



# Oleander Power Project

A Member of the  
Constellation Energy Group

Steve Carroll, General Manager  
Oleander Power Project L.P.  
555 Townsend Road, Cocoa, FL 32926  
(321) 638-2027 Fax (321) 638-0967  
March 6, 2003

Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
Mail Station #5505  
Tallahassee, Florida, 32399-2400  
(850) 488-0114  
Subject: Draft Title V Permit #0090180-002-AV

RECEIVED

MAR 07 2003

BUREAU OF AIR REGULATION

Dear Sir or Madam:

Persuant to Rule 62-110.106(5), F.A.C., please find enclosed PROOF OF PUBLICATION for Oleander Power Project L.P.'s PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT..

The notice of intent was published in Florida Today, Legal Advertising Department, on Monday, March 3, 2003.

If there are any questions regarding this matter please contact me at the above listed numbers.

Sincerely,

Steve Carroll  
General Manager

SC/wh  
cc:  
Scott Sheplak  
Ed Much  
File

Enclosure



RECEIVED

Published Daily

MAR 07 2003

BUREAU OF AIR REGULATION

STATE OF FLORIDA  
COUNTY OF BREVARD

Before the undersigned authority personally appeared MAUREEN FARR who on oath says that she is LEGAL ADVERTISING CLERK

of the FLORIDA TODAY, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a LEGAL NOTICE

(AD#973593-\$494.78) the matter of

OLEANDER POWER PROEJCT

in the \_\_\_\_\_ Court

D.E.P. PERMIT NOTICE

was published in the FLORIDA TODAY

in the issues of MARCH 3, 2003

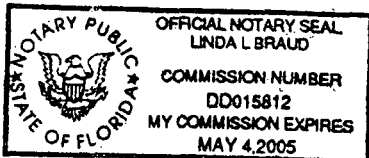
Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that 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 said newspaper.

*Maureen Farr*  
(Signature of Affiant)

Sworn to and subscribed before this this 3RD day of MARCH, 2003

*Linda L. Braud*  
(Signature of Notary Public)

LINDA L. BRAUD  
(Name of Notary Typed, Printed or Stamped)



Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_  
Type Identification Produced \_\_\_\_\_

AD#973593-3/3,2003

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V  
AIR OPERATION PERMIT  
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DRAFT Permit No. 0090180-002-AV  
Oleander Power Project  
Brevard County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit to the Oleander Power Project, L.P., for the Oleander Power Project, located at 555 Townsend Road, Cocoa, Brevard County. The applicant's name and address are: Mr. Steven Carroll, General Manager and Responsible Official, Oleander Power Project, L.P., 555 Townsend Road, Cocoa, FL 32936.

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 permitting authority's office, 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 interests 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 850/245-2242; Fax: 850/245-2303). 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 comes 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, 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 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 the 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 Program:  
Department of Environmental Protection  
Central District Office  
3319 Maquire Boulevard  
Suite 222  
Orlando, Florida 32803-3767  
Telephone: 407/894-7555  
Fax: 407/897-2966

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.