

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

June 23, 1997

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

**RECEIVED**  
JUN 25 1997  
BUREAU OF  
AIR REGULATION

Dear Mr. Fancy:

**Re: City of Lakeland C.D. McIntosh, Jr. Power Plant - Public Notice of Intent to Issue Title V Air Operation Permit - Permit No: 1050003-003-AV**

We are in receipt of your letter dated June 3, 1997 and attached Proposed Title V Draft Permit, Intent to Issue, Public Notice of Intent to Issue Permit for the above referenced facility.

Pursuant to Section 403.815 and 403.0872, Florida Statutes and Rules 62-103.150 and 62-210.350(3), F.A.C., on June 18, 1997 we published the Public Notice of Intent to Issue Title V Air Operation Permit - Permit No: 1050003-003-AV. Therefore, enclosed please find Affidavit of Publication confirming publication of this notice.

If you should have any questions, please do not hesitate to contact me at (941) 499-6603.

Sincerely



Farzie Shelton  
Environmental Division

Enclosure

6/26/97 cc: Ed Svec

# AFFIDAVIT OF PUBLICATION

## THE LEDGER Lakeland, Polk County, Florida

Case No .....

STATE OF FLORIDA)  
COUNTY OF POLK )

Before the undersigned authority personally appeared Nelson Kirkland, 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

in the matter of .....

Title V Draft Permit No. 1060004-003-AV

in the .....

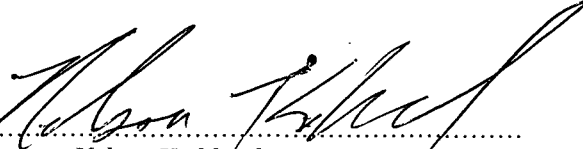
Court, was published in said newspaper in the issues of .....

June 18;

1997

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



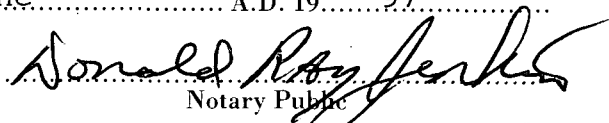
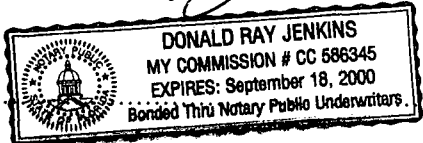
Nelson Kirkland  
Classified Advertising Manager  
By Nelson Kirkland who is  
personally known to me

18th

Sworn to and subscribed before me this .....

day of June A.D. 19 97

(Seal)

  
Notary Public

My Commission Expires .....

Order#632190  
S Jones

A379

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

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Title V DRAFT Permit No.: 1060004-003-AV  
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 to Lakeland Electric & Water Utilities for the C. D. McIntosh, Jr. Power Plant located at 3030 East Lake Parker Drive, Lakeland, Polk County. A case-by-case Maximum Achievable Control Technology (MACT) determination was not required in this permitting action. The applicant's name and address are: Lakeland Electric & Water Utilities, 501 East Lemon Street, Lakeland, Florida 33801-5079.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V 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 Title V 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 #5605, 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.

The permitting authority will issue the permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.), or a party requests mediation as an alternative remedy under Section 120.573, F.S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

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 (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 904/488-9730; Fax: 904/487-4938). Petitions must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the notice of intent, whichever occurs first. A petitioner must 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 (or a request for mediation, as discussed below) 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 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number, and the county in which the project is proposed;
- A statement of how and when each petitioner received notice of the permitting authority's action or proposed action;
- A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;
- A statement of the material facts disputed by the petitioner, if any;
- A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;
- A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority's action or proposed action; and
- A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the permitting authority to take with respect to the action or proposed action addressed in this notice of intent.

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.

A person whose substantial interests are affected by the permitting authority's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department of Environmental Protection a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, FL 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information:

- The name, address, and telephone number of the person requesting mediation and that person's representative, if any;
  - A statement of the preliminary agency action;
  - A statement of the relief sought; and
  - Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.
- The agreement to mediate must include the following:
- The names, addresses, and telephone numbers of any persons who may attend the mediation;
  - The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
  - The agreed allocation of the costs and fees associated with the mediation;
  - The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
  - The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
  - The name of each party's representative who shall have authority to settle or recommend settlement; and
  - The signatures of all parties or their authorized representatives.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for requesting and holding an administrative hearing, unless otherwise agreed by the parties, the mediation must be concluded within 60 (sixty) days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department of Environmental Protection must enter an order incorporating the agreement of the parties in accordance with the provisions of Section 403.0872(7), F.S. If mediation terminates without settlement of the dispute, the permitting authority shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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 7661d(b)(2) and must be filed with the Administrator of the EPA at 410 M. Street, SW, 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:

Permitting Authority:  
Department of Environmental Protection  
Bureau of Air Regulation  
111 South Magnolia Drive, Suite 4  
Tallahassee, Florida 32301  
Telephone: 904/488-1344  
Fax: 904/922-6979

Affected District/Local Program:  
Florida Department of Environmental Protection  
Southwest District Office  
8407 Laurel Fair Circle  
Tampa, Florida 33619  
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 904/488-134, for additional information.

A379 - 6-18; 1997