

One Energy Place  
Pensacola, Florida 32520

850.444.6111

**RECEIVED**

**JUL 30 1999**

**BUREAU OF AIR REGULATION**

Certified Mail



July 27, 1999

Mr. Scott M. Sheplak, P.E.  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Mr. Sheplak:

RE: Title V Public Notice  
Plant Scholz: 0630014-001-AV

Attached, please find a copy of the proof of publication (newspaper affidavit) for the "public notice of intent to issue Title V air operation permit" for the Scholz Electric Generating Plant. The public notice was originally made on June 25, 1999. A copy of the notice was faxed to Jonathan Holtom on July 1, 1999 as our best effort to meet the proof of publication requirement of 7 days. The attached affidavit was received from the Jackson County Floridan yesterday and thus is being forwarded to you today for your records.

If you have any questions or need further information regarding the matter, please call me at (850) 444-6527.

Sincerely,

G. Dwain Waters, Q.E.P.  
Air Quality Programs Coordinator

c: Robert G. Moore, Gulf Power Company  
James O Vick, Gulf Power Company  
Kim Flowers Gulf Power Company  
Ken Peacock, Gulf Power Company

8/4/99 cc: Scott Sheplak  
Jonathan Holtom

# Jackson County Floridan

Published Sunday & Tuesday Through Friday  
Marianna, Jackson County, Florida

## State of Florida, County of Jackson

Before the undersigned authority personally appeared Valeria Roberts  
who on oath says that she is Regional Sales Director of the  
Jackson County Floridan, a daily newspaper published at Marianna, in Jackson  
County, Florida; that that attached copy of advertisement, being a legal  
in the matter of advertising for Gulf Power Co

Intent To Issue Title V Air Operation Permit  
in the n/a Court, was published in said newspaper in the issues of

25-Jul-99 25-Jun-99  
RRC Rollanda Cotheran, Sheriff, Haver Co.  
July 26, 1999



Affiant further states that the said Jackson County Floridan is a newspaper  
published at Marianna, in said Jackson County, Florida, and that said newspaper  
newspaper has heretofore been continuously published in said Jackson  
County, Florida, each day (Monday and Saturday excepted) and has been  
entered as second class mail matter at the post office in Marianna, in said  
Jackson 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 the said newspaper.

*[Handwritten Signature]*  
(Signature of Affiant)

Sworn to and subscribed before me this 23<sup>rd</sup>  
day of July, 1999

Notary Public, State of Florida at Large  
*[Handwritten Signature]*  
Lori A. Spradlin  
MY COMMISSION # CC503011 EXPIRES  
October 24, 1999  
BONDED THRU TROY FAIN INSURANCE, INC.



(Name of Notary typed, printed or stamped)

Personally Known X or Produced Identification.

**LM005**  
**REVISED DRAFT Permit No.:**  
0630014-001-AV  
Scholz Electric Generating Plant  
Jackson County  
In the Matter of an Application for Per-  
mit by:  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0100  
**INTENT TO ISSUE TITLE V AIR OP-  
ERATION PERMIT**  
The Department of Environmental  
Protection (permitting authority) gives  
notice of its intent to issue a Title V air  
operation permit (copy of DRAFT Per-  
mit enclosed) for the Title V source  
detailed in the application specified  
above, for the reasons stated below.  
The applicant, Gulf Power Company,  
applied on June 14, 1996, to the per-  
mitting authority for a Title V air op-  
eration permit for the Scholz Electric  
Generating Plant located at 1460 Gulf  
Power Road, 2.2 miles south of US-  
90, Jackson County. The applicant  
submitted the Phase III NOx Acid  
Rain Compliance Plan on December  
22, 1997. This permit incorporates the  
Phase III NOx standards for the Title  
IV Acid Rain Part pursuant to Rule 62-  
214.360(6), Florida Administrative  
Code (F.A.C.).  
The permitting authority has permitting  
jurisdiction under the provisions of  
Chapter 403, Florida Statutes (F.S.),  
and Florida Administrative Code  
(F.A.C.) Chapters 62-4, 62-210, 62-  
213, and 62-214. This source is not  
exempt from Title V permitting pro-  
cedures. The permitting authority has  
determined that a Title V air operation  
permit is required to commence or  
continue operations at the described  
facility.  
The permitting authority intends to is-  
sue this Title V air operation permit  
based on the belief that reasonable  
assurances have been provided to in-  
dicate that operation of the source will  
not adversely impact air quality, and  
the source will comply with all appro-  
priate provisions of Chapters 62-4, 62-  
204, 62-210, 62-212, 62-213, 62-214,  
62-256, 62-257, 62-281, 62-296, and  
62-297, F.A.C.  
Pursuant to Sections 403.815 and  
403.087, F.S., and Rules 62-10.106  
and 62-210.350(3), F.A.C., you (the  
applicant) are required to publish at  
your own expense the enclosed "PUB-  
LIC NOTICE OF INTENT TO ISSUE  
TITLE V AIR OPERATION PERMIT."  
The notice shall be published one time  
only as soon as possible in the legal  
advertisement section of a newspaper  
of general circulation in the area af-  
fected. For the purpose of these rules,  
"publication in a newspaper of general  
circulation in the area affected" means  
publication in a newspaper meeting  
the requirements of Sections 50.011  
and 50.031, F.S., in the county where  
the activity is to take place. Where  
there is more than one newspaper of  
general circulation in the county, the  
newspaper used must be one with sig-  
nificant circulation in the area that may  
be affected by the permit. If you are  
uncertain that a newspaper meets  
these requirements, please contact  
the permitting authority at the address  
or telephone number listed below. The  
applicant shall provide proof of publi-  
cation to the Department's Bureau of  
Air Regulation, 2600 Blair Stone  
Road, Mail Station #5505, Tallahas-  
see, Florida 32399-2400 (Telephone:  
850/488-1344; Fax: 850/922-6979),  
within 7 (seven) days of publication.  
Failure to publish the notice and pro-  
vide proof of publication within the al-  
located time may result in the denial of  
the permit pursuant to Rule 62-  
110.106, F.A.C.  
The permitting authority will issue the  
Title V PROPOSED Permit, and sub-  
sequent Title V FINAL Permit, in ac-  
cordance with the conditions of the at-  
tached Title V DRAFT Permit unless a  
response received in accordance with  
the following procedures results in a

## JACKSON COUNTY FLORIDAN

P.O. Box 1968  
Dothan, Al 36302

FRIDAY

JUNE 25, 1999

PAGE 2

LM009  
REVISED DRAFT Permit No.:  
0630014-001-AV  
Scholz Electric Generating Plant  
Jackson County  
In the Matter of an Application for Per-  
mit by:  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0100  
INTENT TO ISSUE TITLE V AIR OP-  
ERATION PERMIT

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit (copy of DRAFT Permit enclosed) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Gulf Power Company, applied on June 14, 1996, to the permitting authority for a Title V air operation permit for the Scholz Electric Generating Plant located at 1460 Gulf Power Road, 2.2 miles south of US 90, Jackson County. The applicant submitted the Phase VII NOx Acid Rain Compliance Plan on December 22, 1997. This permit incorporates the Phase VII NOx standards into the Title IV Acid Rain Part pursuant to Rule 62-214.360(6), Florida Administrative Code (F.A.C.).

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. This source is not exempt from Title V permitting procedures. The permitting authority has determined that a Title V air operation permit is required to commence or continue operations at the described facility.

The permitting authority intends to issue this Title V air operation permit based on the belief that reasonable assurances have been provided to indicate that operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210 62-212, 62-213, 62-214, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-10.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT."

The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-1344; Fax: 850/922-6979), within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106, F.A.C.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the attached Title V 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 permit issuance action for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a signifi-

cant 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, 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: 850/488-9730; Fax: 850/488-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. 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 this 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 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 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:

- The name and address of each agency affected and each agency's file or identification number, if known;
- 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 interests will be affected by the agency determination;
- A statement of how and when each petitioner received notice of the agency action or proposed action;
- A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the 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 have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation will not be available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. 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 intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information:

- The name, address, and telephone number of the petitioner;
- The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- Each rule or portion of a rule from which a variance or waiver is requested;
- The citation to the statute underlying (implemented by) the rule identified in (c) above;
- The type of action requested;
- The specific facts that would justify a variance or waiver for the petitioner;
- The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and,
- 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 the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., 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 the United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

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 (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 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.

Executed in Tallahassee, Florida  
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTEC-

Public Notice of  
Title V Air Permit