



Farzie Shelton, ChE; REM

Associate GM Technical Support

RECEIVED

JUN 11 2010

BUREAU OF
AIR REGULATION

CERTIFIED MAIL – RECEIPT REQUESTED

June 7, 2010

Mr. Jeff Koerner, P.E.
Bureau of Air Regulation
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400


**RE: C.D. McIntosh, Jr. Power Plant – Permit No. 1050004-026-AC
Lakeland Electric – Public Notice of Intent to Issue Construction Permit**

Dear Mr. Koerner:

We are in receipt of the draft construction permit no. 1050004-026-AC, which revises original Permit No. 1050004-019-AC to: extend the permit expiration date; establish a new nitrogen oxides emission limitation for Unit 3; and clarify the sulfuric acid mist emissions testing and reporting requirements. Accordingly, on June 4, 2010, we published the attached 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.) Chapters 62-4, 62-210 and 62-213.

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

Sincerely,

For 
Farzie Shelton

Enclosures: Affidavit of publication from the Ledger

cc: Tom Trickey, P.E. (LE)
Cindy Zhang-Torres, P.E. (FDEP-SWD); sent electronically

City of Lakeland • Department of Electric Utilities

501 East Lemon Street • Lakeland, FL 33801-5050 • 863. 834.6603 • Fax 863. 834.8187 • Cell 863.430.8297

farzie.shelton@lakelandelectric.com

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AFFIDAVIT OF PUBLICATION
THE LEDGER
Lakeland, Polk County, Florida

RECEIVED

STATE OF FLORIDA)
COUNTY OF POLK)

JUN 11 2010

BUREAU OF
AIR REGULATION

Before the undersigned authority personally appeared Rhonda Gentle, who on oath says that she is an Advertising Account Executive of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

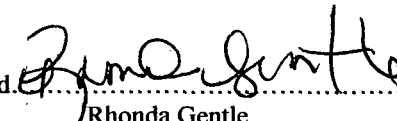
Public Notice

in the matter of Draft Air Permit

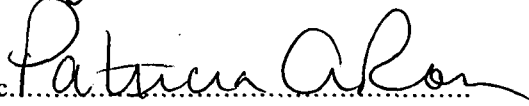
Concerning City of Lakeland

was published in said newspaper in the issues of 6-4; 2010

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 
Rhonda Gentle
Advertising Account Executive
Who is personally known to me.

Sworn to and subscribed before me this 4TH
day of June A.D. 2010

Notary Public 

My Commission Expires October 17, 2012

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation
Draft Air Construction Permit Extension and Revision
Project No. 1050004-026-AC

City of Lakeland, Department of Electric Utilities, C.D. McIntosh, Jr. Power Plant
Polk County, Florida

Applicant: The applicant for this project is City of Lakeland, Department of Electric Utilities. The applicant's authorized representative and mailing address is: Mr. Tom Trickey, Plant Manager, City of Lakeland, Department of Electric Utilities, C.D. McIntosh, Jr. Power Plant, 501 East Lemon Street, Lakeland, Florida, 33801.

Facility Location: The Department of Electric Utilities at the City of Lakeland operates the existing C.D. McIntosh, Jr. Power Plant, which is located in Polk County at 3030 East Lake Parker Drive in Lakeland, Florida.

Project: Air Permit No. 1050004-019-AC authorized the installation of a selective catalytic reduction (SCR) system to reduce emissions of nitrogen oxides (NOX) and a sorbent injection system to reduce sulfuric acid mist (SAM) emissions. The applicant requested: a one-year extension of the permit expiration date to complete miscellaneous construction activities, conduct performance testing, review and submit test results and submit an application for a revised Title V air operation permit to incorporate the applicable requirements of the air construction permit; revise the ammonia slip requirement; and revise and clarify the sulfuric acid mist emissions testing and reporting requirements. The Department agrees to these permit changes as conditioned by the draft permit. In addition, pursuant to Rule 62-4.080, F.A.C., the Department determines that a higher degree of treatment is necessary to improve the area's ozone air quality, which can be achieved with the equipment authorized by original permit No. 1050004-019-AC without unreasonable hardship. Therefore, the draft permit includes the following new emissions standard for NOX (a primary precursor of ozone): NOX emissions from Unit 3 shall not exceed 0.22 lb/MMBtu of heat input based on a calendar year average of all periods of operation, including startup, shutdown and malfunction. This project does not result in any increase in emissions. Therefore, the project is not subject to preconstruction review for the Prevention of Significant Deterioration (PSD) of Air Quality.

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 Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site by entering draft permit number: <http://www.dep.state.fl.us/air/emission/apds/default.asp>.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C.

The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of this Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, 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 14 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 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.

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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (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, 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 Public Notice of Intent to Issue Air Permit. 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 for this proceeding.

L100 6-4; 2010