



Farzie Shelton, chE; REM

Environmental Affairs Manager of Licensing & Permitting

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RECEIVED

October 7, 1998

OCT 08 1998

**BUREAU OF
AIR REGULATION**

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

Dear Mr. Fancy:

**Re: Lakeland Electric C. D. McIntosh, Jr. Power Plant – Facility ID No. 1050004
Title V Air Operation Permit (Draft Permit No. 1050004-005-AV)**

We are in receipt of your letter dated September 4, 1998 and attached Draft Title V Permit Revision No. 1050004-005-AV for the C. D. McIntosh Power Plant.

Pursuant to Section 403.815, and 403.087, Florida Statutes and DEP Rule 62-110.106 and 62-210.350(3), F.A.C., on September 29, 1998, Lakeland Electric published the "Public Notice of Intent to Issue Title V Air Operation Permit Revision " in the Lakeland Ledger. Therefore, enclosed please find the Affidavit of Publication confirming publication of the Department's notice.

The Lakeland Electric has commented on changes in this draft permit, by telephone, to Mr. Scott Sheplak. The comments were in respect of incorrect reference to the early election and timing of compliance for phase II early election Units and the emission unit ID number in the table. Mr. Sheplak has assured us that these two items would be corrected prior to the issuance of the final permit.

Additionally, we would like to bring to your attention that our utility has had a change of name. The new name is "Lakeland Electric", therefore, we appreciate if you would make the necessary changes in your records reflecting this new name.

If you should have any questions, please do not hesitate to contact me at (941) 499-6603; by Fax at (941) 603-6335; or by E-mail at fshel@city.lakeland.net.

Sincerely

Farzie Shelton

Enclosure

City of Lakeland ● Department of Electric

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, FL

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 Of Intent

.....
.....
.....
in the matter of Title V DRAFT Permit No.: 1050004-005-AV

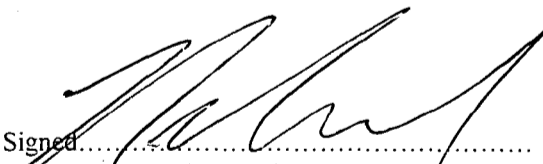
.....
.....
.....
in the

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

September 29;

1998

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.

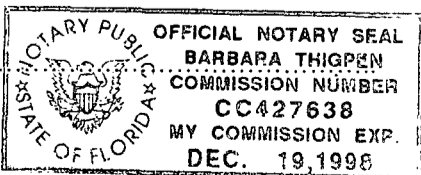
Signed 
.....
Nelson Kirkland
Classified Advertising Manager
Personally known

Sworn to and subscribed before me this 1st

day of October A.D. 19 98

(Seal) 
.....
BARBARA THIGPEN

My Commission Expires.....



Order#114052
Electric

B941

**PUBLIC NOTICE OF INTENT TO ISSUE
TITLE V AIR OPERATION PERMIT REVISION**
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Title V DRAFT Permit No.: 1050004-005-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 revision to Lakeland Electric & Water Utilities for C.D. McIntosh, Jr. Power Plant located at 3030 East Lake Parker Drive, Lakeland, Polk County. The purpose of the revision is to incorporate the Phase I/II NOx standards in the Title IV permit pursuant to Rule 62-214.360(6), Florida Administrative Code (F.A.C.). 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 #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 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, F.A.C.

A petition that disputes the material facts upon 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; and
- (f) A demand for relief.

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 7661d(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:

Permitting Authority:	Affected District/Local Program:
Department of Environmental Protection Bureau of Air Regulation 111 South Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: 850/488-1344 Fax: 850/922-6979	Department of Environmental Protection Southwest District Office 4807 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 850/921-9532, for additional information.
B-941 - 9-29, 1998