



Farzie Shelton, chE; REM

Manager of Environmental Affairs

June 10, 2002

Mr. C.H. Fancy, P.E.  
Chief Bureau of Air Regulation  
Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road, Mail Station #5505  
Tallahassee, Florida 32399-2400

RECEIVED

JUN 11 2002

BUREAU OF AIR REGULATION

Dear Mr. Fancy:

**Re: Draft Air Construction Permit, DEP File No. PSD-FL-245(PA -74-06)  
C. D. McIntosh Power Plant -Unit No. 5**

We are in receipt of your letter dated May 31, 2002 and copy of Draft PSD Permit Modification relative to the start-up emissions on the above referenced Unit. We thank you and your staff for processing our application expeditiously in an efficient manner. We have studied the content of the permit and are in the process of investigating the feasibility of installing an oxidation catalyst which could perform according to the requirements as specified in the draft permit. As you will appreciate this investigation will take some time, therefore, we are writing to request an extension of time of thirty (30) days beyond the deadline for our comments on this draft permit.

Additionally, pursuant to the requirements of Chapter 50, Florida Statutes, on June 6, 2002 the "Notice of Intent to Issue Air Construction Permit" was published in the Lakeland Ledger. Therefore, enclosed please find Affidavit of Publication confirming the publication of the Department's notice. If you should have any questions, please do not hesitate to contact me.

Sincerely,

Farzie Shelton

Enc.

Cc: Keith Hulbert  
*M. Halpin*  
*B. Owen*  
*G. Kissel, SWD* City of Lakeland • Department of Electric Utilities  
*G. Wadley, EPA*

# AFFIDAVIT OF PUBLICATION

## THE LEDGER

### Lakeland, Polk County, Florida

Case No .....

STATE OF FLORIDA)  
COUNTY OF POLK)

Before the undersigned authority personally appeared Ken Holtzinger, who on oath says that he is Classified Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a  
**Public Notice of Intent**

.....  
.....  
Dep file PSD-FL-245 (PA 74-06)

in the matter of.....

.....  
.....  
in the.....

.....  
.....  
Court, was published in said newspaper in the issues of.....  
6-6, 2002

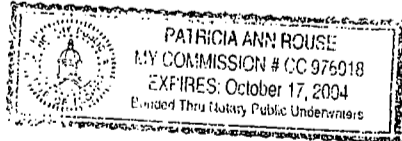
Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said 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: *Ken Holtzinger*  
Ken Holtzinger  
Classified Advertising Manager  
Who is personally known to me.

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

day of *June*..... A.D. 20 *02*

*Patricia Ann Rouse*  
Notary Public  
**PATRICIA ANN ROUSE**



(Seal)  
My Commission Expires.....

131578

G708 City of Lakeland Sue Trout

Attach Notice Here

**PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. PSD-FL-245 (PA 74-06)

Lakeland Utilities  
C.D. McIntosh, Jr. Power Plant - Unit No. 5  
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD Permit Modification to Lakeland Utilities, for the McIntosh Unit 5 combined Cycle Unit located at 3030 East Lake Parker Drive, Lakeland, Polk County. The permit is to revise the conditions relative to start-up emissions. This is a new, generating unit, which has commenced initial operation. The applicant's mailing address is: Lakeland Utilities, 501 East Lemon Street, Lakeland FL 33801.

This modification will revise the permit to require the use of a Selective Catalytic Reduction system for the control of NOx emissions, as well as an oxidation catalyst for the control of CO emissions. Alternate permit limits have been established for CO and VOC emissions, based upon a minimum 90% CO reduction efficiency of the oxidation catalyst. Lastly, alternative limits were established for NOx emissions during any calendar day in which a start-up, shutdown or fuel change occurs. Permit modifications and a variety of operating scenarios were envisioned by the original BACT analysis, as this combustion turbine represents a prototype installation. There are no other changes to the authorized emissions as a result of this modification.

An air quality impact analysis was not conducted. 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 PSD Permit Modification. Written comments 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 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 shall 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 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:

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 3804 Coconut Drive Tampa, Florida 33619-8218 Telephone: (813) 744-6100 Fax: (813) 744-6084	Lakeland Utilities Attention: Ms. Fartzle Shelton 501 East Lemon Street Lakeland, Florida 33801-5079 Telephone: (863) 834-6603 Fax: (863) 834-8187
--	--	---

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.

G708 - 6-6, 2002

