



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard
Jr.
Secretary

Sent by Electronic Mail – Received Receipt Requested

Farzie Shelton, Assistant General Manager
Lakeland Electric
501 East Lemon Street
Lakeland Florida 33801

Re: Extension of Air Construction Permit Expiration Date
Lakeland Electric, C.D. McIntosh Jr. Power Plant
Project No. 1050004-030-AC
Extension of Original Air Permit No. 1050004-025-AC

Dear Ms. Shelton:

On October 11, 2011, Lakeland Electric requested an extension of the expiration date of air construction Permit No. 1050004-025-AC for the C.D. McIntosh Jr. Power Plant located in Polk County at 3030 East Lake Parker Drive in Lakeland, Florida. Lakeland Electric requests the additional time in order to further evaluate and complete the final design and finalize construction of the coal yard modifications as applied for in the original construction permit referenced above. 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 Office of Permitting and Compliance 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 850/717-9000.

Determination: The expiration date is hereby extended from **December 31, 2011** to **December 31, 2013** to provide the necessary time to complete construction. This permitting action does not authorize any new construction that has not been approved in the original construction permit cited above. 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. 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 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.

EXTENSION FOR AIR CONSTRUCTION PERMIT

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.

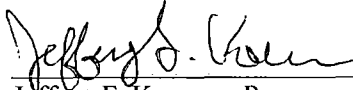
Mediation: Mediation is not available in this proceeding.

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.

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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



Jeffery F. Koerner, Program Administrator
Office of Permitting and Compliance
Division of Air Resource Management

10-25-11

(Date)

JFK/jkh/mjc

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 10-25-11 to the persons listed below.

Farzie Shelton, Lakeland Electric (farzie.shelton@lakelandelectric.com)

Tony Candales, RO for Lakeland Electric (tony.candales@lakelandelectric.com)

Cindy Zhang-Torres, DEP SW District (Cindy.Zhang-Torres@dep.state.fl.us)

Cindy Mulkey, DEP Siting Office (cindy.mulkey@dep.state.fl.us)

Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)

Heather Abrams, EPA Region 4 (abrams.heather@epa.gov)

Ana M. Oquendo, EPA Region 4 (oquendo.ana@epa.gov)

Barbara Friday, DEP - OPC: barbara friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)

Lynn Searce, DEP - OPC: lynn.searce@dep.state.fl.us (for reading file)

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)

October 25, 2011
(Date)

Scearce, Lynn

From: Shelton, Farzie [Farzie.Shelton@lakelandelectric.com]
Sent: Tuesday, October 25, 2011 12:07 PM
To: Scearce, Lynn
Subject: RE: 1050004-030-AC, McIntosh, Jr. Power Plant, Notice to Extend Expiration Date, Final

Thank you I am in receipt of this permit.

Farzie Shelton

Associate General Manager Technical Support
Lakeland Electric
501 E. Lemon Street
Lakeland, Florida 33801
863.834.6603
Cell: 863.430.8297

From: Scearce, Lynn [mailto:Lynn.Scearce@dep.state.fl.us]
Sent: Tuesday, October 25, 2011 9:39 AM
To: Shelton, Farzie
Cc: Candaes, Tony; Zhang-Torres; Mulkey, Cindy; forney.kathleen@epa.gov; abrams.heather@epa.gov; oquendo.ana@epa.gov; Costello, Martin; Holtom, Jonathan; Friday, Barbara; Scearce, Lynn
Subject: 1050004-030-AC, McIntosh, Jr. Power Plant, Notice to Extend Expiration Date, Final

Dear Ms. Shelton:

Attached is the official **Notice of Extension of AC Permit Expiration Date** 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).

Owner/Company Name: LAKELAND ELECTRIC
Facility Name: C.D. MCINTOSH, JR. POWER PLANT
Project Number: 1050004-030-AC
Permit Status: FINAL
Permit Activity: CONSTRUCTION
Facility County: POLK

Click on the following link to access the permit project documents:
http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/1050004.030.AC.F_pdf.zip

The Office of Permitting and Compliance 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/emission/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, Office of Permitting and Compliance.

Note: The attached document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <<http://www.adobe.com/products/acrobat/readstep.html>> .

Regards,

Lynn Searce

Office of Permitting and Compliance (OPC)

Division of Air Resources Management

850-717-9025

Please take a few minutes to share your comments on the service you received from the department by clicking on this link. [DEP Customer Survey](#).

PUBLIC RECORDS NOTICE:

All e-mail sent to and received from the City of Lakeland, Florida, including e-mail addresses and content, are subject to the provisions of the Florida Public Records Law, Florida Statute Chapter 119, and may be subject to disclosure.