

Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

January 8, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Roger D. Harr, City Manager
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801-5079

RE: Winston Peaking Station
DEP File No.: 1050352-003-AC
Revision to Permit No. 1050352-001-AC

Dear Mr. Harr:

The Department received a letter on your behalf on December 18, 2002 to modify the above mentioned construction permit. The letter requested a minor revision to reflect a NOx emission limit of 249.9 tons per year (tpy) instead of the 250 tpy as indicated in Specific Condition 6, Section III of the above referenced construction permit. This will prevent triggering of the Prevention of Significant Deterioration review under the Department rules in 62-212.400 F.A.C. After further consultation with Ms. Farzie Shelton of your staff, the NOx emission limit will be adjusted to 249.4 tpy. The request is acceptable and the referenced permit's Specific Condition No. 6 is hereby modified as follows:

From:

NOx emissions from each internal combustion engine shall not exceed 13.9 lb/hr while in peakload operation firing distillate oil, 11.6 lb/hr while in baseload operation firing distillate oil and 5.6 lb/hr in baseload operation firing natural gas. Annual emissions of NOx in tpy from these emission units shall be calculated by using the NOx emission rate in lb/hr for each mode of operation multiplied by the total operating hours for each mode of operation for the 20 engines divided by 2000. This NOx emission in tpy shall not exceed 250 TPY, based upon a consecutive 12-month period. This facility-wide annual emissions cap of 250 TPY shall become effective on the first day of the month following the initial compliance test of the first internal combustion engine, and compliance shall begin based upon the first twelve months of operation thereafter.

[Rule 62-212.400, F.A.C. (PSD avoidance)]

To:

NOx emissions from each internal combustion engine shall not exceed 13.9 lb/hr while in peakload operation firing distillate oil, 11.6 lb/hr while in baseload operation firing distillate oil and 5.6 lb/hr in baseload operation firing natural gas. Annual emissions of NOx in tpy from these emission units shall be calculated by using the NOx emission rate in lb/hr for each mode of operation multiplied by the total operating hours for each mode of operation for the 20 engines divided by 2000. This NOx emission in tpy shall not exceed 249.4 TPY, based upon a consecutive 12-month period. This facility-wide annual emissions cap of 249.4 TPY shall become effective on the first day of the month following the initial compliance test of the first internal combustion engine, and compliance shall begin based upon the first twelve months of operation thereafter.

[Rule 62-212.400, F.A.C. (PSD avoidance)]

"More Protection, Less Process"

Printed on recycled paper.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permitting decision is issued pursuant to Chapter 403, Florida Statutes.

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 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 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 fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; 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 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.

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 in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is

permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

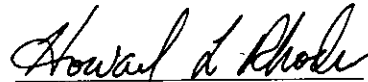
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting decision (order) has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Howard L. Rhodes, Director
Division of Air Resources
Management

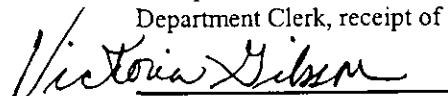
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this PERMIT MODIFICATION was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 1/9/03 to the person(s) listed:

Mr. Roger D. Harr, City Manager*
Ms. Farzie Shelton, Lakeland Electric
Mr. Jerry Kissel, DEP-SWD
Mr. Ken Kosky, P.E., Golder Associates, Inc.

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



(Clerk)

January 9, 2003
(Date)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Roger D. Harr
 City Manager
 City of Lakeland
 501 East Lemon Street
 Lakeland, FL 33801-5079

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Bonnie Blumenthal 3/3

C. Signature

X Bonnie Blumenthal Agent Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. 7001 0320 0001 3692 7232

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7001 0320 0001 3692 7232

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To: Roger D. Harr
 Street, P.O. No., or PO Box No.: 501 E. Lemon St.
 City, State, ZIP+4: Lakeland, FL 33801-5079

PS Form 3800, January 2001

See Reverse for Instructions

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
Gainesville, FL 32653-1500
Telephone (352) 336-5600
Fax (352) 336-6603



RECEIVED

DEC 18 2002

0137671

December 16, 2002

Trina Vielhauer, Chief
Bureau of Air Regulation
Division of Air Resources Management
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 23399

BUREAU OF AIR REGULATION

RE: LAKELAND ELECTRIC WINSTON PEAKING STATION
PERMIT NO. 1050352-001-AC
NITROGEN OXIDES (NO_x) ANNUAL EMISSION LIMIT

Dear Ms. Vielhauer:

Project No.: 1050352-003-AC

This correspondence is submitted on behalf of Lakeland Electric to request a minor revision in Specific Condition 6, Section III of the above referenced air construction permit. This condition was issued with a limit on annual NO_x emission of 250 tons per year so that these units would not trigger Prevention of Significant Deterioration (PSD) review under the Department's rules in 62-212.400 F.A.C. However, the criteria for PSD review is an emission rate "equal to or less than" the PSD thresholds [Rule 62-212.400(2)(b)2.b. F.A.C.]. While the original application requested a limit on NO_x of 249.9 tons per year and the production limits effectively limit NO_x emissions to 249.9 tons per year (Specific Conditions 12 and 14), the discrepancy has been noticed during the Department's processing of the Title V permit. Therefore, it is requested that the air construction permit be amended to reflect a NO_x emission limit of 249.9 tons per year as originally requested and as limited by the production rate limits (i.e., fuel use and hours). This will allow further processing of the Title V permit.

Sincerely,

GOLDER ASSOCIATES INC.

Kennard F. Kosky, P.E.
Principal
Registered Professional Engineer No. 14996
(Golder Associates, Inc. Certificate of Authorization No. 00001670)

Seal

KFK/jkw

cc: Ms. Farzie Shelton, Manager of Environmental Affairs

Q. Kinsel, SWD

P:\Projects\2001\0137671 Lakeland Electric Winston Peaking\4\4. (NL)121602.doc

DRAFT

Emission Limitations and Standards

A.6.a. Nitrogen Oxides (NO_x). NO_x emissions from each internal combustion engine shall not exceed 13.9 lb/hr while in peak load operation firing distillate oil, 11.6 lb/hr while in base load operation firing distillate oil and 5.6 lb/hr in base load operation while firing natural gas. Annual emissions of NO_x in tpy from these emission units shall be calculated by using the NO_x emission rate in lb/hr for each mode of operation multiplied by the total operating hours for each mode of operation for the 20 engines divided by 2000. This NO_x emission in tpy shall not exceed 250 TPY, based upon a consecutive 12-month period. This facility-wide annual emissions cap of 250 TPY shall become effective on the first day of the month following the initial compliance test of the first internal combustion engine, and compliance shall begin based upon the first twelve months of operation thereafter.
[Rule 62-212.400, F.A.C. (PSD avoidance); and, 1050352-001-AC]

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A.6.b. Nitrogen Oxides (NO_x). By this permit, in order to assure that the requirement to submit a PSD application is not triggered, NO_x emissions shall not exceed 240 TPY, based upon a consecutive 12-month period. This facility-wide annual emissions cap of 240 TPY shall become effective on the first day of the month following the initial compliance test of the first internal combustion engine, and compliance shall begin based upon the first twelve months of operation thereafter. In order to make this cap a permanent limit, the permittee shall comply with the terms and conditions contained in the attached **Appendix CP-1, Compliance Plan for Annual NO_x Emissions.**
[Rules 62-4.070, 62-212.400, and 62-213.440, F.A.C.]

240
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A.7. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer, or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20% opacity). The test method for visible emissions shall be EPA Method 9, incorporated and adopted by reference in Chapter 62-297, F.A.C. Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.
[Rule 62-296.320(4)(b)1, F.A.C.; and, 1050352-001-AC]

A.8. Ammonia Emissions. The concentration of ammonia in the exhaust gas from each internal combustion engine shall not exceed 10 ppmvd @15% O₂ while firing natural gas or fuel oil.
[Rule 62-4.070, F.A.C.; and, 1050352-001-AC]

Excess Emissions

{Permitting note: The Excess Emissions Rule at Rule 62-210.700, F.A.C., cannot vary any requirement of a NSPS or NESHAP provision.}

A.9. Excess Emissions Allowed. Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration.
[Rule 62-210.700(1), F.A.C.; and, 1050352-001-AC]

A.10. Excess Emissions Prohibited. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction, shall be prohibited.
[Rule 62-210.700(4), F.A.C.; and, 1050352-001-AC]