



Farzie Shelton, chE; REM

Environmental Affairs Manager of Licensing & Permitting

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RECEIVED

AUG 07 2000

August 4, 2000

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
Draft Title V Permit Revision No.: 1050004-009-AV)**

We are in receipt of your letter dated July 18, 2000 and attached Draft Title V Permit Revision No. 1050004-009-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 July 31, 2000 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.

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

Sincerely

Farzie Shelton

Enclosure

8/15/00 cc: *Ed Juec*

City of Lakeland ● Department of Electric

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

Case No

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared David Vail, who on oath says that he is Controller 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 To Issue Title V Air Operation Permit Revision

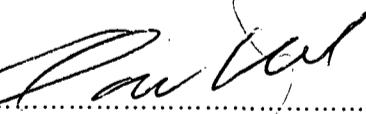
Draft Title V Permit Revision No.: 1050004-009-AV

in the

Court, was published in said newspaper in the issues of


7-31-2000

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 
David Vail
Controller
Who is personally known to me.

Sworn to and subscribed before me this 4th

day of August A.D. 20 00


Notary Public

(Seal)

My Commission Expires 1/10/04

Attach Notice Here

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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRAFT Title V Permit Revision No.: 1050004-009-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 for the C.D. McIntosh, Jr. Power Plant located at 3030 Lake Parker Drive, Lakeland, Polk County. The applicant's name and address are: Lakeland Electric, 501 East Lemon Street, Lakeland, Florida 33801-5079.

The subject of the permit revision is to incorporate a newly constructed stationary gas turbine, Emissions Unit I.D. - 028. This unit is an Acid Rain unit. The revision also incorporates a liquid fuel storage tank for this turbine, Emissions Unit I.D.-029, into the list of unregulated emissions unit.

The permitting authority will issue the PROPOSED Title V Permit Revision, and subsequent FINAL Title V Permit Revision, in accordance with the conditions of the DRAFT Title V Permit Revision 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 Title V Permit Revision 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 Title V Permit Revision, the permitting authority shall issue a Revised DRAFT Title V Permit Revision 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 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 28-106.20-5 of the Florida Administrative Code (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 special 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 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:

<p>Permitting Authority: Department of Environmental Protection Bureau of Air Regulation 111 South Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: 850/4887-0114 Fax: 850/922-6979</p>	<p>Affected District: Department of Environmental Protection Southwest District Office 4807 Laurel Fair Circle Tampa, Florida 33619 Telephone: 813/744-6100 Fax: 813/744-6084</p>
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The complete project file includes the DRAFT Title V Permit Revision, 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 860/921-9532, for additional information.
E-276 - 7-31-2000