

# Orlando Sentinel

Published Daily

# RECEIVED

OCT 27 2004

State of Florida } S.S.  
COUNTY OF ORANGE }

BUREAU OF AIR REGULATION

Before the undersigned authority personally appeared BEVERLY C. SIMMONS

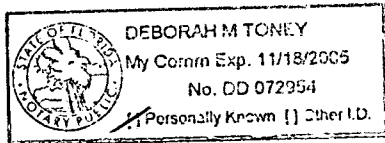
who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at DELAND in VOLUSTIA County, Florida; that the attached copy of advertisement, being a PUBLIC NOTICE OF in the matter of 788 WEST HIGHBANKS RD.

in the VOLUSTIA Court, was published in said newspaper in the issue; of 10/14/04

Affiant further says that the said Orlando Sentinel is a newspaper published at DELAND in said VOLUSTIA County, Florida, and that the said newspaper has heretofore been continuously published in said VOLUSTIA County, Florida, each Week Day and has been entered as second-class mail matter at the post office in DELAND in said VOLUSTIA 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 14th day of OCTOBER, 20 04, by BEVERLY C. SIMMONS who is personally known to me and who did take an oath.

(SEAL)



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

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DRAFT Air Construction Permit No. 1270028-006-AC  
DRAFT Title V Air Operation Permit Renewal No. 1270028-007-AV

Progress Energy  
DeBary Facility  
Volusia County

Applicant: The applicant for this project is Progress Energy Florida, Post Office Box 14042, MAC DB44, St. Petersburg, Florida 33733. The applicant's responsible official is Mr. Martin Drango, Plant Manager.

Facility Location: The applicant operates a 683 MW Power Plant, which is located at 788 West Highbanks Road, DeBary, in Volusia County, Florida.

Project: There will be no physical construction or emissions increases as a result of this project. The existing facility consists of ten natural gas and fuel-oil fired combustion turbine-electrical generators operating in the peaking mode. There are six nominal 51.9 MW units that started operation in 1975 and 1976. There are four nominal 92.9 megawatt units that were permitted under the Rules for the Prevention of Significant Deterioration (PSD) and which started operation in 1992. Pollution control is accomplished by water injection and the burning of clean fuels. This facility is subject to applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

The applicant submitted an application for an Air Construction Permit to allow use of existing nitrogen oxides (NOX) continuous emission monitoring systems (CEMS) at the four newest combustion turbine-electrical generators located at this facility for compliance purposes in lieu of tracking water-to-fuel ratios. The applicant also requested the routine renewal of the facility Title V Operation Permit for the ten units and simultaneous incorporation of the conditions from the requested air construction permit. Use of the very accurate CEMS will insure compliance and obviate development of a separate compliance assurance monitoring (CAM) plan based on the water-to-fuel ratio.

Permitting Authority: Applications for simultaneous processing of Air Construction and 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, 62-212, and 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and air permits are required to operate the facility in the manner requested. 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: Florida Department of Environmental Protection, Bureau of Air Regulation, 111 South Magnolia Drive, Suite 4, Tallahassee, Florida, 32301. The Permitting Authority's mailing address is: Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Mail Station #5505. The Permitting Authority's telephone number is 850/488-0114.

**Project File: A complete pro-**

ject 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 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 contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above or at the following email address: tom.cascio@dep.state.fl.us. A copy of the complete project file is also available at the Florida Department of Environmental Protection Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. Telephone: 407/894-7555.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit Renewal 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, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a 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 a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the DRAFT Title V Air Operation Permit for a period of thirty (30) days from the date of publication of this Public Notice. Written comments must be provided to the Permitting Authority at the above address. As part of his or her comments, 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 Department's official web site for notices (<http://flh06a6.dep.state.fl.us/onw/>) and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall revise the DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

The permitting authority will accept written comments concerning the proposed DRAFT Air Construction Permit issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Written comments should be provided to the Permitting Authority at the above address. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Air Construction Permit, the permitting authority shall issue a Revised DRAFT Air Construction Permit and require, if applicable, another Public Notice.

**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 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 fact. If there are none, the petition 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; 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.

**Objections:** In addition to the above right to petition, 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 major source 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 objections, visit the EPA Region 4 web site at: [www.epa.gov/region4/airpermits](http://www.epa.gov/region4/airpermits). VOL5881031 10/14/04

Dave Meyer  
Senior Environmental Specialist  
Progress Energy Florida, Inc.  
Environmental Services Section  
100 Central Avenue BB1A  
St. Petersburg, FL 33701  
Office (727) 826-4187  
Internal 7 230-4187  
Mobile (727) 415-4652  
Email dave.meyer@pgnmail.com



# Progress Energy

# Fax

<b>To:</b> Al Linero	<b>From:</b> Dave Meyer
<b>Fax:</b> 850 921 9533	<b>Pages:</b>
<b>Phone:</b> 850 921 9523	<b>Date:</b> 10/21/2004
<b>Re:</b>	<b>CC:</b>

Urgent     For Review     Please Comment     Please Reply     Please Recycle

• **Comments:**

Hi Al,

*DESBARY*

Attached is the affidavit of publication for the Tiger Bay Plant - Title V permit renewal - published 10/14/4 . I will send the original on as soon as I receive it.

Thank you for your help with the renewal.

Best Regards, Dave