



Florida Department of
Environmental Protection

Memorandum

To: Trina Vielhauer, Bureau of Air Regulation
Through: Jeff Koerner, New Source Review Section 
From: Susan DeVore, New Source Review Section 
Date: August 27, 2009
Subject: Air Permit No. 1050004-025-AC
Extension of Air Permit No. 1050004-024-AC
City of Lakeland, C.D. McIntosh, Jr. Power Plant

The City of Lakeland requested an extension of the expiration date and modifications to air construction Permit No. 1050004-024-AC. Additional information was received on August 27, 2009, requesting only the extension of the expiration date. The City of Lakeland requests the additional time to complete the final design, commence construction and finish the project. Upon completion of the final design, the plant may later request modification of the air construction permit. I recommend your approval of the attached extension of air construction permit expiration date.

Attachments

TLV/jfk/csd



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

August 27, 2009

Sent by Electronic Mail – Received Receipt Requested

Mr. Timothy Bachand, P.E., Manager of Engineering
City of Lakeland, Department of Electric Utilities
3030 East Lake Parker Drive
Lakeland, Florida 33805

Re: Extension of Air Construction Permit Expiration Date
City of Lakeland, C.D. McIntosh, Jr. Power Plant
Project No. 1050004-025-AC
Extension of Original Air Permit No. 1050004-024-AC

Dear Mr. Bachand:

On June 22, 2009, the City of Lakeland requested an extension of the expiration date and modifications to air construction Permit No. 1050004-024-AC for the C.D. McIntosh, Jr. Power Plant located in Polk County at 3030 East Lake Parker Drive in Lakeland, Florida. Additional information was received on August 27, 2009, requesting only the extension of the expiration date at this time. The City of Lakeland requests the additional time to complete the final design, commence construction and finish the project. Upon completion of the final design, the plant may later request modification of the air construction permit. Based on the circumstances and information provided, the Department approves this request.

Permitting Authority: Applications for air construction permits are subject to review in accordance with 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 proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Determination: The expiration date is hereby extended from **October 1, 2009** to **December 31, 2011**. This permitting action does not authorize any new construction. 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.

Petitions: 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, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions must be filed within 14 days of receipt of this permit extension. 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

EXTENSION OF AIR CONSTRUCTION PERMIT EXPIRATION DATE

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 (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, 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; 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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (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 including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 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 written notice. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Department.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., 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 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief
Bureau of Air Regulation

EXTENSION OF AIR CONSTRUCTION PERMIT EXPIRATION DATE

TLV/jfk/scd

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Extension of Air Construction Permit Expiration Date was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on

8/27/09 to the persons listed below.

- Mr. Timothy Bachand, Lakeland Electric (timothy.bachand@lakelandelectric.com)
- Ms. Farzie Shelton, Lakeland Electric (farzie.shelton@lakelandelectric.com)
- Mr. Bret Galbraith, Lakeland Electric (bret.galbraith@lakelandelectric.com)
- Ms. Cindy Zhang-Torres, DEP SW District (cindy.zhang-torres@dep.state.fl.us)
- Mr. Mike Halpin, DEP Siting Office (mike.halpin@dep.state.fl.us)
- Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
- Ms. Heather Abrams, EPA Region 4 (abrams.heather@epa.gov)
- Ms. Ana M. Oquendo, EPA Region 4 (oquendo.ana@epa.gov)
- Ms. Vickie Gibson, DEP BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.



(Clerk)

8/27/09
(Date)

Livingston, Sylvania

From: Livingston, Sylvania
Sent: Thursday, August 27, 2009 5:06 PM
To: 'timothy.bachand@lakelandelectric.com'
Cc: 'farzie.shelton@lakelandelectric.com'; 'bret.galbraith@lakelandelectric.com'; Halpin, Mike; 'Zhang-Torres@dep.state.fl.us'; 'abrams.heather@epamail.epa.gov'; 'forney.kathleen@epamail.epa.gov'; 'oquendo.ana@epa.gov'; Gibson, Victoria; DeVore, Susan; Walker, Elizabeth (AIR)
Subject: C.D. MCINTOSH, JR. POWER PLANT; 1050004-025-AC
Attachments: 1050004-025-AC_Extension.pdf

Dear Sir/ Madam:

Attached is the official **Notice of Final Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send".

Note: We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

Click on the following link to access the permit project documents:

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1050004.025.AC.F_pdf.zip

Owner/Company Name: LAKELAND ELECTRIC
Facility Name: C.D. MCINTOSH, JR. POWER PLANT
Project Number: 1050004-025-AC
Permit Status: FINAL
Permit Activity: CONSTRUCTION
Facility County: POLK
Processor: Susan Devore

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "*Air Permit Documents Search*" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

Permit project documents addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

Livingston, Sylvia

From: Galbraith, Bret [Bret.Galbraith@lakelandelectric.com]
Sent: Friday, August 28, 2009 7:08 AM
To: Livingston, Sylvia
Subject: RE: C.D. MCINTOSH, JR. POWER PLANT; 1050004-025-AC

Good morning Sylvia,

I am able to open the attachment and access the documents. Thank you.

Bret Galbraith, E.I.

Environmental Permitting

Lakeland Electric

501 E. Lemon St.

Lakeland, FL 33801

Mail Code: LE-ENVIR

office: (863) 834-8180

cell: (813) 351-0149

fax: (863) 834-8187

Bret.Galbraith@lakelandelectric.com

From: Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]

Sent: Thursday, August 27, 2009 5:06 PM

To: Bachand, Timothy

Cc: Shelton, Farzie; Galbraith, Bret; Halpin, Mike; Zhang-Torres@dep.state.fl.us; abrams.heather@epamail.epa.gov; forney.kathleen@epamail.epa.gov; oquendo.ana@epa.gov; Gibson, Victoria; DeVore, Susan; Walker, Elizabeth (AIR)

Subject: C.D. MCINTOSH, JR. POWER PLANT; 1050004-025-AC

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http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1050004.025.AC.F_pdf.zip

Owner/Company Name: LAKELAND ELECTRIC

Facility Name: C.D. MCINTOSH, JR. POWER PLANT

Project Number: 1050004-025-AC

Permit Status: FINAL

Permit Activity: CONSTRUCTION

Facility County: POLK

Processor: Susan Devore

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Livingston, Sylvania

From: Galbraith, Bret [Bret.Galbraith@lakelandelectric.com]
Sent: Thursday, October 01, 2009 7:23 AM
To: Bachand, Timothy
Cc: Livingston, Sylvania
Subject: FW: C.D. MCINTOSH, JR. POWER PLANT; 1050004-025-AC
Attachments: 1050004-025-AC_Extension.pdf

Good morning Tim,

I have attached the final permit extension for the C.D., McIntosh, Jr. Power Plant coal yard improvements. I believe we have discussed the extension granted from Dec. 2009 to Dec. 2011 in the past. I am merely sending this so FDEP has a notice for their files. There haven't been any changes since August and there's no need to contact me unless you have any questions. Thank you.

Bret Galbraith, E.I.

Environmental Permitting

Lakeland Electric

501 E. Lemon St.

Lakeland, FL 33801

Mail Code: LE-ENVIR

office: (863) 834-8180

cell: (813) 351-0149

fax: (863) 834-8187

Bret.Galbraith@lakelandelectric.com

From: Livingston, Sylvania [mailto:Sylvia.Livingston@dep.state.fl.us]
Sent: Wednesday, September 30, 2009 11:14 AM
To: Galbraith, Bret
Subject: RE: C.D. MCINTOSH, JR. POWER PLANT; 1050004-025-AC

Hi Mr. Galbraith,

I've sent two e-mail's to Mr. Timothy Bachand and received no response. Do you happen to know if he received these documents?

Sylvia Livingston
Bureau of Air Regulation
Division of Air Resource Management (DARM)
850/921-9506
sylvia.livingston@dep.state.fl.us

From: Galbraith, Bret [mailto:Bret.Galbraith@lakelandelectric.com]
Sent: Friday, August 28, 2009 7:08 AM
To: Livingston, Sylvania
Subject: RE: C.D. MCINTOSH, JR. POWER PLANT; 1050004-025-AC

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Bret Galbraith, E.I.

Environmental Permitting

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Bret.Galbraith@lakelandelectric.com

From: Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]
Sent: Thursday, August 27, 2009 5:06 PM
To: Bachand, Timothy
Cc: Shelton, Farzie; Galbraith, Bret; Halpin, Mike; Zhang-Torres@dep.state.fl.us; abrams.heather@epamail.epa.gov; forney.kathleen@epamail.epa.gov; oquendo.ana@epa.gov; Gibson, Victoria; DeVore, Susan; Walker, Elizabeth (AIR)
Subject: C.D. MCINTOSH, JR. POWER PLANT; 1050004-025-AC

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Owner/Company Name: LAKELAND ELECTRIC
Facility Name: C.D. MCINTOSH, JR. POWER PLANT
Project Number: 1050004-025-AC
Permit Status: FINAL
Permit Activity: CONSTRUCTION
Facility County: POLK
Processor: Susan Devore

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Sylvia Livingston
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