

July 17, 1997

Mr. Scott M. Sheplak, P.E.  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Re: Draft Title V Permit No.: 1050217-001-AV  
Mulberry Cogeneration Facility

**RECEIVED**  
JUL 18 1997  
BUREAU OF  
AIR REGULATION

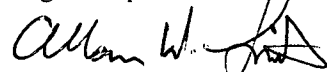
Dear Mr. Sheplak:

I have enclosed an affidavit from The Polk County Democrat showing that the PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT for the Mulberry Cogeneration Facility located near Bartow, Florida was published in their paper on Thursday July 10, 1997.

Since we did not receive the affidavit until today, I am sending a copy of the affidavit and the public notice via facsimile to your office and sending the original via overnight carrier.

If you have any questions please call me at 941-682-6338.

Sincerely,  
Polk Power Partners, L.P.  
by Polk Power GP, Inc.  
its general partner



Allan Wade Smith  
General Manager

enclosure

7/21 - cc: Scott Sheplak  
Lennon Anderson

AFFIDAVIT OF PUBLICATION  
**The Polk County Democrat**

Published Semi-Weekly  
Bartow, Polk County, Florida

Case No. \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF POLK

Before the undersigned authority personally appeared Mary G. Frisbie, who on oath says that (s)he is Treasurer of The Polk County Democrat, a newspaper published at Bartow, Polk County, Florida; that the attached copy of advertisement, being a Public Notice in the matter of Intent to Issue Air Operation Permit #1050217-001-AV in the \_\_\_\_\_ Court, was published in said newspaper in the issues of July 10, 1997

Affiant further says that The Polk County Democrat is a newspaper published at Bartow, in said Polk County, Florida, and that said newspaper has heretofore been continuously published in said Polk County, Florida, each Monday and Thursday, and has been entered as second class matter at the post office in Bartow, in said Polk County, Florida, for a period of one year next preceeding the first 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 said newspaper.

Signed Mary G. Frisbie

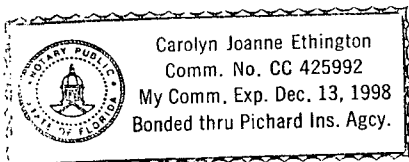
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
9th July 97

by \_\_\_\_\_,  
Mary G. Frisbie  
who is personally known to me.

C. Joanne Ethington  
(Signature of Notary Public)

C. Joanne Ethington  
(Printed or typed name of Notary Public)  
Notary Public

My Commission Expires:



**PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**  
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Title V DRAFT Permit No.: 1050217-001-AV  
Mulberry Cogeneration Polk County  
The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Polk Power Partners, L. P. for the Mulberry Cogeneration Facility located at 3600 County Road 555, Bartow, Polk County. The applicant's name and address are: Polk Power Partners, L. P., 1125 US 98 South, Suite 100, Lakeland, FL 33801.  
The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the 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 Title V DRAFT Permit 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, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.  
The permitting authority will issue the permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F. S.), or a party requests mediation as an alternative remedy under Section 120.573, F. S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing of 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 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: 904/488-9730; Fax:

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904/48; 1938). Petitions must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the 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 applicable 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 28-5.207 of 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 permitting authority's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;
- (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority's action or proposed action; and,
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the permitting authority to take with respect to the 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 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.

A person whose substantial interests are affected by the permitting authority'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 of Environmental Protection 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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, FL 32399-3000, 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 of intent 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 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 60 (sixty) days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department of Environmental Protection must enter an order incorporating

the agreement of the parties in accordance with the provisions of Section 403.0872(7), F. S. If mediation terminates without settlement of the dispute, the permitting authority 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 deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

In addition to the above, 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 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 410 M. Street, SW, Washington, D. C. 20460.

A complete project file is available for public inspection during the normal business hours, 8:00 a. m. to 5:00 p. m., Monday through Friday, except legal holidays, at: Permitting Authority: Department of Environmental Protection, Bureau of Air Regulation, 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, Telephone: 904/488-1344, Fax: 904/922-8979; Affected District/Local Program: Southwest District 3804 Coconut Palm Drive, Tampa, FL 33619-8218, Telephone: 813/744-8100, Fax: 813/744-8084.

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F. S. Interested persons may contact Scott M. Sheplak, P. E., at the above address, or call 904/488-1344, for additional information.  
July 10, 1997-1909