

**The Orlando Sentinel**

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**State of Florida** } S.S.  
COUNTY OF ORANGE

PSD - 182  
0970043-004-AC

**JUANITA ROSADO**

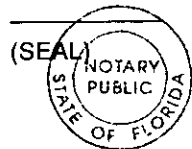
Before the undersigned authority personally appeared \_\_\_\_\_, who on oath says

that he/she is the Legal Advertising Representative of The Orlando Sentinel, a daily newspaper published at KISSIMMEE in OSCEOLA County, Florida; that the attached copy of advertisement, being a PUBLIC NOTICE OF I in the matter of PERMIT NO. AC49-205703

in the OSCEOLA Court, was published in said newspaper in the issue; of 02/28/97

Affiant further says that the said Orlando Sentinel is a newspaper published at KISSIMMEE in said OSCEOLA County, Florida, and that the said newspaper has heretofore been continuously published in said OSCEOLA County, Florida, each Week Day and has been entered as second-class mail matter at the post office in KISSIMMEE in said OSCEOLA County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/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.

The foregoing instrument was acknowledged before me this 28 day of FEBRUARY, 1997, by JUANITA ROSADO who is personally known to me and who did make an oath.



SUSAN K. WENTZELL  
My Comm Exp. 11/23/97  
Bonded By Service Ins  
No. CC332326  
[ ] Personally Known [ ] Other I. D.

cc: C. Holladay, BAR

**PUBLIC NOTICE OF INTENT TO ISSUE  
AIR CONSTRUCTION  
PERMIT MODIFICATION  
STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**  
Permit No. AC49-205703,  
PSD-FL-182  
File No. 0970043-004-AC  
Kissimmee Utility Authority-Cane Island Simple Cycle Unit  
Osceola County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification of Kissimmee Utility Authority, for the Simple Cycle Unit located at its Cane Island Facility near Intercession City, Osceola County, A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's name and address are: Kissimmee Utility Authority, (KUA), 1701 West Carroll Street, Kissimmee, Florida 34741.

The unit is in compliance with its present nitrogen oxide(NOx) limit of 25 parts per million (ppm). Specific Condition No. 15B of the above referenced construction permit requires that the manufacturer attempt to achieve an NOx emission limit of 15 ppm by January 1, 1998 and to inform the Department of a revised compliance schedule should the limit not be achievable on that date. This limit is to be achieved through a dry low emission (DLF) retrofit package. The manufacturer has documented that the DLE development program has not progressed to the point of being able to ensure a retrofit package capable of meeting the 15 ppm rate by January 1, 1998. The modification will extend the compliance date of Specific Condition No. 15 b from January 1, 1998 to January 1, 1999.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the DRAFT Permit Modification 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 DRAFT Permit Modification 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 Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Modification with the conditions of the DRAFT Modification unless a timely petition for an administrative hearing is filed pursuant to Section 120.569 and 120.57 F.S. 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 if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interest are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Section 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. Petitions 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 Section 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 28-5.207 or the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit (File) Number, and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed 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 material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action; and (g) statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

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.

A person whose substantial interests are affected by the Depart-

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ment'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 of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following: (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 of intent or a statement clearly indentifying 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, address, 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 on 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 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. 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 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 processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadline that then will apply for challenging the agency action and electing remedies under those two statutes.

A complete project file is available for public inspection during normal business hours, 8:00a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:  
Department of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida 32301  
Telephone: 904/488-1344  
Fax: 904/922-6979  
Department of Environmental Protection  
Central District  
3319 Maquire Boulevard, Suite 232  
Orlando, Florida 32803-3767  
Telephone: 407-894-7555  
Fax: 407-897-2966  
OSC1391488

FEB 28 1997