



Farzie Shelton, chE; REM
Manager of Environmental Affairs

February 23, 2006

Ms. Trina Vielhauer, Chief
Bureau of Air Regulation
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RECEIVED
FEB 24 2006
BUREAU OF AIR REGULATION

Attention: Mr. Mike Halpin P.E.

**RE: DEP File No. PSD-FL-008 (PA 74-06)
Lakeland McIntosh Unit No. 3 FGD Modifications**

Dear Ms. Vielhauer:

We are in receipt of the Department's Draft Air Construction Permit for the above referenced Unit. As per requirement of Chapter 50, Florida Statutes, we published the Public Notice of Intent in the Lakeland Ledger on Thursday February 23, 2006. Therefore, enclosed please find proof of publication.

Additionally, we have reviewed the draft permit and have the following comments and request changes to this draft permit. We feel these changes to the permit would not change the emissions and therefore, do not change any of the information in the Public Notice.

1. Condition 3 - Lakeland is requesting a 45 days after placing Unit 3 on line (after the FGD modifications are completed) to perform stack testing instead of 30 days. The requested 45 days would enable Lakeland to address all the startup issues following the change so that stack testing can be performed and the results should be more representative of normal operation.

We appreciate if you would expedite the final permit and as always, your cooperation in this matter is greatly appreciated. If you should have any questions, please do not hesitate to call me.

Sincerely,

Farzie Shelton

Enclosures

cc: Ken Kosky P.E.

Page 1 of 1

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@lakelandelectric.com

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

Case No's:

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Maria Iamucci, who on oath says that she is Telephone Sales Supervisor of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Notice of Intent to Issue Air Construction Permit

in the matter of Dep File No. PSD-FL-008 (PA 74-06)

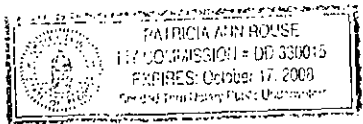
Concerning Polk County, C.D McIntosh, Jr. Power Plant-Unit No. 3

was published in said newspaper in the issues of 2-23; 2006

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..... Maria Iamucci
Maria Iamucci
Telephone Sales Supervisor
Who is personally known to me.

Sworn to and subscribed before me this 23rd
day of February A.D. 20 06
Patricia Ann Rouse
Notary Public



(Seal)

My Commission Expires.....

P604

Attach Ad Here

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEP File No. PSD-FL-008 (PA 74-06)

Lakeland Utilities
C.D. McIntosh, Jr. Power Plant - Unit No. 3
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit to Lakeland Utilities for the McIntosh Unit 3 Flue Gas Desulfurization (FGD) system. The facility is located at 3030 East Lake Park Drive, Lakeland, Polk County. The permit is to allow for the conversion of the existing FGD system to forced oxidation, thereby increasing the production of reusable gypsum byproduct. No significant air emissions increase will occur as a result of this permit. The applicant's mailing address is: Lakeland Utilities, 501 East Lemon Street, Lakeland, FL 33801.

An air quality impact analysis was not conducted or required. 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 #505, 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 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 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.

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:

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| Florida Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida, 32301 Telephone: (850) 488-1344 Fax: (850) 922-6979 | Florida Department of Environmental Protection Southwest District Office 13051 N. Telecom Parkway Temple Terrace, Florida 33637-0726 Telephone: (813) 632-7600 Fax: (813) 632-7668 | Lakeland Utilities Attention: Ms. Forzie Shelton 501 East Lemon Street Lakeland, Florida 33801-5079 Telephone: (863) 834-6603 Fax: (863) 834-8187 |
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The complete project file includes the application, 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.

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REC'D
FEB 23 2006
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