



Florida Power
A Progress Energy Company

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OCT 22 2002

October 17, 2002

BUREAU OF AIR REGULATION

Mr. Ed Svec
Florida Department of Environmental Protection
Bureau of Air Regulation
2600 Blaire Stone Road
Mail Station: 5505
Tallahassee, FL 32399-2400

Re: Higgins Facility's Title V Draft Permit Public Notice Proof of Publication

Dear Mr. Svec,

I have enclosed the original proof of publication of the intent to issue the Title V air operating permit renewal public notice. The public notice was published on October 1, 2002 in the St. Petersburg Times. Due to a mail delivery error Florida Power did not receive the proof of publication in the necessary time frame to delivery the proof of publication to the Florida Department of Environmental Protection within 7 days of publication.

Please contact me (727) 826-4152 if you have any questions.

Sincerely,

Matt Lydon
Associate Environmental Specialist

enclosures

1000420148

ST. PETERSBURG TIMES

Published Daily
St. Petersburg, Pinellas County, Florida

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

Before the undersigned authority personally appeared N. Olsen
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: Notice of Intent

was published in said newspaper in the issues of October 1, 2002

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.

N. Olsen
Signature of Affiant

Sworn to and subscribed before
me this 1st day of
October A.D. 2002

OFFICIAL NOTARY SEAL
KATHLEEN J KLASE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC947304
MY COMMISSION EXP. JUNE 20, 2004

Kathleen J. Klase
Notary Public

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OCT 22 2002
BUREAU OF AIR REGULATION

LEGAL NOTICE

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL

Department of Environmental Protection
Title V Air Operation Permit Renewal
DRAFT Permit No.: 1030012-002-AV
Florida Power
Pinellas County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to Florida Power for Higgins Power Plant located at 998 East Shore Drive, Oldsmar, Pinellas County. This is a renewal to Title V Air Operation Permit No. 1030012-001-AV. The Applicant's name and address are: Florida Power, Michael Lentz, Plant Manager Higgins, 100 Central Avenue, Mail Code BP44, St. Petersburg, Florida 33701.

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. 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 interest are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 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 (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 Section 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, 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 76612d(b)(1), to object to issuance of any permit renewal. Any petition shall be based only on objections to the permit renewal 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:

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

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

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.11, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.