

PUBLIC NOTICE OF INTENT

TO ISSUE AN AIR CONSTRUCTION PERMIT
AND A TITLE V AIR OPERATION PERMIT RENEWAL
Department of Environmental Protection
Draft Air Construction Permit No. 0110036-005-AC
DRAFT Title V Air Operation Permit Renewal Project No. 0110036-006-AV
Port Everglades Plant - Broward County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit Renewal to the Florida Power & Light Company, for the Port Everglades Plant, located at 8100 Eisenhower Boulevard, Fort Lauderdale, Broward County. The applicant's name and address are: Mr. Rudy Sanchez, Plant Manager and Responsible Official, Florida Power & Light Company, 700 Universe Boulevard, Juno Beach, FL 33408.

The air construction permit is to install electrostatic precipitators (ESPs) and flue gas temperature controls which are required on all four fossil-fueled steam boilers at the facility. Implementing this project will result in a significant decrease in both visible potential emissions and particulate matter potential emissions from the boilers. Using the appropriate maximum heat input values for the four boilers affected, and the existing and proposed emissions limits for particulate matter (PM), results in a calculation of the expected reduction of potential particulate matter emissions of about 4,800 tons per year. This is equivalent to a 70% reduction from current allowable limits.

The permitting authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Renewal and subsequent FINAL Title V Air Operation Permit Renewal, in accordance with the conditions of the Draft Air Construction Permit, and the DRAFT Title V Air Operation Permit Renewal, 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 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 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 Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The permitting authority will accept written comments concerning the proposed DRAFT Title V Air Operation Permit Renewal 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 Title V Air Operation Permit Renewal, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit Renewal 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 of the 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 14 (fourteen) days of publication of the public notice or within 14 (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 14 (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 of the 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(s) 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 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 AM to 5:00 PM, 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

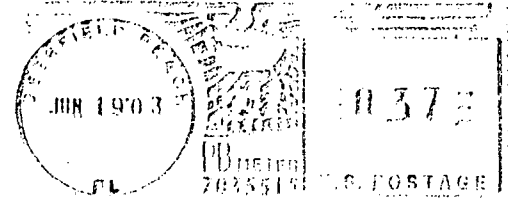
Affected Local Program:
Broward County Department of Planning and Environmental Protection, Air Quality Division, 218 Southwest First Avenue, Fort Lauderdale, Florida 33301, Telephone: 954/519-1220 Fax: 954/519-1495

The complete project file includes the Technical Evaluation and Preliminary Determination, the associated Draft Air Construction Permit, and DRAFT Title V Air Operation Permit Renewal, the applications, 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.

June 18, 2003

Sun-Sentinel

Legal Advertising
P.O. Box 14430
Fort Lauderdale, Florida 33302-4430



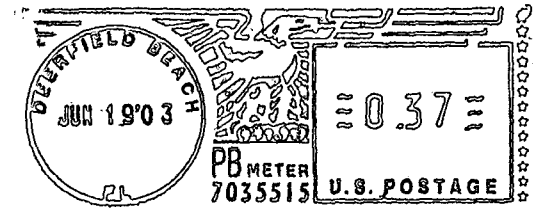
Dept. of Environmental Protection
Scott Sheplach
2600 Blair Stone Road
Tallahassee, FL 32399-2400

32399+2400 01



Sun-Sentinel

Legal Advertising
P.O. Box 14430
Fort Lauderdale, Florida 33302-4430



Dept. of Environmental Protection
Scott Sheplach
2600 Blair Stone Road
Tallahassee, FL 32399-2400

32399+2400 01

