

# AFFIDAVIT OF PUBLICATION

## THE LEDGER

### Lakeland, Polk County, Florida

Case No .....

STATE OF FLORIDA)  
COUNTY OF POLK )

Before the undersigned authority personally appeared Nelson Kirkland, who on oath says that he is Classified Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement being a

Public Notice Of Intent

in the matter of .....

DEP File Nos. AC53-214903 and PDS-FI-190(D)

in the .....

Court, was published in said newspaper in the issues of .....

March 26;

1998

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk 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.

Signed .....

*Nelson Kirkland*  
Nelson Kirkland  
Classified Advertising Manager  
By Nelson Kirkland who is  
personally known to me

Sworn to and subscribed before me this

30TH

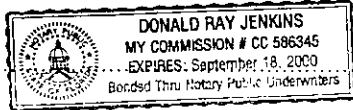
day of

MARCH

A.D. 19 98

(Seal)

*Donald Ray Jenkins*  
Notary Public



My Commission Expires .....

Order#699762  
FPC

B350

Attach Notice Here

**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION**  
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DEP File Nos. AC 53-214903 and PSD-FI-190(D)  
Florida Power Corporation  
Tiger Bay Power Plant - 270 MW Cogen Unit  
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Florida Power Corporation (FPC) to increase steam electrical power generation from 74 to 86 megawatts (MW) to total electrical power generation from 258 to 270 MW at its cogeneration facility located five miles west of Fort Meade, Polk County, A Best Available Control Technology (BACT) determination was not required pursuant to Rules 62-212.400 and 410, F.A.C. or 40 C.F.R. 62.21. Prevention of Significant Deterioration (PSD). The applicant's name and address are: Florida Power Corporation, 3201 South Street South St. Petersburg, Florida 33735.

Originally the combined cycle unit was permitted to generate 75 MW of electricity (64MW combustion turbine and 11 MW steam turbine). The steam turbine was operationally limited by the previous owner, DESEC, to 74 MW so the construction and operation of the plant were not subject to the Power Plant Site Certification (PPSC) requirements. The new owner, FPC, has submitted the project for a separate review under the PPSC.

According to the FPC and DESEC, the steam electrical generation portion of the unit can produce more steam than necessary to generate 74 MW. Excess steam, beyond the amount required to produce 74 MW, was either wasted or provided to sold to other users. Excess steam will, instead, be used to produce additional electricity.

According to the applicant, there will be no additional fuel or water consumption and no emissions increases resulting from the change. The unit will continue to comply with the previous PSD permit conditions and BACT determination. The unit burns natural gas, an inherently clean fuel. Nitrogen oxides are to be controlled by either Dry Low NOx combustion or selective catalytic reduction.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the DRAFT Permit Modification unless a response received in accordance with the following procedure results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT permit Modification 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 Blor 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 Modification, the Department shall issue a revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Modification with the conditions of the DRAFT Permit Modification unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. The procedures for petitioning for a hearing are set forth below. Mediation is not available for this action.

A petition whose substantial interests are affected by the Department's 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 (received) in the Office of General Counsel, the Department, 3000 Commonwealth Boulevard, Mail Station #36, Tallahassee, Florida 32399-2000, telephone: 850/488-9319, fax: 850/487-4985. Petitions 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. A petitioner must 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 will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 25-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner; the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in the notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department'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 Department or the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

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 Southwest District 3834 Coconut Palm Drive Lampas, Florida 33619-8218 Telephone: 850/744-6100 Fax: 350/744-6084	Department of Environmental Protection Bureau of Air Regulation 111 South Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: 850/488-1344 Fax: 850/922-6979
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The complete project file includes the Draft Permit Modification, the application and the information submitted by the responsible official, exclusive of confidential records under Section 403.11, F.S. Interested persons may contact the Administrator, Air Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-1344, for additional information.

6-350 - 3-26-1998