



Farzie Shelton, chE; REM

Manager of Environmental Affairs

CERTIFIED MAIL

March 10, 2003

Ms. Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

**RE: Draft Title V Permit No. 1050004-015-AV
C.D. McIntosh Jr. Power Plant**

Dear Ms. Vielhauer:

We are in receipt of your letter dated February 24, 2003 and attached Draft Title V Air Operation Permit and revisions, and Public Notice of Intent to Issue Title V Air Operation Permit Revision for the above referenced facility.

In accordance to DEP Rule 62-110.106(5), F.A.C., on March 6, 2003, we published the "Notice of Intent to Issue Title V Air Operation Permit Revision". Therefore, enclosed you will find Affidavit of Publication confirming publication of the Department's notice.

If you have any questions, please do not hesitate to contact me at (863) 834-6603.

Sincerely,

Farzie Shelton

Enclosure

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MAR 13 2003

BUREAU OF AIR REGULATION

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@lakelandgov.net

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

Case No

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Sandra Heath, who on oath says that she is Assistant Classified Sales Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

.....
Notice of Permit Revision
.....

in the matter of
Lakeland Electric
.....

in the

Court, was published in said newspaper in the issues of

.....
3-6; 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 Sandra Heath
Sandra Heath
Assistant Classified Sales Manager
Who is personally known to me.

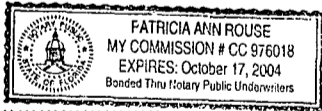
Sworn to and subscribed before me this 7TH

day of March A.D. 20 03

Patricia Ann Rouse
Notary Public
PATRICIA ANN ROUSE

(Seal)

My Commission Expires



LL168701

H674 City of Lakeland Sue Trout

Attach Notice Here

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

Department of Environmental Protection

Title V Air Operation Permit Revision
DRAFT Permit No.: 1050004-015-AV

Lakeland Electric
Polk County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Revision 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.

Lakeland Electric requests that a revision to their Title V permit be issued to authorize Unit No. 5 to operate as a combined cycle stationary combustion turbine, only, in accordance with the previously issued permit PSD-FL-254 and permit 1050004-014-AC; incorporate the permitting note authorized by Administrative Permit Correction 1050004-012-AV issued on December 18, 2001; and add a mechanical draft cooling tower to Appendix U-1, List of Unregulated Emissions Units and/or Activities.

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 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, 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, 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 revision. Any petition shall be based only on objections to the permit revision 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 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
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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.

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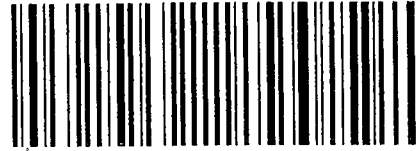
BUREAU OF AIR REGULATION



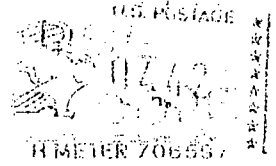
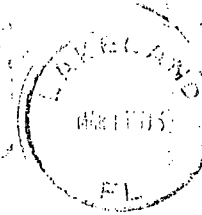
501 E. Lemon St. ♦ Lakeland, Florida 33801

ADDRESS SERVICE REQUESTED

CERTIFIED MAIL



7000 1670 0002 0758 8720



Ms. Trina Vielhauer, Chief
Dept. of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

32399#2400 C001

