

REC'D CD DEP  
AUG 06 2003

# The News-Journal

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

AUG 06 2003

State of Florida, BUREAU OF AIR REGULATION  
County of Volusia:

Before the undersigned authority personally appeared

Kathleen Mayes

Who, on oath says that she is

Classified Sales Manager

of The News-Journal, a daily and Sunday newspaper published at Daytona Beach in Volusia County, Florida; that the attached copy of advertisement, being a Public Notice

in the matter of Intent to Issue Air Construction Permit Modification in the Court was published in said newspaper in the issues July 31, 2003

Affiant further says that The News-Journal is newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia 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.

*Kathleen Mayes*

Sworn to and subscribed before me

this 31st day of July

A.D. 2003

*Anita Marie Saunders*



ANITA MARIE SAUNDERS  
Notary Public, State of Florida  
My Comm. Exp. Aug. 30, 2003  
Comm. No. CC 267646

## LEGAL ADVERTISEMENT

**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION**  
DEP File No. 1270009-009-AC and P.O. D. FL-270C  
Florida Power & Light Sanford Plant  
Peak Mode of Operation for the 2200 Megawatt Combined Cycle Combustion Turbines  
Volusia County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Florida Power & Light Company (FPL). The original permit issued on September 4, 1999 allowed the installation of eight combined cycle units that replaced two (2) residual oil and gas fired steam generators at the Sanford Plant near DeBary, Volusia County. A Best Available Control Technology (BACT) determination was required for the original project (VOC emissions only) and is not required for this project pursuant to Rule 62-212.400, F.A.C. The applicant's name and address are Florida Power & Light, Sanford Plant, 950 South Highway 17-92, DeBary, Florida 32713.

The permit modification is to allow peak operation mode up to 400 hours per year for each of the eight combined cycle combustion turbines. Peaking is expected to increase short term NOx emissions from 9 to 15 ppmvd for each turbine and 68 TPY for all eight turbines due to higher temperatures during this mode. However, due to the substantial emissions decrease of this pollutant during the permitting of the repowering project, this project will not result in a PSD significant net increase of NOx emissions or any other criteria pollutants. Therefore, an air quality impact analysis was not required.

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 modification issuance action for a period of fourteen (14) days from the date of publication of "Public Notice of Intent to Issue Air Construction Permit Modification." 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 modification and require, if applicable, another Public Notice.

This Sanford Project is not subject to review under Section 403.506 F.S. (Power Plant Siting Act), because it provides for no expansion in steam generating capacity.

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 proceeding (hearing) under 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. 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) of the Florida Statutes 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 Department 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 of the Florida Administrative Code.

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; 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; (c) A statement of how and when 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.

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 application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

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: Florida Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: 850/488-1344 Fax: 850/922-6979 Florida Department of Environmental Protection Central District Office 3319 Maguire Boulevard, Suite 232 Orlando, Florida 32803-3767 Telephone: 407/894-7555 Fax: 407/897-5963

The complete project file includes the application, technical evaluation, Draft Permit Modification, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. The Department's technical evaluation and Draft Modification can be viewed at [www.dep.state.fl.us/air/permitting.htm](http://www.dep.state.fl.us/air/permitting.htm) by clicking on Construction Permits. Legal L51744, July 31, 2003 lt.