

One Energy Place
Pensacola, Florida 32520

RECEIVED

SEP 13 2010

Industrial Wastewater
Section



September 10, 2010

Mr. Marc Harris
Florida Department of Environmental Protection
Bureau of Water Facilities Regulation
Industrial Wastewater Section
Mail Station 3545
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

CERTIFIED MAIL #7009 1060 0001 3092 6152

**RE: Notice of Intent to Issue Permit – Proof of Publication
Gulf Power Company- Scholz Electric Generating Plant
NPDES Permit No. FL0002283**

Dear Mr. Harris:

On August 27, 2010, Gulf Power received the Notice of Intent to Issue a Permit for the above-reference facility. As required by Section 403.815, Florida Statutes, and Rule 62-6110.106, Florida Administrative Code, Gulf Power has published the Notice of Intent. The Notice was published on August 31, 2010 in the legal ad section of a newspaper of general circulation in the County where this activity is to take place within 30 days of receipt of the Notice.

Gulf Power has attached the Proof of Publication to this letter for your reference.

Please feel free to contact Susan Kennedy at (850) 444-6153 of my staff if you have any questions or need any additional information

Sincerely,

James O. Vick
Environmental Affairs

Attachment

Cc: Bill Armstrong – FDEP, Pensacola

Cc (electronic): Chris Miller – Scholz Plant
Kenny Peacock – Scholz Plant
Jora Maxwell – Scholz Plant
Mike Markey – Gulf Power

Florida Freedom Newspapers, Inc.

PUBLISHERS OF THE NEWS HERALD
Panama City, Bay County, Florida
Published Daily

State of Florida County of Bay

Before the undersigned authority appeared Glenda Sullivan, who on oath says that she is Classified In-Column Manager of The News Herald, a daily newspaper published at Panama City, in Bay County, Florida; that the attached copy of advertisement, being a Legal Advertisement # 8749 in the matter of Notice Of Intent To Issue Permit - Gulf Power Company in the Bay County Court, was published in said newspaper in the issue of August 31, 2010

Affiant further says that The News Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as periodicals matter at the post office in Panama City, in said Bay County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or 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

State of Florida
County of Bay

Sworn and subscribed before me this 31th day of August, A.D., 2010, by Glenda Sullivan, Classified In-Column Manager of The News Herald, who is personally known to me or has produced N/A as identification.

Marie L. Forrest

Notary Public, State of Florida at Large



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8749

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue a renewal permit to Gulf Power Company, One Energy Place, Pensacola, Florida 32520 (DEP File N O FL0002283-004-IW1S) for operation of wastewater treatment and effluent disposal facilities for Units 1 and 2 of the Scholz Electric Generating Plant. The discharge consists of once-through non-contact cooling water and ash pond overflow, which are discharged to the Apalachicola River (Class III fresh waters). The facility is located at 1460 Gulf Power Road, Sneads, FL 32460, Jackson County.

The intent to issue and application file are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Tallahassee Office, 2600 Blair Stone Road, M.S. 3545, Tallahassee, Florida 32399-2400, at phone number (850)245-8589.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within fourteen days of receipt of notice. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under Rule 62-110.106(4), Florida Administrative Code, a person may request enlargement of the time for filing a petition for an administrative hearing. The request must be filed (received by the clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The 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 or request for an extension of time within fourteen days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as indicated in Rule 28-106.201, Florida Administrative Code:

(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 determination;

(c) A statement of when and how the petitioner received notice of the Department's decision;

(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 Department's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the Department to take with respect to the Department's proposed action.

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

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404, Florida Ad-

ministrative Code. The agreement must be received by the Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. As provided in Section 120.573, Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, for holding an administrative hearing and issuing a final order. 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 seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within fourteen days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57, Florida Statutes. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing of the administrative hearing processes under Sections 120.569 and 120.57, Florida Statutes, 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. August 31, 2010