov/region4/air/permits/Florida.htm>.

Finally, 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 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 EPA review and objections, visit EPA's Region 4 web site at <http://epa.gov/region4/air/permits/Florida.htm>.