

**HARDEE POWER  
PARTNERS LIMITED**

BUREAU OF AIR REGULATION

**Invenergy**

Via Federal Express 7960 8669 8018

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RECEIVED

November 3, 2009

Ms. Trina L. Vielhauer  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road  
Mail Station 5505  
Tallahassee, Florida 32399-2400

Re: Hardee Power Partners Limited  
Hardee Power Station  
Title V Air Operation Permit No. 0490015-011-AV  
Proof of Public Notice Publication

Dear Ms. Vielhauer:

In accordance with Rule 62-110.106(5), F.A.C., Hardee Power Partners Limited hereby submits the enclosed proof of publication of Public Notice for draft Permit No. 0490015-012-AC and draft/proposed Permit No. 0490015-011-AV. The Public Notice was published in the Wauchula Herald-Advocate on October 29, 2009.

Please feel free to contact Dennis Powell at (863) 375-3266 if you have any questions regarding this information.

Sincerely,



Ralph E. Randall  
Plant Manager

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AFFIDAVIT OF PUBLICATION

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The Herald-Advocate

Published Weekly at Wauchula, Florida

STATE OF FLORIDA,

COUNTY OF HARDEE REGULATION

Before the undersigned authority personally appeared Kim Reas who on oath says he is the Secretary of The Herald-Advocate, a

newspaper published at Wauchula, in Hardee County, Florida; that the attached copy of advertisement, being a Public Notice

in the matter of Intent to issue Title V Air Operation Permit

in the \_\_\_\_\_ Court, was published in said newspaper in the issues

of Oct 29, 2009

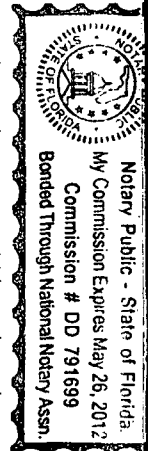
Affiant further says that the said Herald-Advocate is a newspaper published at Wauchula, in said Hardee County, Florida, and that the said newspaper has heretofore been continuously published in said Hardee County, Florida, each week and has been entered as second class mail matter at the post office in Wauchula, in said Hardee County, Florida, for a period of one year next preceding the 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.

Kim Reas

Sworn to and subscribed before me this 29th day of October A.D. 2009

Nancy P. Davis

My Commission Expires May 26 2012



PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

Florida Department of Environmental Protection  
Division of Air Resource Management, Bureau of Air Regulation  
Draft/Proposed Permit No. 0490015-011-AV  
Draft Permit No. 0490015-012-AC (PSD-FL-140C)  
Hardee Power Partners Limited, Hardee Power Station,  
Hardee County, Florida

**Applicant:** The applicant for this project is Hardee Power Partners Limited. The applicant's responsible official and mailing address is: Ralph E. Randall, Plant Manager, Hardee Power Partners Limited, Hardee Power Station, 6695 North County Road 663, Bowling Green, Florida 33834.

**Facility Location:** The applicant operates the existing Hardee Power Station, which is located in Hardee County at 6695 North County Road 663 in Bowling Green, Florida.

**Project:** The applicant applied on May 20, 2009 to the Department for a Title V air operation permit renewal. This is a renewal of Title V air operation Permit No. 0490015-005-AV. The existing facility consists of four 75 megawatt (MW) combustion turbines. Two combustion turbines (Units CT-1A and CT-1B) are part of a "two-on-one" combined cycle unit, which produces an additional 76 MW from a common steam-electrical generator. Units CT-2A and CT-2B are simple cycle combustion turbines. All units fire natural gas as the primary fuel and distillate oil as a restricted alternate fuel. Units CT-1A, CT-1B and CT-2A use water injection to reduce nitrogen oxides (NOx). Unit CT-2B incorporates dry low-NOx combustors to prevent the formation of NOx emissions when firing natural gas. Unit CT-2B also uses water injection to reduce NOx emissions when firing distillate oil. All units monitor the water-to-fuel ratio to ensure proper operation of the water injection systems. Unit 2B also includes a continuous emissions monitoring system to monitor and record NOx emissions. Compliance Assurance Monitoring Plans are required for the water injection systems on Units CT-1A, CT-1B and CT-2A. Unit 2B is subject to the federal Acid Rain Program. All units are subject to the federal Clean Air Interstate Rule (CAIR). The project also includes an air construction permit revision to change several testing and monitoring requirements in Permit No. PSD-FL-140.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). Applications for Title V air operation permits for facilities that contain Acid Rain units are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-214, F.A.C. The projects are not exempt from the permitting procedures for air construction or Title V air operation permits. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project 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 the address indicated above for the Permitting Authority. The complete project file includes the Draft/Proposed Permits, the Technical Evaluation and Preliminary Determination, the Statement of Basis, the application and information submitted by the applicant exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed permit by visiting the following website: <http://www.dep.state.fl.us/air/emission/apds/default.asp> and entering the permit numbers shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Air Issue Permits:** The Permitting Authority gives notice of its intent to issue a Draft Air Construction Permit Revision and a concurrent Draft/Proposed Title V Air Operation Permit Renewal for the projects 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 applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The permitting authority will issue final permits in accordance with the conditions of the Draft/Proposed Permits unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the draft air construction permit revision and the draft/proposed Title V permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by 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 in the Florida Administrative Weekly. If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the draft/proposed permits, the Permitting Authority shall issue a revised draft/proposed permits and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

Agency Clerk in the ( Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

**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 the 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 14 days of publication of the 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 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 (in a proceeding initiated by another party) 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 when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; 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 to Issue Air Permits. 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.

**EPA Review:** EPA has agreed to treat the Draft Title V Air Operation Permit as a Proposed Title V Air Operation Permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that result in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

**Objections:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 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 EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.