



**Farzie Shelton, chE; REM**

Manager of Environmental Affairs

**RECEIVED**

**OCT 15 2002**

**BUREAU OF AIR REGULATION**

October 10, 2002

Mr. Scott M. Sheplak, P.E.; Administrator  
Department of Environmental Protection  
Division of Air Resources Management  
Title V Section  
Mail Station #5505  
Twin Towers Office Building  
2600 Blair Stone Road, Mail Station #5505  
Tallahassee, Florida 32399-2400

**Re: Charles Larsen Memorial Power Plant - Facility Identification Number 1050003  
Draft Title V Permit Renewal Permit Project No.: 1050003-011-AV - Public Notice Of Intent To  
Issue Title V Air Operation Permit**

Dear Mr. Sheplak:

We are in receipt of the draft Title V Operation Permit Renewal for Larsen Power Plant. Accordingly, on October 10, 2002 we published the Public Notice Of Intent in the Lakeland Ledger. Therefore, enclosed you will find the affidavit of publication as required under provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapter 62-4, 62-210 and 62-213.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Farzie Shelton

Enc.

**City of Lakeland • Department of Electric Utilities**

**501 East Lemon Street • Lakeland, FL 33801-5050 • (863) 834-6603 • Fax (863) 834-8187 • Message System 834-6592**

**farzie.shelton@lakelandgov.net**

# AFFIDAVIT OF PUBLICATION

## THE LEDGER

### Lakeland, Polk County, Florida

RECEIVED

Case No ..... OCT 15 2002

STATE OF FLORIDA) BUREAU OF AIR REGULATION  
COUNTY OF POLK)

Before the undersigned authority personally appeared Sandra Heath, who on oath says that she is the Assistant Classified Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Notice of Intent

Title V Air Operation Permit Renewal  
in the matter of.....

in the.....

Court, was published in said newspaper in the issues of.....  
10-10; 2002

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk 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.

Signed.....

Sandra Heath  
Assistant Classified Manager  
Who is personally known to me.

Attach Notice Here

#### PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL

Department of Environmental Protection

Title V Air Operation Permit Renewal  
DRAFT Project No. 1050003-011-AV

Lakeland Electric  
Polk County.

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to Lakeland Electric for the Charles Larsen Memorial Power Plant located at 2002 East Highway 92, Lakeland, Polk County. This is a renewal to Title V Air Operation Permit No. 1050003-004-AV. The applicant's name and address are: Lakeland Electric, Timothy Bates, Responsible Official, Lakeland Electric, 501 East Lemon Street, Lakeland, Florida 33801.

The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the DRAFT Permit 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 Permit 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, the permitting authority shall issue a Revised DRAFT Permit 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 14 (fourteen) days of publication of the public notice or within 14 (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 14 (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 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 28-106.205 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 petitioner 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(s) 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 renewal. Any petition shall be based only on objections to the permit renewal 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 the 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:

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

Department of Environmental Protection  
Southwest District Office  
3804 Coconut Palm Drive  
Tampa, Florida 33619  
Telephone: 813/744-6100  
Fax: 813/744-6458

The complete project file includes the DRAFT Permit, 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.

H179 - 10-10; 2002

Sworn to and subscribed before me this 10<sup>TH</sup> .....

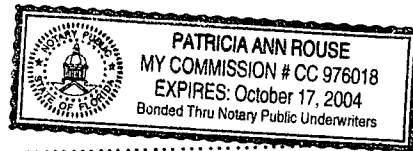
day of October A.D. 20 02 .....

*Patricia Ann Rouse*

Notary Public

**PATRICIA ANN ROUSE**

(Seal)



My Commission Expires.....

11123584

H179 Sue Trout