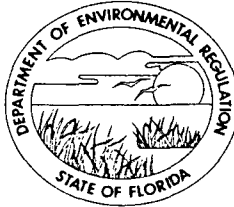


STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTHWEST DISTRICT

7601 HIGHWAY 301 NORTH  
TAMPA, FLORIDA 33610-9544



BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY  
Richard D. Garrity  
~~XXXXXXXXXXXX~~  
DISTRICT MANAGER

Mr. Ronald J. Foster  
Superintendent  
City of Lakeland  
3030 East Lake Parker Drive  
Lakeland, FL 33805

Dear Mr. Foster:

Re: Polk County - AP  
Peaking Unit #3

Enclosed is Permit Number A053-74768 dated Feb. 28, 1984, to operate the subject pollution source, issued pursuant to Section 403.061(14), Florida Statutes.

Should you object to this permit, including any and all of the conditions contained therein, you may file an appropriate petition for administrative hearing. This petition must be filed within fourteen (14) days of the receipt of this letter. Further, the petition must conform to the requirements of Florida Administrative Code Rule 28-5.201, (copy enclosed). The petition must be filed with the Office of General Counsel, Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

If no petition is filed within the prescribed time, you will be deemed to have accepted this permit and waived your right to request an administrative hearing on this matter.

Acceptance of the permit constitutes notice and agreement that the department may periodically review this permit for compliance, including site inspections where applicable, and may initiate enforcement action for violation of the conditions and requirements thereof.

Sincerely,

Richard D. Garrity, Ph.D.  
District Manager

GWR/scm  
Enclosures

DER Form 17-1.201(7)

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION



BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY  
Richard D. Garrity  
~~XXXXXXXXXXXX~~  
DISTRICT MANAGER

SOUTHWEST DISTRICT

7601 HIGHWAY 301 NORTH  
TAMPA, FLORIDA 33610-9544

PERMITTEE:

Mr. Ronald J. Foster  
Superintendent  
City of Lakeland  
3030 East Lake Parker Drive  
Lakeland, FL 33805

PERMIT/CERTIFICATION

Permit No.: A053-74768  
County: Polk  
Expiration Date: 02/20/89  
Project: Peaking Unit #3  
C. D. McIntosh Plant

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules 17-2 & 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the department and made a part hereof and specifically described as follows:

For the operation of Gas Turbine Peaking Unit #3 rated at 2.5 MW fired with #2 fuel oil with 0.2% sulfur.

Location: 3030 East Lake Parker Drive, Lakeland, Polk County

UTM: 17-408.5E 3105.8N NEDS NO: 0004 Point ID: 03

Replaces Permit No.: A053-12366

PERMITTEE:  
City of Lakeland

Permit/Certification No.: A053-74768  
Project: Peaking Unit #3

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate the enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.

3. As provided in Subsections 403.087(6) and 403.712(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by any order from the department.

PERMITTEE:  
City of Lakeland

Permit/Certification Number: A053-74768  
Project: Peaking Unit #3

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. This provision includes the operation of backup or auxiliary-facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as maybe required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purposes of;

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:

- (a) a description of and cause of non-compliance; and
- (b) the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

PERMITTEE:  
City of Lakeland

Permit/Certification No: A053-74768  
Project: Peaking Unit #3

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Section 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or department rules.

11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes:

- ( ) Determination of Best Available Control Technology (BACT)
- ( ) Determination of Prevention of Significant Deterioration (PSD)
- ( ) Certification of Compliance with State Water Quality Standards (Section 401. PL 92-500)
- ( ) Compliance with New Source Performance Standards

14. The permittee shall comply with the following monitoring and record keeping requirements:

a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.

PERMITTEE:  
City of Lakeland

Permit/Certification No.: A053-74768  
Project: Peaking Unit #3

14. (con't)

b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

1. Test the emissions for the following pollutant(s) at intervals of 12 months from the date December 8, 1983 and submit a copy of test data to the Air Section of the Southwest District Office within forty five days of such testing (Section 17-2.700 (2), Florida Administrative Code (F.A.C.)).

- |   |   |
|---|---|
| <input type="checkbox"/> Particulates       | <input type="checkbox"/> Sulfur Oxides        |
| <input type="checkbox"/> Fluorides          | <input type="checkbox"/> Nitrogen Oxides      |
| <input checked="" type="checkbox"/> Opacity | <input type="checkbox"/> Hydrocarbons         |
|   | <input type="checkbox"/> Total Reduced Sulfur |

\*Fuel analysis may be submitted for required sulfur dioxide emission test.

2. Testing of emissions must be accomplished at approximately the rates as stated in this permit. Failure to submit the input rates or operation at conditions which do not reflect actual operating conditions may invalidate the data (Section 403.161(1)(c), Florida Statutes).

PERMITTEE:  
City of Lakeland

Permit/Certification No.: A053-74768  
Project: Peaking Unit #3

SPECIFIC CONDITIONS (con't):

3. Submit for this facility, each calendar year, on or before March 1, an emission report for the preceding calendar year containing the following information as per Section 17-4.14, F.A.C.

- (A) Annual amount of materials and/or fuels utilized.
- (B) Annual emissions (note calculation basis).
- (C) Any changes in the information contained in the permit application.

4. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter in accordance with the provision in Section 17-2.610 (3), F.A.C.. These provisions are applicable to any source, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling.

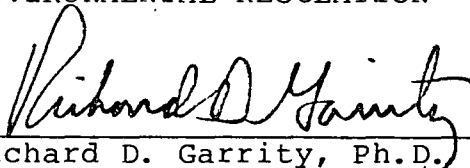
5. Visible emissions from this source shall not equal or exceed 20% opacity. The compliance test shall be a minimum of 30 minutes.

6. Submit a complete fuel analysis along with the annual compliance test.

7. This Southwest District Office of the Department of Environmental Regulation shall be notified in writing 15 days prior to compliance testing.

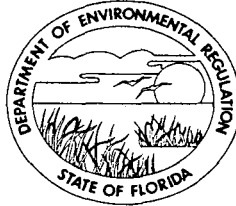
Issued this 28 day of Feb  
1987.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION

  
Richard D. Garrity, Ph.D.  
District Manager

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION



SOUTHWEST DISTRICT

7601 HIGHWAY 301 NORTH  
TAMPA, FLORIDA 33610-9544

BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY

~~WILLIAM K. HENNESSY~~  
Richard D. Garrity  
DISTRICT MANAGER

Mr. Ronald J. Foster  
Superintendent  
City of Lakeland  
3030 East Lake Parker Drive  
Lakeland, FL 33805

Dear Mr. Foster:

Re: Polk County - AP  
Peaking Unit #1

Enclosed is Permit Number AO53-74766 dated 3/9/84, to operate the subject pollution source, issued pursuant to Section 403.061(14), Florida Statutes.

Should you object to this permit, including any and all of the conditions contained therein, you may file an appropriate petition for administrative hearing. This petition must be filed within fourteen (14) days of the receipt of this letter. Further, the petition must conform to the requirements of Florida Administrative Code Rule 28-5.201, (copy enclosed). The petition must be filed with the Office of General Counsel, Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

If no petition is filed within the prescribed time, you will be deemed to have accepted this permit and waived your right to request an administrative hearing on this matter.

Acceptance of the permit constitutes notice and agreement that the department may periodically review this permit for compliance, including site inspections where applicable, and may initiate enforcement action for violation of the conditions and requirements thereof.

Sincerely,

Richard D. Garrity, Ph.D.  
District Manager

GWR/scm  
Enclosures

DER Form 17-1.201(7)



RULES OF THE ADMINISTRATIVE COMMISSION  
MODEL RULES OF PROCEDURE  
CHAPTER 28-5  
DECISION DETERMINING SUBSTANTIAL INTERESTS

PART II  
FORMAL PROCEEDINGS

28-5.201 Initiation of Formal Proceedings.

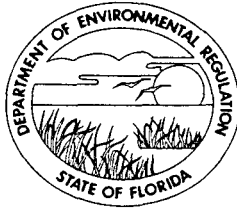
- (1) Initiation of formal proceedings shall be made by petition to the agency responsible for rendering final agency action. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper of standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.
- (2) All petitions filed under these rules should contain:
  - (a) The name and address of each agency affected and each agency's file or identification number, if known;
  - (b) The name and address of the petitioner or petitioners, and an explanation of how his/her substantial interests will be affected by the agency determination;
  - (c) A statement of when and how petitioner received notice of the agency decision or intent to render a decision;
  - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
  - (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;
  - (f) A demand for relief to which the petitioner deems himself entitled; and
  - (g) Other information which the petitioner contends is material.

\*\*\*\*\*

A petition may be denied if the petitioner does not state adequately a material factual allegation, such as a substantial interest in the agency determination, or if the petition is untimely. (Section 28-5.201(3)(a), FAC)

DER Form 17-1.201(7)  
Effective November 30, 1982

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION



**SOUTHWEST DISTRICT**

7601 HIGHWAY 301 NORTH  
TAMPA, FLORIDA 33610-9544

BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY  
Richard D. Garrity  
~~WILLIAM T. HUGHES~~  
DISTRICT MANAGER

PERMITTEE:  
Mr. Ronald J. Foster  
Superintendent  
City of Lakeland  
3030 East Lake Parker Drive  
Lakeland, FL 33805

PERMIT/CERTIFICATION  
Permit No.: A053-74766  
County: Polk  
Expiration Date: 02/20/89  
Project: Peaking Unit #1

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules 17-2 & 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the department and made a part hereof and specifically described as follows:

For the operation of Gas Turbine Peaking Unit #1 rated at 20 MW fired with natural gas or #2 fuel oil with 0.2% sulfur.

Location: 3030 East Lake Parker Drive, Lakeland, Polk County

UTM: 17-408.5E 3105.8N NEDS NO: 0004 Point ID: 04

Replaces Permit No.: A053-6980

PERMITTEE:  
City of Lakeland

Permit/Certification No.: A053-74766  
Project: Peaking Unit #1

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate the enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.

3. As provided in Subsections 403.087(6) and 403.712(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by any order from the department.

PERMITTEE:  
City of Lakeland

Permit/Certification Number: A053-74766  
Project: Peaking Unit #1

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as maybe required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purposes of;

a. Having access to and copying any records that must be kept under the conditions of the permit;

b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and

c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:

(a) a description of and cause of non-compliance; and

(b) the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

PERMITTEE:  
City of Lakeland

Permit/Certification No: A053-74766  
Project: Peaking Unit #1

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Section 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or department rules.

11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes:

- ( ) Determination of Best Available Control Technology (BACT)
- ( ) Determination of Prevention of Significant Deterioration (PSD)
- ( ) Certification of Compliance with State Water Quality Standards (Section 401. PL 92-500)
- ( ) Compliance with New Source Performance Standards

14. The permittee shall comply with the following monitoring and record keeping requirements:

a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.

PERMITTEE:  
City of Lakeland

Permit/Certification No.: A053-74766  
Project: Peaking Unit #1

14. (con't)

b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

1. Test the emissions for the following pollutant(s) at intervals of 12 months from the date October 6, 1983 and submit a copy of test data to the Air Section of the Southwest District Office within forty five days of such testing (Section 17-2.700 (2), Florida Administrative Code (F.A.C.)).

- |   |   |
|---|---|
| <input type="checkbox"/> Particulates       | <input type="checkbox"/> Sulfur Oxides        |
| <input type="checkbox"/> Fluorides          | <input type="checkbox"/> Nitrogen Oxides      |
| <input checked="" type="checkbox"/> Opacity | <input type="checkbox"/> Hydrocarbons         |
|   | <input type="checkbox"/> Total Reduced Sulfur |

\*Fuel analysis may be submitted for required sulfur dioxide emission test.

2. Testing of emissions must be accomplished at approximately the rates as stated in this permit. Failure to submit the input rates or operation at conditions which do not reflect actual operating conditions may invalidate the data (Section 403.161(1)(c), Florida Statutes).

PERMITTEE:  
City of Lakeland

Permit/Certification No.: A053-74766  
Project: Peaking Unit #1

SPECIFIC CONDITIONS (con't):

3. Submit for this facility, each calendar year, on or before March 1, an emission report for the preceding calendar year containing the following information as per Section 17-4.14, F.A.C.

- (A) Annual amount of materials and/or fuels utilized.
- (B) Annual emissions (note calculation basis).
- (C) Any changes in the information contained in the permit application.

4. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter in accordance with the provision in Section 17-2.610 (3), F.A.C.. These provisions are applicable to any source, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling.

5. Visible emissions from this source shall not equal or exceed 20% opacity. The compliance test shall be a minimum of 30 minutes.

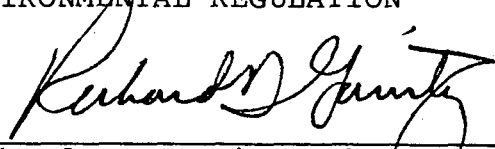
6. Submit a complete fuel analysis along with the annual compliance test.

7. If No. 2 fuel oil has been used in the 12 months prior to the annual compliance test, the compliance test shall be conducted while this unit is being fired on No. 2 fuel oil.

8. This Southwest District Office of the Department of Environmental Regulation shall be notified in writing 15 days prior to compliance testing.

Issued this 9 day of March  
1987.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION

  
Richard D. Garrity, Ph.D.  
District Manager