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MAR 26 2001

BUREAU OF AIR REGULATION

March 20, 2001

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

Dear Mr. Holtom:

Re: DeBary Title V Revision - Proof of Publication

I have enclosed the proof of publication of the Public Notice of Intent to Issue Title V Air Operation Permit Revision for Florida Power Corporation's DeBary facility.

Please contact me at (727) 826-4334 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Michael Kennedy".

J. Michael Kennedy, Q.E.P.
Manager, Air Programs

3/26/01 cc: Jonathan Holtom

Orlando Sentinel

Published Daily

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BUREAU OF AIR REGULATION

State of Florida } S.S.
COUNTY OF ORANGE

Before the undersigned authority personally appeared DEBORAH TONEY

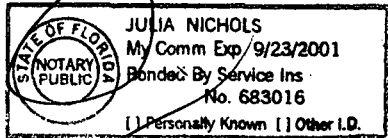
, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at DELAND in VOLUSTA County, Florida; that the attached copy of advertisement, being a PUBLIC NOTICE OF in the matter of #127002A-005-AV

in the VOLUSTA Court, was published in said newspaper in the issue; of 03/04/01

Affiant further says that the said Orlando Sentinel is a newspaper published at DELAND in said VOLUSTA County, Florida, and that the said newspaper has heretofore been continuously published in said VOLUSTA County, Florida, each Week Day and has been entered as second-class mail matter at the post office in DELAND in said VOLUSTA 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 7 day of MAR., 20 01, by DEBORAH TONEY, who is personally known to me and who did take an oath.

(SEAL)



PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Title V Air Operation Permit Revision No.: 1270028-005-AV
DeBary Facility
Volusia County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit revision to Florida Power Corporation for the DeBary Facility located at 176 West Highbanks Road, DeBary, Volusia County. The applicant's name and address are: Wilson B. Hicks, Florida Power Corporation, 176 West Highbanks Road, DeBary, Florida 32713.

This Title V Air Operation Permit Revision incorporates the new inlet fogger conditions from Permit No. 1270028-004-AC into the Title V Air Operation Permit; removes improper language relating to 12-month rolling averages; and replaces the testing requirement of "...within 60 days of April 1..." to "...within the October 1 to September 30 federal fiscal year..."

The permitting authority will issue the PROPOSED Title V Operation Permit Revision, and subsequent FINAL Title V Operation Permit Revision, in accordance with the conditions of the DRAFT Title V Operation Permit Revision 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

DRAFT Title V Operation Permit Revision 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 of Environmental Protection, Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/926-6979). Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Title V Operation Permit Revision, the permitting authority shall issue a Revised DRAFT Title V Operation Permit Revision and require, if applicable, another Public Notice.

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 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority 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 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 par-

ticipate 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 (F.A.C.).

A petition that disputes the material facts on which the permitting authority'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 state;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief;

(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 permitting authority'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 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.

Mediation is not available for this proceeding.

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 revision. Any petition shall be based only on objections to the permit revision 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 the 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: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

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:

Permitting Authority:
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive,
Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District Program:
Central District Office
3319 Maguire Boulevard,
Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-2996

The complete project file includes the DRAFT Title V Operation Permit Revision, 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 850/921-9532, for additional information.

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