



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

April 19, 2005

Mr. Michael P. Opalinski
Vice President of Technical Services
Seminole Electric Cooperative, Inc.
16313 North Dale Mabry Highway
Tampa, Florida 33688-2000

Re: Payne Creek Generating Station
DRAFT Air Construction Project No. 0490340-004-AC / PSD-FL-214C
{Modification of Permit No. PSD-FL-214A}
DRAFT Title V Air Operation Permit Revision Project No. 0490340-005-AV
{Revision to Title V Air Operation Permit No. 0490340-002-AV}

Dear Mr. Opalinski:

On November 2, 2004, you submitted an application for an Air Construction Permit Modification and Title V Air Operation Permit Revision for the Payne Creek Generating Station located at 6697 County Road 663 in Bowling Green, Hardee County. Enclosed are the following documents: "Technical Evaluation and Preliminary Determination", "DRAFT Air Construction Permit Modification", "DRAFT Title V Air Operation Permit Revision", "Statement of Basis", and "Public Notice of Intent to Issue Air Construction Permit Modification and Title V Air Operation Permit Revision".

The "Technical Evaluation and Preliminary Determination" summarizes the Permitting Authority's technical review of the application and provides the rationale for making the preliminary determination to issue a DRAFT Construction Permit Modification. The proposed "DRAFT Air Construction Permit Modification and DRAFT Title V Air Operation Permit Revision" includes specific conditions that regulate the emissions units at this facility. The "Written Notice of Intent to Issue an Air Construction Permit Modification and a Title V Air Operation Permit Revision" provides important information regarding: the Permitting Authority's intent to issue a Title V air operation permit revision and air construction permit modification (DRAFT Permit); the requirements for publishing a Public Notice of the Permitting Authority's intent to issue the DRAFT Permit; the procedures for submitting comments on the DRAFT Permit; the requirements for requesting a public meeting; the requirements for filing a petition for an administrative hearing; and the availability of mediation. The "Public Notice of Intent to Issue an Air Construction Permit Modification and a Title V Air Operation Permit Revision" is the actual notice that you must publish in the legal advertisement section of a newspaper of general circulation in the area affected by this project.

If you have any questions, please contact the Project Engineer, Syed Arif, at 850-921-9528.

Sincerely,

Trina L. Vielhauer, Chief
Bureau of Air Regulation

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

**WRITTEN NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT
AND A TITLE V AIR OPERATION PERMIT REVISION**

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; 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 each 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, 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 the 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 Written Notice of Intent to Issue Air Construction Permit and Title V Air Operation Permit Revision. 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: Mediation is not available in this proceeding.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within sixty (60) 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 the issuance of any Title V air operation permit revision. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the thirty (30) day public comment period provided in the Public 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. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

**WRITTEN NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT
AND A TITLE V AIR OPERATION PERMIT REVISION**

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this "Written Notice of Intent to Issue Air Construction Permit and Title V Air Operation Permit Revision" package (including the Public Notice, the Technical Evaluation and Preliminary Determination, the Statement of Basis, and the Draft Permit) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 4/21/05 to the persons listed below.

Mr. Michael P. Opalinski, Seminole Electric Cooperative, Inc.*
Mr. Tom Davis, P.E., ECT, Inc. (tdavis@ectinc.com)
Mr. Jerry Kissel, DEP-SWD
U. S. EPA Region 4

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

Barbara J. Friday 4/21/05
(Clerk) (Date)