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BUREAU OF AIR REGULATION

November 26, 2007

Department of Environmental Protection  
Division of Air Resources Management, MS 5500  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**RE: Revised Phase II NOx Compliance Plan -- Lakeland Electric  
C. D. McIntosh Plant – ORIS Code 676**

Dear Sirs:

In compliance with 40 CFR Part 76.8 and Rule 62-210 F.A.C. Lakeland Electric is submitting a revised DEP Form No. 62-210.900(1) (a) 4. The revised Phase II NOx compliance Plan is for the C. D. McIntosh Power Pant (Unit 3).

If you have any questions regarding Lakeland Electric's submittal, please contact me at (863) 834-6169.

Sincerely,

Douglas Doerr  
Environmental Coordinator  
doug.doerr@lakelandelectric.com

CC: U.S. EPA, Acid Rain Program

# Florida Department of Environmental Protection

## Phase II NO<sub>x</sub> Compliance Plan

For more information, see instructions and refer to 40 CFR 76.9

This submission is:  New  Revised

Page  of

STEP 1 Indicate plant name, state, and ORIS code from NADB, if applicable.	C. D. McIntosh, Jr. Power Plant Plant Name	FL State	676 ORIS Code
STEP 2	Identify each affected Group 1 and Group 2 boiler using the boiler ID# from NADB, if applicable. Indicate boiler type: "CB" for cell burner, "CY" for cyclone, "DBW" for dry bottom wall-fired, "T" for tangentially fired, "V" for vertically fired, and "WB" for wet bottom. Indicate the compliance option selected for each unit.		

ID#	ID#	ID#	ID#	ID#	ID#
Unit 3					
Type	Type	Type	Type	Type	Type
DBW					

- |   |                                     |                          |                          |                          |                          |                          |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| (a) Standard annual average emission limitation of 0.50 lb/mmBtu (for <u>Phase I</u> dry bottom wall-fired boilers)   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Standard annual average emission limitation of 0.45 lb/mmBtu (for <u>Phase I</u> tangentially fired boilers)  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) EPA-approved early election plan under 40 CFR 76.8 through 12/31/07 (also indicate above emission limit specified in plan)  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) Standard annual average emission limitation of 0.46 lb/mmBtu (for <u>Phase II</u> dry bottom wall-fired boilers)  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) Standard annual average emission limitation of 0.40 lb/mmBtu (for <u>Phase II</u> tangentially fired boilers)   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) Standard annual average emission limitation of 0.68 lb/mmBtu (for cell burner boilers)  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (g) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (h) Standard annual average emission limitation of 0.80 lb/mmBtu (for vertically fired boilers)   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (i) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (j) NO <sub>x</sub> Averaging Plan (include NO <sub>x</sub> Averaging form)   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit utilizing stack) | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

C. D. McIntosh, Jr. Power Plant  
 Plant Name (from Step 1)

**STEP 2, cont'd.**

ID#	ID#	ID#	ID#	ID#	ID#
Type	Type	Type	Type	Type	Type

- (l) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO<sub>x</sub> Averaging (check the NO<sub>x</sub> Averaging Plan box and include NO<sub>x</sub> Averaging Form)
- (m) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17 (a)(2)(i)(C), (a)(2)(iii)(B), or (b)(2)
- (n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate)
- (o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing
- (p) Repowering extension plan approved or under review

**STEP 3**  
 Read the standard requirements and certification, enter the name of the designated representative, sign and date.

**Standard Requirements**  
General. This source is subject to the standard requirements in 40 CFR 72.9 (consistent with 40 CFR 76.8(e)(1)(i)). These requirements are listed in this source's Acid Rain Part of its Title V permit.

**Special Provisions for Early Election Units**

Nitrogen Oxides. A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO<sub>x</sub> as provided under 40 CFR 76.8(a)(2) except as provided under 40 CFR 76.8(e)(3)(iii).


Liability. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.

Termination. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7.

STEP 3, cont'd.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name Timothy Bachand	
Signature 	Date 11/15/07

**Subsection B. This subsection addresses Acid Rain, Phase I.**

{Permitting note: The U.S. EPA issues Acid Rain Phase I permit(s)}

The emissions unit listed below is regulated under Acid Rain Part, Phase I, for Lakeland Electric, C. D. McIntosh, Jr. Power Plant, **Facility ID No.:** 1050004, **ORIS code:** 676

**E.U.**

<b><u>ID No.</u></b>	<b><u>Brief Description</u></b>
-006	Boiler - McIntosh Unit 3

**B.1.** The owners and operators of these Phase I acid rain unit(s) must comply with the standard requirements and special provisions set forth in the permit(s) listed below:

a. Phase I permit dated 03/27/97.

[Chapter 62-213, F.A.C.]

**B.2.** Nitrogen oxide (NO<sub>x</sub>) requirements for the following Acid Rain unit is as follows:

<b><u>E.U. ID No.</u></b>	<b><u>EPA ID</u></b>	<b><u>NO<sub>x</sub> limit *</u></b>
-006	No. 03	<p>Pursuant to 40 CFR 76.8(d)(2), the Florida Department of Environmental Protection approves a NO<sub>x</sub> early election compliance plan for unit No. 03. The compliance plan is effective for calendar year 2000 through calendar year 2007. Under the compliance plan, this unit's annual average NO<sub>x</sub> emission rate for each year, determined in accordance with 40 CFR part 75, shall not exceed the applicable emission limitation, under "40 CFR 76.5(a)(2) of 0.50 lb/MMBtu" for dry bottom wall-fired boilers. If the unit is in compliance with its applicable emission limitation for each year of the plan, then the unit shall not be subject to the applicable emission limitation, under "40 CFR 76.7(a)(2) of 0.46 lb/MMBtu" for dry bottom wall-fired boilers until calendar year 2008.</p> <p>In addition to the described NO<sub>x</sub> compliance plan, this unit shall comply with all other applicable requirements of 40 CFR part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and the requirements covering excess emissions.</p>

\* Based on the Phase II NO<sub>x</sub> Compliance Plan dated December 4, 1997.

**B.3.** Comments, notes, and justifications: none



# Certificate of Representation

For more information, see instructions and refer to 40 CFR 72.24

This submission is:  New  Revised

**STEP 1**  
Identify the source by  
plant name, State, and  
ORIS code from NADB

Plant Name	C. D. McIntosh Jr.	State	FL	676 ORIS Code
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**STEP 2**  
Enter requested  
information for the  
designated  
representative

Name	Ronald W. Tomlin, Assistant Managing Director		
Address	Lakeland Electric & Water Utilities 501 East Lemon Street Lakeland, Florida 33801-5050		
Phone Number	813/499-8474	Fax Number	813/499-6362

**STEP 3**  
Enter requested  
information for the  
alternate designated  
representative  
(optional)

Name	Timothy C. Bates, Plant Manager		
Address	C. D. McIntosh Power Plant 3030 East Lake Parker Drive Lakeland, Florida 33805-9513		
Phone Number	813/499-6601	Fax Number	813/499-6688

**STEP 4**  
Complete Step 5, read  
the certifications and  
sign and date

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the affected source and each affected unit at the source.

I certify that I have given notice of the agreement, selecting me as the designated representative or alternate designated representative, as applicable for the affected source and each affected unit at the source identified in this certificate of representation, daily for a period of one week in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice.

I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and of each affected unit at the source and that each such owner and operator shall be fully bound by my actions, inactions, or submissions.

I certify that I shall abide by any fiduciary responsibilities imposed by the agreement by which I was selected as designated representative or alternate designated representative, as applicable.

I certify that the owners and operators of the affected source and of each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements, I certify that:

I have given a written notice of my selection as the designated representative or alternate designated representative, as applicable, and of the agreement by which I was selected to each owner and operator of the affected source and of each affected unit at the source; and

Allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement or, if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

The agreement by which I was selected as the alternate designated representative includes a procedure for the owners and operators of the source and affected units at the source to authorize the alternate designated representative to act in lieu of the designated representative.



December 14, 1995

### **Lakeland Electric & water Utilities Title IV Compliance Plan**

Lakeland Electric & Water utilities will hold sufficient SO<sub>2</sub> allowances to cover all SO<sub>2</sub> emissions for the generating units listed below. If it becomes apparent that Lakeland Electric & Water utilities will have insufficient SO<sub>2</sub> allowances, Lakeland Electric & Water Utilities will purchase additional allowances on the open market, or switch to lower sulfur content fuel in order to cover any shortfall.

<b>PLANT NAME</b>	<b>BOILER ID</b>	<b>ORIS CODE</b>
C.D. MCINTOSH.Jr,	1	676
	2	676
	3	676
LARSEN MEMORIAL	7	675
	8	675

# Phase II Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31 and Chapter 62-214, F.A.C.

This submission is:  New  Revised

**STEP 1**  
Identify the source by plant name, State, and ORIS code from NADB

Larsen Memorial Power Plant, FL, 675
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**STEP 2**  
Enter the boiler ID# from NADB for each affected unit, and indicate whether a repowering plan is being submitted for the unit by entering "yes" or "no" at column c. For new units, enter the requested information in columns d and e

Compliance Plan				
a	b	c	d	e
Boiler ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	Repowering Plan	New Units  Commence Operation Date	New Units  Monitor Certification Deadline
7	Yes	No		
8	Yes	No	11/92	1/1/96
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			

**STEP 3**  
Check the box if the response in column c of Step 2 is "Yes" for any unit

For each unit that will be repowered, the Repowering Extension Plan form is included and the Repowering Technology Petition form has been submitted or will be submitted by June 1, 1997.



Plant Name (from Step 1)  
**Larsen Memorial Power Plant**

Recordkeeping and Reporting Requirements (cont.)

(iv) Copies of all documents used to complete an Acid Rain part application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(2) The designated representative of an Acid Rain source and each Acid Rain unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability.


- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain part application, an Acid Rain part, or a written exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each Acid Rain source and each Acid Rain unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an Acid Rain source (including a provision applicable to the designated representative of an Acid Rain source) shall also apply to the owners and operators of such source and of the Acid Rain units at the source.
- (6) Any provision of the Acid Rain Program that applies to an Acid Rain unit (including a provision applicable to the designated representative of an Acid Rain unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one Acid Rain unit shall not be liable for any violation by any other Acid Rain unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 75, 77, and 78 by an Acid Rain source or Acid Rain unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities. No provision of the Acid Rain Program, an Acid Rain part application, an Acid Rain part, or a written exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an Acid Rain source or Acid Rain unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the Acid Rain source or Acid Rain units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name <b>Charles D. Garing, Plant Manager</b>	
Signature 	Date <b>12/20/95</b>



Mr. John C Brown (MS5505)  
Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

December 14, 1995

**RE: ACID RAIN TITLE IV PHASE II APPLICATION  
FOR LAKELAND ELECTRIC & WATER UTILITIES**

Dear Mr. Brown:

In compliance with 40 CFR Part 72 and Rule 62-210 F.A.C. we are submitting completed form 62-210.900(1)(a) and three copies of each for our C.D. McIntosh and Larsen Power Plants.

Additionally, enclosed you will find a copy of **Certificate of Representation (OMB No. 2060-0221)** for each respective facility together with **Title IV Compliance Plan**.

With this submittal we are hoping to have satisfied all the requirements of Acid Rain Phase II Permit Application.

If you should have any questions, please do not hesitate to contact me at (941) 499-6603.

Sincerely

Farzie Shelton (Ms)  
Environmental Division

Enc.



December 14, 1995

## **Lakeland Electric & water Utilities Title IV Compliance Plan**

Lakeland Electric & Water utilities will hold sufficient SO<sub>2</sub> allowances to cover all SO<sub>2</sub> emissions for the generating units listed below. If it becomes apparent that Lakeland Electric & Water utilities will have insufficient SO<sub>2</sub> allowances, Lakeland Electric & Water Utilities will purchase additional allowances on the open market, or switch to lower sulfur content fuel in order to cover any shortfall.

<b>PLANT NAME</b>	<b>BOILER ID</b>	<b>ORIS CODE</b>
C.D. MCINTOSH.Jr,	1	676
	2	676
	3	676
LARSEN MEMORIAL	7	675
	8	675



# Certificate of Representation

For more information, see instructions and refer to 40 CFR 72.24

This submission is:  New  Revised

**STEP 1**  
Identify the source by  
plant name, State, and  
ORIS code from NADB

Plant Name	Larsen Memorial	State	FL	ORIS Code	675
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**STEP 2**  
Enter requested  
information for the  
designated  
representative

Name	Ronald W. Tomlin, Assistant Managing Director				
Address	Lakeland Electric & Water Utilities 501 East Lemon Street Lakeland, Florida 33801-5050				
Phone Number	813/499-8474	Fax Number	813/499-6362		

**STEP 3**  
Enter requested  
information for the  
alternate designated  
representative  
(optional)

Name	Charles D. Garing, Plant Manager				
Address	Larsen Memorial Power Plant 2002 East Highway 92 Lakeland, Florida 33801-2444				
Phone Number	813/499-8188	Fax Number	813/499-8183		

**STEP 4**  
Complete Step 5, read  
the certifications and  
sign and date

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the affected source and each affected unit at the source.

I certify that I have given notice of the agreement, selecting me as the designated representative or alternate designated representative, as applicable for the affected source and each affected unit at the source identified in this certificate of representation, daily for a period of one week in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice.

I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and of each affected unit at the source and that each such owner and operator shall be fully bound by my actions, inactions, or submissions.

I certify that I shall abide by any fiduciary responsibilities imposed by the agreement by which I was selected as designated representative or alternate designated representative, as applicable.

I certify that the owners and operators of the affected source and of each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements, I certify that:

I have given a written notice of my selection as the designated representative or alternate designated representative, as applicable, and of the agreement by which I was selected to each owner and operator of the affected source and of each affected unit at the source; and

Allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement or, if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

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# Certificate of Representation

For more information, see instructions and refer to 40 CFR 72.24

This submission is:  New  Revised

**STEP 1**

Identify the source by plant name, State, and ORIS code from NADB

Plant Name	C. D. McIntosh Jr.	State	FL	676 ORIS Code
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**STEP 2**

Enter requested information for the designated representative

Name	Ronald W. Tomlin, Assistant Managing Director			
Address	Lakeland Electric & Water Utilities 501 East Lemon Street Lakeland, Florida 33801-5050			
Phone Number	813/499-8474	Fax Number	813/499-6362	

**STEP 3**

Enter requested information for the alternate designated representative (optional)

Name	Timothy C. Bates, Plant Manager			
Address	C. D. McIntosh Power Plant 3030 East Lake Parker Drive Lakeland, Florida 33805-9513			
Phone Number	813/499-6601	Fax Number	813/499-6688	

**STEP 4**

Complete Step 5, read the certifications and sign and date

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I have given a written notice of my selection as the designated representative or alternate designated representative, as applicable, and of the agreement by which I was selected to each owner and operator of the affected source and of each affected unit at the source; and

Allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement or, if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

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# Phase II Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31 and Chapter 62-214, F.A.C.

This submission is:  New  Revised

**STEP 1**  
Identify the source by plant name, State, and ORIS code from NADB

<i>C.D. McIntosh, Jr., FL, 676</i>
------------------------------------

**STEP 2**  
Enter the boiler ID# from NADB for each affected unit, and indicate whether a repowering plan is being submitted for the unit by entering "yes" or "no" at column c. For new units, enter the requested information in columns d and e

Compliance Plan				
a	b	c	d	e
Boiler ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	Repowering Plan	New Units  Commence Operation Date	New Units  Monitor Certification Deadline
1	Yes	No		
2	Yes	No		
3	Yes	No		
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			

**STEP 3**  
Check the box if the response in column c of Step 2 is "Yes" for any unit

For each unit that will be repowered, the Repowering Extension Plan form is included and the Repowering Technology Petition form has been submitted or will be submitted by June 1, 1997.

Plant Name (from Step 1)  
**C.D. McIntosh, Jr.**

**STEP 4**  
**Read the standard requirements and certification, enter the name of the designated representative, and sign and date**

**Standard Requirements**

Permit Requirements.

- (1) The designated representative of each Acid Rain source and each Acid Rain unit at the source shall:
  - (i) Submit a complete Acid Rain part application (including a compliance plan) under 40 CFR part 72, Rules 62-214.320 and 330, F.A.C. in accordance with the deadlines specified in Rule 62-214.320, F.A.C.; and
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain part application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each Acid Rain source and each Acid Rain unit at the source shall:
  - (i) Operate the unit in compliance with a complete Acid Rain part application or a superseding Acid Rain part issued by the permitting authority; and
  - (ii) Have an Acid Rain Part.

Monitoring Requirements.

- (1) The owners and operators and, to the extent applicable, designated representative of each Acid Rain source and each Acid Rain unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75, and Rule 62-214.420, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements.

- (1) The owners and operators of each source and each Acid Rain unit at the source shall:
  - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An Acid Rain unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
  - (i) Starting January 1, 2000, an Acid Rain unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an Acid Rain unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1)(i) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or the written exemption under 40 CFR 72.7 and 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements. The owners and operators of the source and each Acid Rain unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements.

- (1) The designated representative of an Acid Rain unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an Acid Rain unit that has excess emissions in any calendar year shall:
  - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
  - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements.

- (1) Unless otherwise provided, the owners and operators of the source and each Acid Rain unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
  - (i) The certificate of representation for the designated representative for the source and each Acid Rain unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with Rule 62-214.350, F.A.C.; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
  - (ii) All emissions monitoring information, in accordance with 40 CFR part 75;
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,

Plant Name (from Step 1)  
**C.D. McIntosh, Jr.**

Recordkeeping and Reporting Requirements (cont.)

(iv) Copies of all documents used to complete an Acid Rain part application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(2) The designated representative of an Acid Rain source and each Acid Rain unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability.

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain part application, an Acid Rain part, or a written exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each Acid Rain source and each Acid Rain unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an Acid Rain source (including a provision applicable to the designated representative of an Acid Rain source) shall also apply to the owners and operators of such source and of the Acid Rain units at the source.
- (6) Any provision of the Acid Rain Program that applies to an Acid Rain unit (including a provision applicable to the designated representative of an Acid Rain unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one Acid Rain unit shall not be liable for any violation by any other Acid Rain unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 75, 77, and 78 by an Acid Rain source or Acid Rain unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities. No provision of the Acid Rain Program, an Acid Rain part application, an Acid Rain part, or a written exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an Acid Rain source or Acid Rain unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the Acid Rain source or Acid Rain units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name <b>Timothy C. Bates, Plant Manager</b>	
Signature <i>Timothy C Bates</i>	Date <i>12/14/95</i>





December 4, 1997

Mr. Scott M. Sheplak, P.E.  
Administrator, Title V Section  
Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**Re: Phase II NO<sub>x</sub> Compliance Plans**

Dear Scott:

We are in receipt of your communication dated November 10, 1997 in reference to the above. We are baffled as whether or not it is necessary for us to complete the phase II NO<sub>x</sub> Compliance Plan as on 12/16/96 we submitted to EPA such form in connection to the "early election" program. From the enclosed documents you will note EPA's acceptance of our participation.

Although we feel this may be unnecessary, nonetheless, to aid you in your recording of such data we have completed the form you have sent to us and we are enclosing same herewith.

If you should have any questions, please do not hesitate to contact me at (941) 499-6603.

Sincerely

Farzie Shelton  
Manager of Environmental Permitting & Compliance  
Production Division

Enc.

**RECEIVED**

DEC 09 1997

BUREAU OF  
AIR REGULATION

# Florida Department of Environmental Protection

## Phase II NO<sub>x</sub> Compliance Plan

For more information, see instructions and refer to 40 CFR 76.9

This submission is:  New  Revised

Page  of

<b>STEP 1</b> Indicate plant name, state, and ORIS code from NADB, if applicable.	Plant Name <b>C.D. McIntosh Power Plant</b>	State <b>FL</b>	ORIS Code <b>000676</b>
<b>STEP 2</b>	Identify each affected Group 1 and Group 2 boiler using the boiler ID# from NADB, if applicable. Indicate boiler type: "CB" for cell burner, "CY" for cyclone, "DBW" for dry bottom wall-fired, "T" for tangentially fired, "V" for vertically fired, and "WB" for wet bottom. Indicate the compliance option selected for each unit.		

ID#	ID#	ID#	ID#	ID#	ID#
<b>1050004</b>					
Type	Type	Type	Type	Type	Type
<b>DBW</b>					
<b>0.51b/mmbtu</b>					

(a) Standard annual average emission limitation of 0.50 lb/mmBtu (for <u>Phase I</u> dry bottom wall-fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Standard annual average emission limitation of 0.45 lb/mmBtu (for <u>Phase I</u> tangentially fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) EPA-approved early election plan under 40 CFR 76.8 through 12/31/07 (also indicate above emission limit specified in plan)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Standard annual average emission limitation of 0.46 lb/mmBtu (for <u>Phase II</u> dry bottom wall-fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Standard annual average emission limitation of 0.40 lb/mmBtu (for <u>Phase II</u> tangentially fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Standard annual average emission limitation of 0.68 lb/mmBtu (for cell burner boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h) Standard annual average emission limitation of 0.80 lb/mmBtu (for vertically fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(j) NO <sub>x</sub> Averaging Plan (include NO <sub>x</sub> Averaging form)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit utilizing stack)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Plant Name (from Step 1) <b>C.D. McIntosh Power Plant</b>
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STEP 2, cont'd.

ID#	ID#	ID#	ID#	ID#	ID#
Type	Type	Type	Type	Type	Type

(l) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO<sub>x</sub> Averaging (check the NO<sub>x</sub> Averaging Plan box and include NO<sub>x</sub> Averaging Form)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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(m) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17 (a)(2)(i)(C), (a)(2)(iii)(B), or (b)(2)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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(n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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(o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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(p) Repowering extension plan approved or under review

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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STEP 3

Read the standard requirements and certification, enter the name of the designated representative, sign and date.

**Standard Requirements**

General. This source is subject to the standard requirements in 40 CFR 72.9 (consistent with 40 CFR 76.8(e)(1)(i)). These requirements are listed in this source's Acid Rain Part of its Title V permit.

**Special Provisions for Early Election Units**

Nitrogen Oxides. A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO<sub>x</sub> as provided under 40 CFR 76.8(a)(2) except as provided under 40 CFR 76.8(e)(3)(iii).

Liability. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.

Termination. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7.

STEP 3, cont'd.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name <b>Ronald W. Tomlin</b>	
Signature <i>Ronald W. Tomlin</i>	Date <i>12-01-97</i>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
100 ALABAMA STREET, S.W.  
ATLANTA, GEORGIA 30303-3104

APR 07 1997

RECEIVED

APR 11 1997

RONALD W. TOMLIN  
ASST. MANAGING DIR.

4APT-ARB

Mr. Ronald W. Tomlin  
Designated Representative  
City of Lakeland  
Electric and Water Utilities  
501 East Lemon Street  
Lakeland, Florida 33801-5050

Dear Mr. Tomlin:

Enclosed you will find the draft Phase I Acid Rain permit issued by the U.S. Environmental Protection Agency on March 27, 1997, for the affected sources in your nitrogen oxides early election compliance plan. This permitting action will become final 40 days after a notice is published in the Federal Register or local newspaper, whichever is later, unless adverse comment is received within 30 days after publication. Notice of this permitting action is scheduled for publication on April 11, 1997.

Your cooperation has been appreciated. If you have any questions or comments, please contact Mr. Scott Davis of my staff at (404) 562-9127.

Sincerely,

R. Douglas Neeley

for Chief

Air and Radiation Technology Branch  
Air, Pesticides and Toxics  
Management Division

Enclosure

cc: Tom Cascio, Florida DEP



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
100 ALABAMA STREET, S.W.  
ATLANTA, GEORGIA 30303-3104

## PHASE I ACID RAIN PERMIT For NO<sub>x</sub> Early Election

Issued to: C.D. McIntosh Power Plant  
Operated by: City of Lakeland  
Effective: January 1, 1997 through December 31, 1999

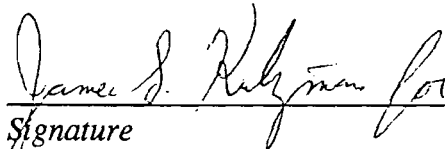
This page will be replaced to document new EPA actions each time a new action is taken by the Agency. This is the initial permitting action:

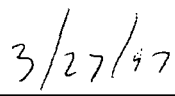
### Summary of Previous Actions

None.

### Present Action

1. Permit, including the NO<sub>x</sub> early election compliance plan, issued as a direct final permit for Unit 3. This action will become final 40 days after notice in the Federal Register or local newspaper, whichever is later, unless adverse comment is received within 30 days after publication.  
(See page 1)

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

Winston A. Smith  
Director, Air, Pesticides and Toxics Management Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Telephone: (404) 562-9077      Facsimile: (404) 562-9095



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
100 ALABAMA STREET, S.W.  
ATLANTA, GEORGIA 30303-3104

## PHASE I ACID RAIN PERMIT For NO<sub>x</sub> Early Election

Issued to: C.D. McIntosh Power Plant  
Operated by: City of Lakeland  
Effective: January 1, 1997 through December 31, 1999

### The Acid Rain Permit comprises the following:

1. The statement of basis containing:

Part A, with references to statutory and regulatory authorities, and comments, notes and justifications that apply to the source in general; and

Part B, for each Early Election unit at this source:

- a NO<sub>x</sub> compliance plan; and,
- comments, notes and justifications regarding permit decisions and changes made to the permit application forms during the review process, and any additional requirements.

2. The permit application forms that this source submitted, as corrected by EPA. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application.

**Statement of Basis. Part A**

Page 2

Plant Name: C.D. McIntosh Power Plant  
State: Florida  
ORIS Code: 0676

**Statutory and Regulatory Authorities.** In accordance with Title IV of the Clean Air Act Amendments of 1990, the U. S. Environmental Protection Agency issues this permit pursuant to 40 CFR part 72, subparts E and F, and part 76.

**For further information contact:**

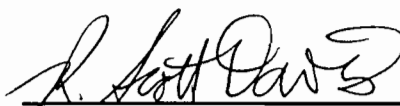
Scott Davis, Acid Rain Contact  
U.S. EPA, Region 4  
Air, Pesticides and Toxics Management Division  
Telephone: (404) 562-9127  
Facsimile: (404) 562-9095

**Comments, notes and justifications that apply to the source in general:**

None.

R. SCOTT DAVIS

Permit Reviewer



Signature

3/24/97

Date



**Statement of Basis. Part B**

Page 3

Plant Name: C.D. McIntosh Power Plant  
State: Florida  
ORIS Code: 0676  
Boiler ID#: 3

**NO<sub>x</sub> Compliance Plan**

EPA approves a nitrogen oxides early election plan for this unit for 1997-2007 under which this unit's annual average NO<sub>x</sub> emission rate for each year, determined using the methods and procedures specified in 40 CFR part 75, shall not exceed the applicable emission limitation under 40 CFR 76.5(a), of 0.50 lbs/mmBtu for dry bottom wall-fired units. If this unit is in compliance with its applicable emission limitation for each year of the plan, then the unit shall not be subject to any revised NO<sub>x</sub> emission limitation for Group 1 boilers that the Administrator may issue pursuant to section 407(b)(2) of the Act, until January 1, 2008.

**Comments, notes and justifications regarding permit decisions, and changes made to the permit application forms during the review process:**

None.

R. SCOTT DAVIS

Permit Reviewer



Signature

3/24/97

Date

For further information and a detailed description of the permits and permit modifications, see the information provided in the notice of permits and permit modifications elsewhere in today's **Federal Register**.

Dated: April 10, 1997.

**Brian J. McLean,**

*Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.*

[FR Doc. 97-9865 Filed 4-15-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5812-5]

### Acid Rain Program: Permit and Permit Modifications

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of permits and permit modifications.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is issuing, as a direct final action, Phase I Acid Rain permits and permit modifications including nitrogen oxides (NO<sub>x</sub>) compliance plans in accordance with the Acid Rain Program regulations (40 CFR parts 72 and 76). Because the Agency does not anticipate receiving adverse comments, the exemptions are being issued as a direct final action.

**DATES:** The permits and permit modifications issued in this direct final action will be final on May 26, 1997 or 40 days after publication of a similar notice in a local publication, whichever is later, unless significant, adverse comments are received by May 16, 1997 or 30 days after publication of a similar notice in a local publication, whichever is later. If significant, adverse comments are timely received on any permit or permit modification in this direct final action, that permit or permit modification will be withdrawn through a notice in the **Federal Register**.

**ADDRESSES:** *Administrative Records.* The administrative record for the permits, except information protected as confidential, may be viewed during normal operating hours at the following locations: for plants in New York, EPA Region 2, 290 Broadway, New York, NY, 10007-1866; for plants in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina and Tennessee, EPA Region 4, 100 Alabama St., NW, Atlanta, GA, 30303; for plants in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin, EPA Region 5, 77 West Jackson Blvd., Chicago, IL, 60604;

for plants in Colorado, Montana, North Dakota, Utah and Wyoming, EPA Region 8, 999 18th St., Denver, CO, 80202.

**Comments.** Send comments, requests for public hearings, and requests to receive notice of future actions to: for plants in New York, EPA Region 2, Division of Environmental Planning & Protection, Attn: Gerry DeGaetano (address above); for plants in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina and Tennessee, EPA Region 4, Air, Pesticides and Toxics Management Division, Attn: Scott Davis (address above); for plants in Illinois, Indiana, and Ohio, EPA Region 5, Air and Radiation Division, Attn: Cecilia Mijares (address above); for plants in Michigan, Minnesota, and Wisconsin, EPA Region 5, Air and Radiation Division, Attn: Beth Valenziano (address above); for plants in Colorado, Montana, North Dakota, Utah and Wyoming, EPA Region 8, Air and Toxics Division, Attn: Mike Owens (address above). Submit comments in duplicate and identify the permit to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of all units in the plan. All timely comments will be considered, except those pertaining to standard provisions under 40 CFR 72.9 or issues not relevant to the permit or the permit modification.

**Hearings.** To request a public hearing, state the issues proposed to be raised in the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting a NO<sub>x</sub> compliance plan.

**FOR FURTHER INFORMATION CONTACT:** For plants in New York, call Gerry DeGaetano, 212-637-4020; for plants in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina and Tennessee, call Scott Davis, 404-562-9127; for plants in Illinois, Indiana, and Ohio, call Cecilia Mijares, 312-886-0968; for plants in Michigan, Minnesota, and Wisconsin, call Beth Valenziano, 312-886-2703; for plants in Colorado, Montana, North Dakota, Utah and Wyoming, call Mike Owens, 303-312-6440.

**SUPPLEMENTARY INFORMATION:** Title IV of the Clean Air Act directs EPA to establish a program to reduce the adverse effects of acidic deposition by promulgating rules and issuing permits to emission sources subject to the program. In today's action, EPA is issuing permits and permit modifications that include approval of early election plans for NO<sub>x</sub>. The units

that are included in the early election plans will be required to meet an actual annual average emissions rate for NO<sub>x</sub> of either 0.45 lbs/MMBtu for tangentially-fired boilers or 0.50 lbs/MMBtu for dry bottom wall-fired boilers beginning on January 1, 1997 through December 31, 2007, after which they will be required to meet the applicable emissions limitation under 40 CFR 76.7(a) of 0.40 lbs/MMBtu for tangentially-fired boilers or 0.46 lbs/MMBtu for dry bottom wall-fired boilers. The following is a list of units included in the permits or permit modifications and the limits that they are required to meet:

S A Carlson units 9, 10, 11, and 12 in New York: 0.50 lbs/MMBtu. The designated representative is R. James Gronquist.

Kintigh unit 1 in New York: 0.50 lbs/MMBtu. The designated representative is James Rettberg.

Charles R Lowman units 2 and 3 in Alabama: 0.50 lbs/MMBtu. The designated representative is John Howard.

C D McIntosh unit 3 in Florida: 0.50 lbs/MMBtu. The designated representative is Ronald Tomlin.

Crystal River units 2, 4, and 5 in Florida: 0.45 lbs/MMBtu for unit 2; 0.50 lbs/MMBtu for units 4 and 5. The designated representative is W. Jeffrey Pardue.

Deerhaven unit B2 in Florida: 0.50 lbs/MMBtu. The designated representative is John Hancock, Jr. St. Johns River Power Park units 1 and 2 in Florida: 0.50 lbs/MMBtu. The designated representative is Brian Wirz.

Scherer unit 4 in Georgia: 0.45 lbs/MMBtu. The designated representative is R. Haubein, Jr.

D B Wilson unit W1 in Kentucky: 0.50 lbs/MMBtu. The designated representative is Gregory Black.

Cane Run units 4, 5, and 6 in Kentucky: 0.50 lbs/MMBtu for units 4 and 5; 0.45 lbs/MMBtu for unit 6. The designated representative is Chris Herman.

Mill Creek units 1, 2, 3, and 4 in Kentucky: 0.45 lbs/MMBtu for units 1 and 2; 0.50 lbs/MMBtu for units 3 and 4. The designated representative is Chris Herman.

Trimble County unit 1 in Kentucky: 0.45 lbs/MMBtu. The designated representative is Chris Herman.

Buck units 5, 6, 7, 8, and 9 in North Carolina: 0.45 lbs/MMBtu. The designated representative is T. McMeekin.

Cliffside units 1, 2, 3, 4, and 5 in North Carolina: 0.45 lbs/MMBtu. The

For Your Information  
Angela R. Morrison



# Certificate of Representation

For more information, see instructions and refer to 40 CFR 72.24

This submission is:  New  Revised

## STEP 1

Identify the source by plant name, State, and ORIS code from NADB

Plant Name	C. D. McIntosh Jr.	State	FL	ORIS Code	676
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## STEP 2

Enter requested information for the designated representative

Name	Ronald W. Tomlin, Assistant Managing Director				
Address	Lakeland Electric & Water Utilities 501 East Lemon Street Lakeland, Florida 33801-5050				
Phone Number	813/499-8474	Fax Number	813/499-6362		

## STEP 3

Enter requested information for the alternate designated representative (optional)

Name	Timothy C. Bates, Plant Manager				
Address	C. D. McIntosh Power Plant 3030 East Lake Parker Drive Lakeland, Florida 33805-9513				
Phone Number	813/499-6601	Fax Number	813/499-6688		

## STEP 4

Complete Step 5, read the certifications and sign and date

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the affected source and each affected unit at the source.

I certify that I have given notice of the agreement, selecting me as the designated representative or alternate designated representative, as applicable for the affected source and each affected unit at the source identified in this certificate of representation, daily for a period of one week in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice.

I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and of each affected unit at the source and that each such owner and operator shall be fully bound by my actions, inactions, or submissions.

I certify that I shall abide by any fiduciary responsibilities imposed by the agreement by which I was selected as designated representative or alternate designated representative, as applicable.

I certify that the owners and operators of the affected source and of each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements, I certify that:

I have given a written notice of my selection as the designated representative or alternate designated representative, as applicable, and of the agreement by which I was selected to each owner and operator of the affected source and of each affected unit at the source; and

Allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement or, if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

The agreement by which I was selected as the alternate designated representative includes a procedure for the owners and operators of the source and affected units at the source to authorize the alternate designated representative to act in lieu of the designated representative.



Mr. John C Brown (MS5505)  
Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**RECEIVED**  
DEC 14 1995  
BUREAU OF  
AIR REGULATION

December 14, 1995

**RE: ACID RAIN TITLE IV PHASE II APPLICATION  
FOR LAKELAND ELECTRIC & WATER UTILITIES**

Dear Mr. Brown:

In compliance with 40 CFR Part 72 and Rule 62-210 F.A.C. we are submitting completed form 62-210.900(1)(a) and three copies of each for our C.D. McIntosh and Larsen Power Plants.

Additionally, enclosed you will find a copy of **Certificate of Representation (OMB No. 2060-0221)** for each respective facility together with **Title IV Compliance Plan**.

With this submittal we are hoping to have satisfied all the requirements of Acid Rain Phase II Permit Application.

If you should have any questions, please do not hesitate to contact me at (941) 499-6603.

Sincerely

Farzie Shelton (Ms)  
Environmental Division

Enc.



December 14, 1995

## **Lakeland Electric & water Utilities Title IV Compliance Plan**

Lakeland Electric & Water utilities will hold sufficient SO<sub>2</sub> allowances to cover all SO<sub>2</sub> emissions for the generating units listed below. If it becomes apparent that Lakeland Electric & Water utilities will have insufficient SO<sub>2</sub> allowances, Lakeland Electric & Water Utilities will purchase additional allowances on the open market, or switch to lower sulfur content fuel in order to cover any shortfall.

<b>PLANT NAME</b>	<b>BOILER ID</b>	<b>ORIS CODE</b>
C.D. MCINTOSH.Jr,	1	676
	2	676
	3	676
LARSEN MEMORIAL	7	675
	8	675