

# Department of Environmental Protection

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

David B. Struhs Secretary

October 31, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ronald W. Tomlin Assistant Managing Director Lakeland Electric and Water Utilities Department 501 East Lemon Street Lakeland, Florida 33801-5079

Re: DEP File No. 1050004-013-AC (PSD-FL-245)

250 Megawatt Combustion Turbine

Dear Mr. Tomlin:

Enclosed is one copy of the Draft Air Construction Permit Modification at the C. D. McIntosh, Jr Power Plant located at 3030 East Lake Parker Drive, Lakeland, Polk County. The Department's Intent to Issue Air Construction Permit Modification and the "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" are also included.

The "PUBLIC NOTICE" must be published one time only as soon as possible in a newspaper of general circulation in the area affected, pursuant to Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please call Ms. Teresa Heron at 850/921-9529 or Mr. Linero at 850/921-9523.

Sincerely,

C. H. Fancy, P.E., Chief,

Bureau of Air Regulation

CHF/th

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A Received by (Please Print Clearly)  B. Date of Delivery  C. Signature  Agent  Addressee  D. Is delivery address different from item 1?		
Article Addressed to:	If YES, enter delivery address below:   No		
Ms. Farzie Shelton Manager Environmental Affairs City of Lakeland Electric & Water Utilities 501 East Lemon Street Lakeland, FL 33801-5079	3. Service Type  3. Certified Mail		
	4. Restricted Delivery? (Extra Fee) ☐ Yes		
2. Article Number (Copy from service label) 7000 2870 0000 7028 2775			
PS Form 3811, July 1999 Domestic Re	eturn Receipt 102595-99-M-1789		
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501 East Lemon Street Lakeland, FL 33801-5079	3. Service Type			
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In the Matter of an Application for Permit Modification by:

Ms. Farzie Shelton, Manager Environmental Affairs City of Lakeland Electric & Water Utilities 501 East Lemon Street Lakeland, Florida 33801-5079 DEP File No. 1050004-013-AC Permit No. PSD-FL-245 C.D. McIntosh, Jr. Power Plant, Unit No. 5 Polk County

## INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification (copy of DRAFT permit modification attached) for the proposed project, detailed in the application specified above for the reasons stated below.

The applicant, City of Lakeland Electric & Water Utilities, applied on July 20, 2001 to the Department for an air construction permit modification to temporarily allow excess nitrogen oxides emissions period during the conversion of the simple cycle combustion turbine (Unit 5) to combined cycle mode at the C.D. McIntosh, Jr. Power Plant, located at 3030 East Lake Parker Drive, Lakeland, Polk County.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit modification is required to allow the excess emissions from the described work. The Department intends to issue this air construction permit modification based on the belief that the applicant has provided reasonable assurances to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Construction Permit Modification. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114 / Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit modification. Failure to publish the notice and provide proof of publication may result in the denial of the permit modification pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final permit modification 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 and requests for public meetings concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of Public Notice of Intent to Issue Air Construction Permit Modification. Written comments and requests for public meetings 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 for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit modification and require, if applicable, another Public Notice.

The Department will issue the permit modification 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.

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 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 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 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 28-106.301.

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

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Mediation is not available in this proceeding. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

DEP File No. 1050004-013-AC Page 3 of 3

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.

C. H. Fancy, P.E., Chief Bureau of Air Regulation

### **CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION (including the PUBLIC NOTICE and the DRAFT permit modification) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on \_/0/31/01 to the person(s) listed:

Farzie Shelton, City of Lakeland\*
Brian Beals, EPA
John Bunyak, NPS
Thomas, SWD
Buck Oven, DEP
Jeff Spence, Polk County ESD, Polk County

Clerk Stamp

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

Lictoria Tibson 10/31/01

### PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

# STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 1050004-013-AC (PSD-FL-245)

City of Lakeland Electric and Water Utilities Department C.D. McIntosh, Jr. Power Plant - Unit No. 5
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to The City of Lakeland Electric & Water Utilities Department. The modification is to temporarily allow excess nitrogen oxides emissions period during the conversion of the simple cycle combustion turbine (Unit 5) to combined cycle mode at the C.D. McIntosh, Jr. Power Plant located at 3030 East Lake Parker Drive, Lakeland, Polk County. A Best Available Control Technology (BACT) determination was not required pursuant to Rules 62-212.400 and 410, F.A.C. and 40 CFR 52.21. The applicant's name and address are The City of Lakeland Electric and Water Utilities Department, 501 East Lemon Street, Lakeland, Florida 33801-5079.

The nominal 250 megawatt (MW) simple cycle combustion turbine-electrical generator was commissioned in 1999. It was tested for initial compliance while firing natural gas and then operated in simple cycle mode. The unit achieves a nitrogen oxides ( $NO_x$ ) limit of 25 parts per million by volume, dry, at 15 percent oxygen (ppmvd).

The previously noticed and approved conversion to combined cycle is nearing completion. Under this phase, the hot exhaust gases will be recovered in a waste heat boiler that will raise sufficient steam to produce another 100 MW, thus increasing the capacity of the unit to 350 MW (nominal). The previously permitted  $NO_X$  emissions will be 7.5 ppmvd, to be achieved by selective catalytic reduction (SCR).

During the integration phase of the steam cycle, there will be times when it will be necessary to steam clean ("steam blows") the piping system for the waste heat boiler of dirt and debris accumulated during construction. This steam will be vented rather than used to make electricity. Emissions during steam blows will be higher than presently allowed by the simple cycle or combined cycle permits because the burners will not operate in full lean premixed mode at low load.

Although greater nitrogen oxides emissions are expected during the steam blows, concentrations will not exceed the  $NO_X$  limit of 40 CFR, Subpart GG of approximately 110 ppmvd at 15 %  $O_2$  for efficient large frame units. Steam blows will occur intermittently during a period of 60 days (tentatively during November – January 2002). It is estimated that the total duration of low load operation will not exceed several hundred hours. An upper limit of 1440 hours of excess emissions will be permitted by this action. Excess emissions due to "steam blows" will be allowed until February 29, 2002.

The Department will issue the FINAL permit modification 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 fourteen (14) days from the date of publication of "Public Notice of Intent to Issue Air Construction Permit Modification." Written comments and requests for a public meeting 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 for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit modification and require, if applicable, another Public Notice.

The Department will issue the permit modification 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 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'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 the ultimate facts alleged, as well as the rules and statutes which entitle the 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 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 28-106.301

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 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:

Florida 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 Florida Department of Environmental Protection Southwest District Office 3804 Coconut Drive Tampa, Florida 33619-8218 Telephone: (813)744-6100 Fax: (813)744-6084 City of Lakeland Electric and Water Utilities Attention: Ms. Farzie Shelton 501 East Lemon Street Lakeland, Florida 33801-5079 Telephone: (941)499-6603 Fax: (941)603-6335

The complete project file includes the application, technical evaluations, Draft Permit Modification, 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 Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

#### November XX, 2001

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Farzie Sheton, Manager Environmental Affairs City of Lakeland Department of Electric Utilities 501 East Lemon Street Lakeland, Florida 33801-5079

Re: DEP File No. 1050004-013-AC (PSD-FL-245) McIntosh Unit No. 5 Combustion Turbine

Dear Ms. Shelton:

We received your letters dated July 20 and October 11 requesting a period of excess emissions during steam blows associated with the commissioning of the combined cycle phase of McIntosh Unit 5. We understand that the "steam blows" are an unavoidable part of commissioning of the combined cycle phase. Performing them at low load will minimize wastage of water and reduce exhaust. However concentrations of the regulated pollutants will increase in the exhaust.

The PSD/Air Construction is hereby modified as follows:

## **NEW SPECIFIC CONDITION No. 47**

Commissioning of the Combined Cycle Phase: The following excess emissions periods are applicable only at the end of construction and shall not exceed a total of 60 days (1440 hours):

• Emissions of CO, VOC, PM and NO<sub>x</sub> from the combustion turbines (CTs), in excess of the BACT limit established in Specific Conditions 20-25, resulting from steam blow activities associated with bringing the heat recovery steam generator into operation shall be permitted provided that best operational practices are adhered to and that the Subpart GG NSPS NOx limit of 75 ppmvd @15% O<sub>2</sub> (110 ppmvd adjusted for efficiency) is not exceeded. The period during which such excess emissions are authorized shall occur prior to February 29, 2002 and shall not exceed a total of 60 days (1440 hours). The applicant shall record the periods of startup for each operating mode. Excess emissions during the periods of startup shall be reported to the FDEP Central District office within 30 days. {Applicant Request}

Please note that regardless of the time it takes to convert the unit to combined cycle, the permit requires that the unit meet the NO<sub>x</sub> limitation of 7.5 ppmvd under combined cycle operation by selective catalytic reduction (9 ppmvd if achieved by Dry Low NO<sub>x</sub> or hot SCR technology) by May 1, 2002.

Ms. Farzie Shelton Page 2 of 2 November XX, 2001

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Howard L. Rhodes, Director Division of Air Resources Management

# **CERTIFICATE OF SERVICE**

The undersigned duly designated deputy	agency clerk hereby certifie	s that this PERMIT	
MODIFICATION was sent by certified mail	(*) and copies were mailed	by U.S. Mail before the	
close of business onto the	person(s) listed:		
Farzie Shelton, City of Lakeland*			
Gregg Worley, EPA			
John Bunyak, NPS			
Bill Thomas, DEP SWD			
Jeff Spence, Polk County, ESD			
Hamilton Oven, DEP PPSO			
	Clerk Stamp		
	on this date, pursuant to §	NOWLEDGMENT FILED, at to §120.52, Florida Statutes, Department Clerk, receipt of nowledged.	
	(Clerk)	(Date)	