

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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OCT 09 2002

BUREAU OF AIR REGULATION

In the Matter of an  
Application for Permit by:

OGC CASE NO.: \_\_\_\_\_

FDEP Draft Permit No.: 1050003-011-AV

Lakeland, City of  
Larsen Memorial Power Plant  
Polk County, Florida

REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, the City of Lakeland ("Lakeland") hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 8, 2002, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Lakeland states the following:

1. On September 27, 2002, Lakeland received from the Department of Environmental Protection ("Department") an "Intent to Issue Title V Air Operation Permit Renewal" (Draft Permit No. 1050003-011-AV) for the Larsen Memorial Power Plant, located in Polk County, Florida. Along with the Intent to Issue, Lakeland received a Draft Title V Permit and "Public Notice of Intent to Issue Title V Air Operation Permit Renewal."

2. Based on Lakeland's review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.

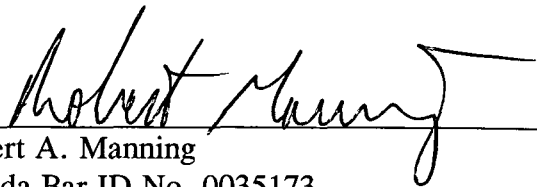
3. This request is filed simply as a protective measure to avoid waiver of Lakeland's right to challenge certain conditions contained in the Draft Title V Permit. Grant of this request

will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing. In the event all issues are resolved prior to November 8, 2002, Lakeland will withdraw this Request.

WHEREFORE, Lakeland respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Permit for Permit No. 1050003-011-AV be formally extended to and including November 8, 2002.

RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of October, 2002.

By: \_\_\_\_\_



Robert A. Manning  
Florida Bar ID No. 0035173  
Hopping Green & Sams, P.A.  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, Florida 32314  
(850) 222-7500  
(850) 224-8551 Facsimile

Attorneys for CITY OF LAKELAND

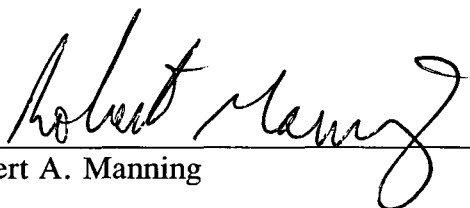
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to  
the following by U.S. Mail this 8<sup>th</sup> day of October, 2002:

Scott Sheplak, P.E. Administrator  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road, MS 5505  
Tallahassee, FL 32399-2400

W. Douglas Beason  
Office of the General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd., Room 353-A  
Tallahassee, FL 32399-2600

10/10/02 cc: Ed Svec  
Scott Sheplak

  
Robert A. Manning

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CITY OF LAKE LAND  
(Larsen Memorial Power Plant),

Petitioner,

v.

OGC Case #02-1721  
DEP File #1050003-011-AV

DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER DENYING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING**

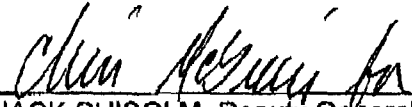
This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner City of Lakeland to grant an extension of time to file a petition for administrative proceeding regarding the "Intent to Issue Title V Air Operation Permit Renewal" for the Larsen Memorial Plant located in Polk County, Florida. Because the request fails to show good cause for the extension of time,

**IT IS ORDERED:**

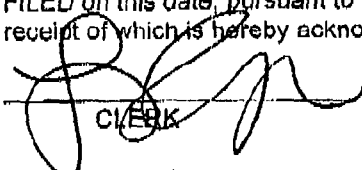
The request for an extension of time to file a petition for administrative proceeding is DENIED. Petitioner shall have ten (10) days from the date set forth in the certificate of service on the last page of this order to file a petition in this matter. The petition must be filed (received) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE and ORDERED this 22<sup>ND</sup> day of October, 2002, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard, M.S. 35  
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to S. 120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
CLERK

10/22/02  
\_\_\_\_\_  
DATE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished  
via    U. S. Mail ☒ facsimile ☒ ONLY, this 22<sup>nd</sup> day of October, 2002, to:

Robert A. Manning  
HOPPING GREEN SAMS  
& SMITH  
123 S. Calhoun Street  
Tallahassee, FL 32301

facsimile: 224-8551

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**



W. DOUGLAS BEASON, Asst. General Counsel  
3900 Commonwealth Boulevard, MS #35  
Tallahassee, Florida 32399-3000  
Telephone (850) 425-2242  
Facsimile (850) 425-2302

with an internal copy to:  
Scott Sheplak, DEP  
Air Resources Management

facsimile: 922-8979



**MICHAEL S. CRAIG**  
ASSISTANT CITY ATTORNEY  
228 S. Massachusetts Avenue  
Lakeland, Florida 33801  
BUS: (863) 834-6010  
FAX: (863) 834-8204  
e-mail: michael.craig@lakelandgov.net

-file-

November 13, 2002

VIA Facsimile 850-245-2302

**RECEIVED**

NOV 13 2002

Doug Beason, Esquire  
Office of General Counsel  
Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

BUREAU OF AIR REGULATION

RE: City of Lakeland v Department of Environmental Protection  
FDEP Draft Permit No. 1050003-011-AV

Dear Mr. Beason:

Please be advised that the City of Lakeland, Florida, hereby withdraws its Petition for Administrative Hearing filed on November 1, 2002. If anything further is needed, please do not hesitate to call.

Sincerely,

  
Michael S. Craig  
Assistant City Attorney

MSC/aw

xc: Scott Sheplack



Farzie Shelton, chE; REM

Manager of Environmental Affairs

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OCT 15 2002

October 14, 2002

BUREAU OF AIR REGULATION

Scott Sheplak, P.E. Administrator  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road, MS 5505  
Tallahassee, FL 32399-2400

**Re: Comments on Draft Permit Renewal No. 1050003-011-AV  
City of Lakeland's Charles Larsen Memorial Power Plant**

Dear Mr. Sheplak:

On October 10, 2002 Lakeland Electric (Lakeland) submitted a comment in reference to the above as follows:

**Permitting Notes regarding heat input rates.** Lakeland requests the replacement of the permitting notes with a specific condition at the end of specific conditions A.1, B.1, C.1, and D.1 with the following language to be added at the end of these actual conditions. Based on discussions between the Florida Electric Power Coordinating Group and the Department, we understand that this concept is necessary to clarify these conditions. The following language is intended to be substantively the same as the existing permitting notes.

This heat input rate has been placed in this permit to identify the capacity of this unit during testing, to confirm that testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load). See Condition A.21 [or B.21, C.13, or D.36]. This rate is not a limit and therefore regular record keeping is not required. Instead the owner or operator is expected to determine the heat input rate whenever stack emission testing is required, to demonstrate at what percentage of the rated capacity that the unit is tested. Rule 62-297.310(5), F.A.C., included in this permit, requires measurement of the process variables for emission tests. Such heat input determination may be based on measurements of fuel consumption by various methods including but not limited to fuel flow metering or tank drop measurements, using the heat value of the fuel determined by the fuel vendor or the owner or operator, to calculate the average hourly heat input during the test.

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

Scott Sheplak, P.E. Administrator  
Bureau of Air Regulation

October 14, 2002

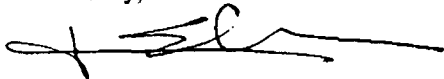
Page 2 of 2

In further examination of the draft permit and our application, we have noticed certain conditions that would need to be modified in this draft permit. Therefore, today we are writing to request an addendum to our letter of October 10, 2002 to include the following:

Permit page or Condition	Comments or request from Title V application
Placard page	Change Expiration date to <b>December 31, 2007</b>
5	Change DEP SWD fax number to 813/744- <b>6458</b>
A.11	Insert: ...resulting from ' <b>startup, shutdown or</b> ' malfunction shall be...
B.11	Insert: ...resulting from ' <b>startup, shutdown or</b> ' malfunction shall be...
D.4	Request from application to also include <b>105 lb/hr</b>
D.5	Request from application to also include <b>176 lb/hr</b>
D.6	Request from application to also include <b>0.0019 lb/MMBtu</b>
D.7	Request from application to also include <b>211 lb/hr</b>
D.10	Request from application to also include <b>1.73E-4 lb/MMBtu</b>
D.11	Request from application to also include <b>0.006 lb/MMBtu</b>
D.13	Request from application to also include <b>0.0018 lb/MMBtu</b> for natural gas and <b>0.0045 lb/MMBtu</b> for oil
D.15 – D.17	Application did not include <b>mercury, lead, or beryllium</b> . Golder (Ken Kosky) was going to speak to Al Linero regarding the removal of these pollutants from the Title V permit.
D.27 & D.28	Request from application to also include <b>EPA Method 7E</b> (annual testing)

Your cooperation in this matter is much appreciated. Please call me if you should have any questions.

Sincerely,



Farzie Shelton

City of Lakeland • Department of Electric Utilities

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