

March 31, 1997

Mr. William E. Schroeder
Permitting Engineer
Southwest District
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619

Via FedEx
Airbill No. 2561490326

**Re: Tampa Electric Company
F. J. Gannon Unit 3
Operating Permit No. AO29-172179
Wood Derived Fuel Test Burn**

Dear Mr. Schroeder:

Please find enclosed a proof of publication of the Notice of Intent to Issue Authorization to allow Tampa Electric to test burn a blend of 8%-10% paper pellets, 8%-10% yard trash/wood chips, and 80% coal in F.J. Gannon Unit 3. As specified in the Department's Letter of Authorization, the maximum non-coal material permitted shall be 20% by weight of total fuel burned. The notice was published in the legal ad section of the March 25, 1997 issue of the Tampa Tribune.

If you have any additional questions, please feel free to call me at (813) 641-5087.

Sincerely,

Laura A. Rector
Engineer - Environmental Planning

EPgmLAR085

Enclosure

c/enc: Mr. Clair Fancy-FDEP
Mr. Gerald Kissell - FDEP
Mr. Jerry Campbell - EPCHC
Mr. Richard Kirby - EPCHC
Mr. Leroy Shelton - EPCHC
Mr. Sterlin Woodard - EPCHC

RECEIVED

APR 04 1997

BUREAU OF
AIR REGULATION

THE TAMPA TRIBUNE
Published Daily
Tampa, Hillsborough County, Florida

State of Florida)
 County of Hillsborough) ss.

Before the undersigned authority personally appeared J. Rosenthal, who on oath says that she is Classified Billing Manager of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE

in the matter of _____
STATE OF FLORIDA

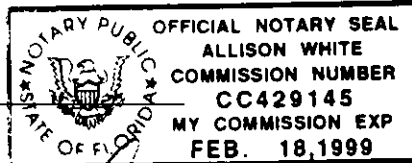
was published in said newspaper in the issues of _____
MARCH 25, 1997

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough 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, this advertisement for publication in the said newspaper.

J. Rosenthal

Sworn to and subscribed before me, this 25 day
 of MARCH, A.D. 19 97

Personally Known _____ or Product Identification _____
 Type of Identification Produced _____



Allison White

(SEAL)



STATE OF FLORIDA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 NOTICE OF INTENT TO ISSUE AUTHORIZATION
 The Department of Environmental Protection gives notice of its intent to issue a Letter of Authorization to Tampa Electric Company to permit a test burn of a fuel blend derived from approximately 20% peat pellets, yard trash, wood chips, and approximately 80% coal by weight in F. J. Gossett Station Unit No. 3. The facility is located at Port Sutton, Tampa, Hillsborough County, Florida.
 MAILING ADDRESS - Tampa Electric Company, Post Office Box 111, Tampa, FL 33681. For the attention of Laura A. Restor, Engineer, Environmental Planning.
 A Best Available Control Technology (BACT) testing station was not required. The Department's action will be final unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 of the Florida Statutes, or a party requests mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing. Mediation does not result in settlement. The procedure for petitioning for a hearing are set forth below, follows by the procedures for requesting mediation.
 A person 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 of the Florida Statutes. 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, 2225 West Tennessee Street, Tallahassee, Florida 32304-0001. Petitions filed by the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any other person must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this 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 (or a request for mediation, as discussed below) 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 of the Florida Statutes, or to intervene in this proceeding, and participate as a party to it. Any subsequent intervention will be only of the approval of the presiding officer upon the filing of a motion in compliance with Rule 20-1.207 of the Florida Administrative Code.
 A petition must contain the following:
 (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department's proposed action, and the county in which the action 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 all facts of case claimed by the petitioner, if any;
 (e) A statement of the relief that the petitioner desires, if any;
 (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...

- (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 nature of rights claimed by the petitioner, if any;
- (e) 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 action or proposed action addressed in the attached letter.

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. Persons whose substantial interests will be affected by any such final decision of the Department on the proposed action have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed permitting decision may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel at the Department of 3900 Commonwealth Boulevard, Mail Section 35, Tallahassee, Florida 32399-3036, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information:

- (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any;
 - (b) A statement of the preliminary agency action;
 - (c) A statement of the relief sought and
 - (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.
- The agreement to mediate must include the following:
- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
 - (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
 - (c) The agreed allocation of the costs and fees associated with the mediation;
 - (d) The agreement of the parties of the confidentiality of discussions and documents introduced during mediation;
 - (e) The date, time and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
 - (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
 - (g) The signatures of all parties or their authorized representatives.

As provided in Section 128.573 of the Florida Statutes,

the timely agreement of all parties to mediate will toll the time limitations imposed by sections 128.569 and 128.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Parties whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing process under sections 128.569 and 128.57 remains available for resolution of the dispute, and the notice will specify the requirements that then will apply.



persons who may attend the mediation.

(1) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time.

(2) The agreed allocation of the costs and fees associated with the mediation.

(3) The agreement of the parties of the confidentiality of discussions and documents introduced during mediation.

(4) The date, time and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen.

(5) The name of each party's representative who shall have authority to settle or recommend settlement and

(6) The signature of all parties or their authorized representatives.

As provided in Section 120.52 of the Florida Statutes,

The timely completion of all parties to mediation will set the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing process under sections 120.569 and 120.57 remains available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and seeking remedies under these two statutes.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under section 120.542 of the Florida Statutes. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action

proposed in this notice of test.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 2900 Commonwealth Boulevard, West Station 35, Tallahassee, Florida 32399-2800.

The petition must specify the following information:

(a) The name, address, and telephone number of the petitioner;

(b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;

(c) Each rule or portion of a rule from which a variance or waiver is requested;

(d) The citation to the statute underlying (enacted by) the rule identified in (c) above;

(e) The type of action requested;

(f) The specific facts that would justify a variance or waiver for the petitioner;

(g) The reason why the variance or waiver would serve the purposes of the underlying statute (enacted by the rule); and

(h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in section 120.542(a) of the Florida Statutes, and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of EPA and by the person under the Clean Air Act unless and until Administrator separately approves any variance or waiver in accordance with the procedures of the federal program. DEPARTMENT CONTACT: William E. Schroeder, Permitting Engineer.