

UTILITIES COMMISSION
CITY OF NEW SMYRNA BEACH, FLORIDA
ELECTRIC, WATER, POLLUTION CONTROL
WATER REUSE, INTERNET AND TELEPHONE SERVICE
Post Office Box 100 - 200 Canal St.
New Smyrna Beach, Florida 32170-0100
(386) 427-1361



RECEIVED

JUL 07 2003

July 2, 2003

BUREAU OF AIR REGULATION

Department of Environmental Protection
ATTN.: Ms. Trina L. Vielhauer, Chief
Bureau of Air Regulation
2600 Blair Stone Road, Mail Station #5505
Tallahassee, FL 32399-2400

CERTIFIED MAIL
7000 1670 0010 1612 2174

RE: DEP File No. 1270164-004-AC
Field Street Generating Plant
Two 24 MW Simple Cycle GE MS5001P Combustion Turbines (CT's)

Dear Ms. Vielhauer:

Pursuant to your letter dated June 23, 2003, the Public Notice of Intent to Issue Air Construction Permit for the above referenced project was published in THE OBSERVER on July 1, 2003. Enclosed is a proof of publication for same.

If anything further is needed, please call me at 386-423-7100.

Sincerely,

Ronald L. Vaden
General Manager/CEO

RLV/ds

cc: T. Beyrle, Director System Ops. & Generation

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JUL 07 2003

THE OBSERVER

NEW SMYRNA BEACH, FLORIDA 32168 BUREAU OF AIR REGULATION

PROOF OF PUBLICATION

STATE OF FLORIDA, COUNTY OF VOLUSIA:

Before the undersigned authority personally appeared who on oath says that he is Publisher of The Observer, a daily newspaper published in New Smyrna Beach in Volusia County, Florida: that the attached copy of Advertisement, being a legal notice in the matter of Notice of Intent published in The Observer newspaper in the issues of:

JULY 1, 2003

Affiant further says that the said The Observer is a newspaper published in New Smyrna Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, and has been entered as second class mail matter at the post office in New Smyrna 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/she 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.

[Signature of Robert Cowart]

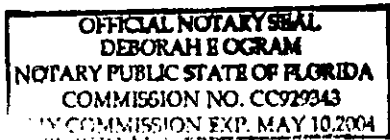
Robert Cowart Publisher

Publication Cost: \$238.00

STATE OF FLORIDA COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 1st day of JULY, 2003, by who is personally known to me or who has produced N/A as identification and who DID NOT take oath.

[Signature of Deborah E Ogram]



PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 1270164-004-AC

Utilities Commission, City of New Smyrna Beach Two 24 MW Simple Cycle GE MS5001P Combustion Turbines (CTs) Field Street Generating Plant Volusia County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to Utilities Commission, City of New Smyrna Beach, for the Field Street Generating Plant located at the intersection of Field and Eln Streets, Volusia County. The applicant's mailing address is: PO Box 100, New Smyrna Beach, Florida 32170-0100.

The applicant requests revision of Specific Condition No. 8-Section III of permit No. 1270164-001-AC, to require testing only if a unit operates for more than 400 hours per year. The applicant also requests correction of the nominal generation rate of the turbines from 20 to 24 megawatts.

The Department will issue the Final permit 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 issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. 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

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 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 28-106.31.

Because the administration 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

for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit 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), 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

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:

Department of Environmental Protection, Bureau of Air Regulation, Suite 4, 111 S. Magnolia Drive, Tallahassee, Florida, 32301
Telephone: (850)488-0114
Fax: (850)922-6979

Department of Environmental Protection, Central District Suite 232, 3319 Maguire Blvd Orlando, Florida 32803-3767
Telephone: (407)894-7555
Fax: (407)897-5963

The complete project file includes the application, technical evaluations, Draft permit, 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 Source Review Section, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call (850)488-0114 for additional information.
(52908) 7/1