



*Original*

April 11, 1997

Ms. Kim Tober  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, Florida 32399-2400

Dear Ms. Tober:

Re: FPC DeBary Site  
Public Notice of Intent to Issue Air Construction Permit Modification

As you requested during our telephone conversation of April 10, 1997, enclosed please find the original public notice and notarized proof of publication. The legal notice ran in the March 25, 1997 edition of the Volusia County News-Journal. It is my understanding that all future submittals of this type to the Department must be originals and not copies.

If you should have any questions or require additional information, please do not hesitate to contact me at (813) 866-5158.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott H. Osbourn".

Scott H. Osbourn  
Senior Environmental Engineer

Attachment

cc: Len Kozlov, DEP Central District  
Ken Kosky, Golder Associates

# The News-Journal

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

State of Florida,  
County of Volusia:

Before the undersigned authority personally appeared

Bryan P. Stephens

who, on oath says that he is

Classified Advertising 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 of Intent to Issue

Air Construction Permit Modification

in the matter of From The Department of Environmental

Protection to DeBary Facility/Volusia County

in the Court, was published

in said newspaper in the issues

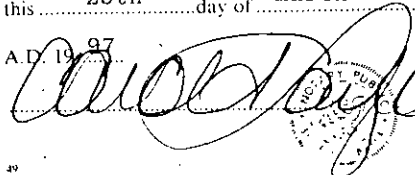
March 25, 1997

Affiant further says that The News-Journal is a 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 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 the said newspaper.

Sworn to and subscribed before me

this 25th day of March

A.D. 1997



CAROL A. TAYLOR  
Notary Public, State of Florida  
My Comm. Exp. Apr. 13, 1997  
Cortn No CC 157, 137

## LEGAL ADVERTISEMENT

**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION**  
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DRAFT Permit Modification No. AC64-191015(B), PSD-FL-167(B)  
File No. 1270223-02  
DeBary Facility/Volusia County  
The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Florida Power Corporation (FPC), for Combustion Turbines (Peaking Units) #7, #8, #9, and #10 at its DeBary Facility located at West Highbanks Road, Volusia County, A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62.212.400, F.A.C. and 40 CFR 62.21, Prevention of Significant Deterioration (PSD). The applicant's name and address are Florida Power Corporation, 3201 34th Street South, St. Petersburg, FL 33711.

The modification is to reissue the expired construction permit for six 92.9 megawatt oil-fired, simple cycle combustion turbines; revise the number of units to the four already constructed; and eliminate the natural gas firing capability. The four peaking units were each permitted to operate up to 3,390 hours per year. Since the start-up in late 1992, usage has been less than 800 hours each. In the near future, increased service to 900-1700 hours of operation per year is expected. Florida Power plans to burn available natural gas, an inherently clean fuel which is available to FPC on an interruptible basis, in lieu of fuel oil to meet the anticipated demand.

Because of the great variability of usage from year-to-year inherent in peaking units and the relatively short period of operation for the four units, the Department does not believe that representative past actual emissions have yet been established. Also, hourly emissions will be very substantially reduced when natural gas is fired in lieu of fuel oil. Under Rule 62.210.200(1)(b), F.A.C. the Department may presume that unit-specific allowable emissions for an emissions unit are equivalent to the actual emissions of the emissions unit. Therefore, there will be no significant increase in PSD pollutants and the project is exempt from PSD and BACT. Burning natural gas will minimize emissions of particulate matter, sulfur dioxide, and nitrogen oxides (NOx). NOx will be further controlled to 25 parts per million by the installed water injection equipment.

The Department will issue the FINAL Permit Modification, in accordance with the provisions 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 for 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 Permit Modification unless a timely petition for administrative hearing is filed pursuant to Sections 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 interests are affected by the Department's 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as provided 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 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 fails to result in settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57 F.S. remains available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and selecting remedies under those two statutes.

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 S. Magnolia Drive, Suite 4  
Tallahassee, Florida 32301  
Telephone: 904/488-1344  
Fax: 904/922-6979

Department of Environmental Protection  
Central District Office  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803-3767  
Telephone: 407/893-3333  
Fax: 407/897-6963  
The complete project file includes the Draft Permit Modification, the application, 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 904/488-1344, for additional information. Legal 127803, March 25, 1997.

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April 7, 1997

Mr. Clair Fancy, P.E.  
Chief, Bureau of Air Regulation  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, Florida 32399-2400

Dear Mr. Fancy:

Re: DeBary Peaking Units P7, P8, P9, and P10 -- Addition of Natural Gas Capability  
Draft Permit Modification No. AC64-191015(B); PSD-FL-167(B) I

This letter serves to notify the Department that Florida Power Corporation published a Notice of Intent to Issue Air Construction Permit Modification for the above-referenced project. The legal notice ran in the March 25, 1997 edition of the Volusia County News-Journal. A copy of the notice and the notarized proof of publication are attached.

If you should have any questions concerning the above, please do not hesitate to contact me at (813) 866-5158.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott H. Osbourn", written in a cursive style.

Scott H. Osbourn  
Senior Environmental Engineer

Attachment

cc: Len Kozlov, DEP Central District  
Ken Kosky, P.E., Golder Associates

EPA  
NPS  
A. Linero, BAR

**RECEIVED**

APR 10 1997

BUREAU OF  
AIR REGULATION

# The News-Journal

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

State of Florida,  
County of Volusia:

Before the undersigned authority personally appeared  
Bryan P. Stephens

who, on oath says that he is.....  
Classified Advertising Manager

of The News-Journal, a daily and Sunday newspaper, published  
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Public Notice of Intent to Issue  
Air Construction Permit Modification

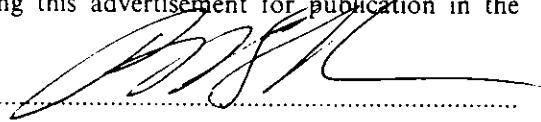
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27803

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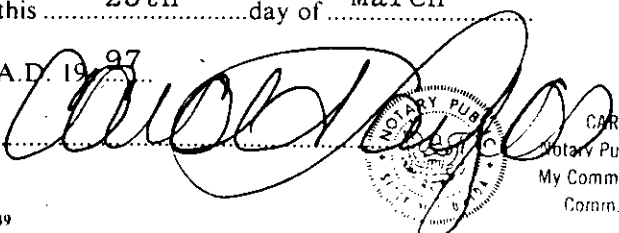
in said newspaper in the issues.....  
March 25, 1997

Affiant further says that The News-Journal is a 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 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 the  
said newspaper.



Sworn to and subscribed before me  
this 25th day of March

A.D. 1997





CAROL A. TAYLOR  
Notary Public, State of Florida  
My Comm. Exp. Apr. 13, 1999  
Comm. No. CC 452734

LEGAL ADVERTISEMENT

**PUBLIC NOTICE OF  
INTENT TO ISSUE  
AIR CONSTRUCTION  
PERMIT MODIFICATION**  
STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
DRAFT Permit Modification No.:  
AC64-191015(B), PSD-FL-167(B)  
File No. 1270028-002

DeBary Facility/Volusia County  
The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Florida Power Corporation (FPC), for Combustion Turbines (Peaking Units) P7, P8, P9, and P10 at its DeBary Facility located at West Highbanks Road, Volusia 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: Florida Power Corporation, 3201 34th Street South, St. Petersburg, FL 33711.

The modification is to reissue the expired construction permit for six 92.9 megawatt, oil-fired simple cycle combustion turbines; revise the number of units to the four already constructed; and allow installation of natural gas firing capability.

The four peaking units were each permitted to operate up to 3,390 hours per year. Since their startup in late 1992, usage has been less than 800 hours each. In the near future, increased service to 900-1700 hours of operation per year is expected. FPC plans to burn available natural gas, an inherently clean fuel which is available to FPC on an interruptible basis, in lieu of some fuel oil to meet the anticipated demand.

Because of the great variability of usage from year-to-year inherent in peaking units and the relatively short period of operation for the four units, the Department does not believe that representative past actual emissions have yet been established. Also, hourly emissions will be very substantially reduced when natural gas is fired in lieu of fuel. Per Rule 62-210.200(1)(b), F.A.C. the Department may pressure that unit-specific allowable emissions for an emissions unit are equivalent to the actual emissions of the emissions unit. Therefore, there will be no significant increase in PSD pollutants and the project is exempt from PSD and BACT. Burning natural gas will minimize emissions of particulate matter, sulfur dioxide, and nitrogen oxides (NOx). NOx will be further controlled to 25 parts per million by the installed water injection equipment.

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.

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A person whose substantial interests are affected by the Department's 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, 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 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 Department's 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 or proposed action; and (g) A 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 Department'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 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.

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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 deadlines 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, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of  
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111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida 32301  
Telephone: 904/488-1344  
Fax: 904/922-6979

Department of  
Environmental Protection  
Central District Office  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803-3767  
Telephone: 407/893-3333  
Fax: 407/897-5963

The complete project file includes the Draft Permit Modification, the application, 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 904/488-1344, for additional information.

Legal L27803, March 25, 1997 1t.