



**SCRIPPS TREASURE COAST
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The Stuart News
The Port St. Lucie News
1939 S. Federal Highway, Stuart, FL 34994
AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA

COUNTY OF MARTIN; COUNTY OF ST. LUCIE

Before the undersigned authority personally appeared, S. Darlene Mailing, who on oath says that she is Classified Inside Sales Manager of the Stuart News and the Port St. Lucie News, a daily newspaper published at Stuart in Martin County, Florida; that the attached copy of advertisement was published in the Stuart/Port St. Lucie News in the following issues below. Affiant further says that the said Stuart/Port St. Lucie News is a newspaper published in Stuart in said Martin County, Florida, with offices and paid circulation in Martin County and St. Lucie County, Florida, and that said newspapers have heretofore been continuously published in said Martin County, Florida, daily and distributed in Martin and St. Lucie 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 or 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. The Stuart News has been entered as Periodical Matter at the Post Offices in Stuart, Martin County, Florida and Ft. Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

<u>Customer</u>	<u>Ad Number</u>	<u>Pub Date</u>	<u>Copyline</u>	<u>PO #</u>
FPL/JUNO OFFICE	1102450	6/13/2005	NOTICE OF INTENT	DEP AIR

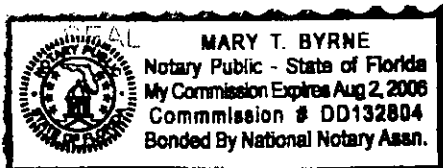
Subscribed and sworn to me before this date:

June 13, 2005

S. Darlene Mailing

Mary T. Byrne

Notary Public



**PUBLIC NOTICE OF INTENT TO ISSUE
AIR CONSTRUCTION PERMIT MODIFICATION**
Florida Department of
Environmental Protection
Florida Power & Light Company
Martin Plant - Indiantown

DEP File No.: 0850001-015-AC (PSO-FL-327A)

The Florida Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit Modification to Florida Power & Light (FPL) to amend requirements related to excess emissions during oil-to-gas fuel switching of Unit 8 at the power plant located on State Road 710, in Martin County. The previously issued Best Available Control Technology (BACT) determination applies to the facility. The permittee's name and address are: Florida Power & Light Company (FPL), Post Office Box 17, Indiantown, Florida 34956.

The Martin Unit 8 combined cycle unit (including the conversion of Units BA and BB to combined cycle) was permitted for operation on gas and oil in April 2003. The current construction permit details periods of excess emissions allowed which include startup, shutdown, and oil-to-gas fuel switches during simple cycle operation, and malfunctions.

FPL requested combined cycle operation be included in the allowance for excess emissions during the periods of oil-to-gas fuel switching. The company proposes that this change will actually reduce potential overall excess emissions of the unit. Under the current permit, a short period of excess emissions during oil-to-gas fuel switching is allowed during simple cycle mode. However, during combined cycle mode the unit must be completely shut down and re-started before making the switch from oil to gas. Ultimately, this could result in longer periods of excess emissions than necessary for this procedure.

Based on the review of the information provided by the facility, and the fact that overall excess emissions will not be adversely affected, the Department concurs. By allowing a short period of excess emissions during oil-to-gas fuel switching, the longer duration of excess emissions during a start-up will be avoided.

The Department will issue the Final Permit Modification with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department will accept written comments concerning the proposed permit action for a period of fourteen (14) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit Modifications. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the Permit Modification with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

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. Petitions must be filed within fourteen days of publication of the public notice or within fourteen (14) days of publication of this Public Notice of Intent to Issue Air Construction Permit Modification. Under Section 120.60(3), F.S. however, petitions submitted by person(s) who asked the Department for notice of agency action must be filed within fourteen (14) days of receipt of that notice or the date of publication of the public notice whichever occurs first. 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 such 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. & C.

A petition that disputes the material facts on which the Department'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 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; 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 Department'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 Department'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 Department 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.

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:

Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301

Telephone: 850/921-9523 Fax: 850/922-6979

Affected District/Local Program
Department of Environmental Protection
Southeast District Office
400 North Congress Avenue

West Palm Beach, Florida 33416-5425

Telephone: 561/681-6774 Fax: 561/681-6755

The complete project file includes the Draft Air Construction Permit Modification, Technical Evaluation and the information submitted by the responsible official, exclusive of confidential records under Section 493.111, F.S. Interested persons may contact the Program Administrator for the South Permitting Section, Bureau of Air Regulation, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/921-8968 for additional information.

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