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Farzie Shelton, chE; REM
Manager of Environmental Affairs

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 29, 2001

RECEIVED
JUN 01 2001
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: Draft Air Construction Permit No. 1050004-010-AC (PSD-FL-245C)
Title V Operation Permit Revision No.: 1050004-011-AV
McIntosh Power Plant Unit No. 5**

We are in receipt of your letter dated May 16, 2001 and attached Drafts Air Construction Permit, Title V permit, Technical Evaluation and Preliminary Determination, and Public Notice of Intent to Issue Air Construction Permit.

Pursuant to Section 403.815, Florida Statutes and DEP Rule 62-103.150, F.A.C., on May 28, 2001 we published the "Notice of Intent to Issue Air Construction and Title V Permits " in the Lakeland Ledger. Therefore, enclosed please find Affidavit of Publication confirming publication of the Department's notice.

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

Sincerely

A handwritten signature in black ink, appearing to read 'Farzie Shelton', written over a horizontal line.

Farzie Shelton

Enclosure

6/6/01 cc: ed Svec

City of Lakeland ○ Department of Electric Utilities

501 East Lemon Street ○ Lakeland, FL 33801-5050 ○ (863) 834-6603 ○ Fax (863) 603-5670 ○ 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 Ken Holtzinger, who on oath says that he is the Classified Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Notice of Intent


in the matter of V Operation Permit Revision

in the

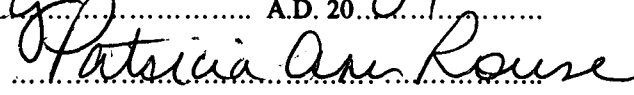
Court, was published in said newspaper in the issues of

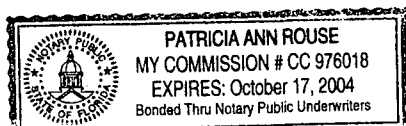
5-28; 2001

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 
Ken Holtzinger
 Classified Manager
 Who is personally known to me.

Sworn to and subscribed before me this 29th
 day of May A.D. 2001


 Notary Public
PATRICIA ANN ROUSE



(Seal)

My Commission Expires

Attach Notice Here

PUBLIC NOTICE OF INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION

STATE OF FLORIDA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Air Construction Permit No. 1050004-010-AC (PSD-FL-245C)
 Title V Operation Permit Revision No.: 1050004-011-AV
 Lakeland Electric
 C.D. McIntosh, Jr. Power Plant
 Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue a combined Air Construction Permit/Title V Operation Permit Revision to the 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. The Department will issue the combined Draft Air Construction Permit/Title V PROPOSED Operation Permit Revision, and subsequent combined Final Air Construction Permit/Title V FINAL Operation Permit Revision, in accordance with the conditions of the attached Draft Air Construction Permit/Title V DRAFT Operation 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 Department has determined that a combined Air Construction Permit/Title V Operation Permit Revision is required in order to increase the maximum heat input to Unit # 5 when operating on natural gas, which was established by permit PSD-FL-245 and incorporated in the current Title V operating permit.

The Department will accept written comments concerning the proposed combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision for a period of thirty (30) days from the date of publication of this notice. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision, the Department shall issue a combined Revised Draft Air Construction Permit/Title V DRAFT Operation 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 proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station # 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen (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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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 interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material facts. If there are none, the petition must so indicate; (3) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and (f) A demand for relief.

A petition that does not dispute the material facts upon which the Department'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 Department's final action may be different from the position taken by it. In this notice, persons whose substantial interests will be affected by any such final decision of the Department 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:

Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: 850/488-1344 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 application, the Technical Evaluation and Preliminary Determination, combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, Title V Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

F416 - 5-28; 2001