



Farzie Shelton, chE; REM

Manager of Environmental Affairs

RECEIVED

OCT 20 2003

BUREAU OF AIR REGULATION

October 15, 2003

Mr. Scott M. Sheplak, P.E.; Administrator  
Department of Environmental Protection  
Division of Air Resources Management  
Title V Section  
Mail Station #5505  
Twin Towers Office Building  
2600 Blair Stone Road, Mail Station #5505  
Tallahassee, Florida 32399-2400

**Re: C. D. McIntosh Power Plant - Draft Title V Permit Renewal Permit Project No.: 1050004-016-AV  
Public Notice Of Intent To Issue Title V Air Operation Permit**

Dear Mr. Sheplak:

We are in receipt of the draft Title V Operation Permit Renewal for the McIntosh Power Plant. Accordingly, on October 15, 2003 we published the Public Notice Of Intent in the Lakeland Ledger. Therefore, enclosed you will find the affidavit of publication as required under provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapter 62-4, 62-210 and 62-213.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Farzie Shelton

Enc.

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

OCT 20 2003

BUREAU OF AIR REGULATION

Case No .....

STATE OF FLORIDA)  
COUNTY OF POLK)

Before the undersigned authority personally appeared Morgan Miller, 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

..... Notice of Intent to Issue Permit .....

in the matter of ..... Draft Permit No. 1050004-016-AV .....

in the .....

Court, was published in said newspaper in the issues of .....

..... 10-15, 2003 .....

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.

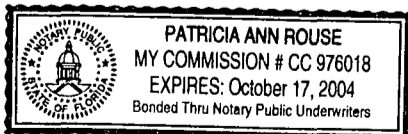
Signed .....

*Morgan Miller*  
Morgan Miller  
Classified Advertising Manager  
Who is personally known to me.

Sworn to and subscribed before me this 15<sup>TH</sup> .....

day of October A.D. 20 03 .....

*Patricia Ann Rouse*  
Notary Public



(Seal)

My Commission Expires Oct. 17, 2004 .....

J466 City of Lakeland - Electric - Sue Trout

Attach Notice Here

#### PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL

Department of Environmental Protection

Title V Air Operation Permit Renewal  
DRAFT Permit No.: 1050004-016-AV

Lakeland Electric  
C.D. McIntosh, Jr. Power Plant  
Polk County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to Lakeland Electric for the C.D. McIntosh, Jr. Power Plant located at 3030 East Lake Parker Drive, Lakeland, Polk County. The applicant's name and address are: Lakeland Electric, 501 East Lemon Street, Lakeland, Florida 33801-5079.

The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

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 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60 (3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority 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 applicable 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 (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; 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 rights will be affected by the agency determination;

(c) A statement of how and when the 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 state;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle 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 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 notice of intent. 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 is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661e(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

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:

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

Department of Environmental Protection  
Southwest District Office  
3804 Coconut Palm Drive  
Tampa, Florida 33619-8218  
Telephone: 813/744-6100  
Fax: 813/744-6084

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.

J466 - 10-15, 2003

**CERTIFIED MAIL**

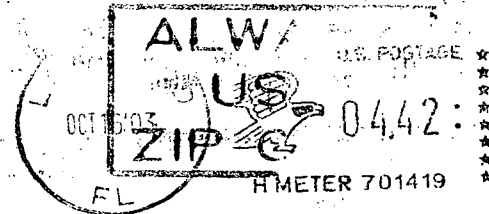


501 E. Lemon St. ♦ Lakeland, Florida 33801

ADDRESS SERVICE REQUESTED



7002 0510 0000 7808 8038



Scott Sheplak, P.E.  
Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

