



Farzie Shelton, chE; REM
Manager of Environmental Affairs

RECEIVED

JUN 21 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

BUREAU OF AIR REGULATION

June 16, 2004

Ms. Trina L. Vielhauer
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 Ms. Vielhauer:

**Re: Revised Air Construction Permit, DRAFT Permit No.: 1050352-004-AC
Title V Air Operation Permit, Draft Permit No.: 1050352-002-AV
Winston Peaking Station**

We are in receipt of your letter dated June 2, 2004 and attached Drafts Air Construction Permit, draft Title V Air Operation Permit, and Public Notice of Intent to Issue these Permits.

Pursuant to the requirements of Chapter 50, Florida Statutes, and Rule 62-110.106(5), F.A.C. on June 12, 2004 we published the "Public Notice of Intent to Issue An Air Construction Permit And Title V Air Operation Permit" 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

Farzie Shelton

Enclosure

*cc: G. Holton
D. Waters SWD*

City of Lakeland • Department of Electric Utilities

501 East Lemon Street • Lakeland, FL 33801-5050 • (863) 834-6603 • Fax (863) 834-8187 • Message System 834-6592

farzie.shelton@lakelandelectric.com

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

Case No.

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Morgan Miller, who on oath says that he is 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 to Issue Permit

the matter of Draft Air Construction Permit

concerning Winston Peaking Station in Polk County

was published in said newspaper in the issues of 6-12 2004

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 Morgan Miller
Morgan Miller
Classified Manager
Who is personally known to me.

Sworn to and subscribed before me this 14th day of June, A.D. 2004
Latschman
Notary Public

(Seal)

My Commission Expires Oct 17, 2004

Attach Ad Here

PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Air Construction Permit No.: 1050352-004 AC
DRAFT Title V Air Operation Permit Project No.: 1050352-002 AV
Winston Peaking Station
Polk County

The Department of Environmental Protection (permitting authority) gives notice of its issuance of a Draft Air Construction Permit for the Winston Peaking Station located at Airport Road, Lakeland, Polk County, Florida. The proposed Title V and draft Title V Air Operation Permits are being issued to the Winston Peaking Station, 1001 East Lemon Street, Lakeland, Florida 33801-5079.

The construction permit is being issued to correct minor inconsistencies between the permit application information and the limitations of permit 1050352-001 AC, that were causing the processing of the Title V air operation permit. Making these changes will allow the operation permit to be issued with limitations that will meet the US EPA's criteria for being enforceable and ensure that the facility maintains the required non-PSD construction permit on-line web page to respond to requests by the public to make clear and visible emissions testing requirements contained in permit 1050352-001 AC.

The Title V air operation permit is being issued to allow commercial operation of the facility authorized by the Title V air operation permit 1050352-001 AC, and as revised by or construction permit 1050352-004 AC.

The permitting authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit and subsequent FINAL Title V Air Operation Permit, in accordance with the terms of the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit unless a significant change in accordance with the following procedures results in a different decision of significant change in terms of conditions.

The permitting authority will accept written comments concerning the proposed Draft Air Construction Permit based on action for a period of 30 (thirty) days from the date of publication of this notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2900 Blue Stone Road, Stone Road, Tallahassee, Florida 32309-2400. (Telephone: 904/669-1100; Fax: 904/669-1100; TDD: 904/669-1100). Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the Draft Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and release, if applicable, a revised Notice.

The permitting authority will accept written comments concerning the proposed DRAFT Air Operation Permit based on action for a period of 30 (thirty) days from the date of publication of this notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2900 Blue Stone Road, Stone Road, Tallahassee, Florida 32309-2400. (Telephone: 904/669-1100; Fax: 904/669-1100; TDD: 904/669-1100). Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the Draft Air Operation Permit, the permitting authority shall issue a Revised DRAFT Air Operation Permit and release, if applicable, a revised Notice.

A person whose substantial interests are affected by the proposed permitting decision for an administrative hearing in accordance with Sections 120.469 and 120.57, Florida Statutes, the petition must contain the information set forth below and must be filed (received) with the Office of General Counsel of the Department of Environmental Protection, 2900 Corporate Center, Tallahassee, Florida 32309-3002. (Telephone: 904/669-1100; Fax: 904/669-1100). Petitions filed by any persons other than those entitled to written notice under Section 120.57 shall be filed within 30 days of the publication of the public notice or within 30 days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., the person who caused the permitting authority to issue a notice of intent may file a petition for reconsideration of the notice of intent, regardless of the date of publication. A petition filed by the petitioner to the applicant of the address indicated above, on the date of filing, the 30-day period for the petition with the permitting authority shall constitute a waiver of the right to request an administrative determination (hearing) under Sections 120.572 part 1, 20.57, and 120.574 in the proceeding and constitute a waiver to file any subsequent intervention with the permitting authority upon the filing of a motion in compliance with Rule 27 of the Florida Administrative Code (F.A.C.).

A petition must describe the material facts on which the Department's action is based and contain the following information:

- The name and address of each agency affected and each agency's file or file number if known.
- The name, address and telephone number of the petitioner, name, address and telephone number of the petitioner's representative, if any, which shall be the address for service during the course of the proceeding, and an explanation of how petitioner's substantial interests are affected by the agency determination.
- A statement of how and when the petitioner received notice of the agency determination.
- A statement of all disputed issues of material fact. If there are none, the petitioner must file a concise statement of the ultimate facts alleged, as well as the rules and statutes, which the petitioner relies on.
- A statement of the specific rules or statutes the petitioner contends require reversal of the agency's proposed action, and.
- A statement of the relief sought by the petitioner, stating precisely the action petitioner is requesting with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the permitting authority 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 27.100, 301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, a petition means that the permitting authority's final action may be different than that taken by the permitting authority. Persons whose substantial interests will be affected by the decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for the proceeding.

In addition to the above pursuant to 42 United States Code (U.S.C.) Section 7601(d)(2)(D), for a 40 (forty-five) day review period as established by 42 U.S.C. Section 7610(d)(3), to the issuance of any permit, any petition shall be based only on objections to the permit that will be made available to the public during the 30 (thirty) day public comment period provided in the permit decision. Petitions filed with the Administrator of the EPA that will be made available to the public during the 30 (thirty) day public comment period or within the grounds for such objection are not subject to the provisions of Chapter 62.213, F.A.C. Petitions filed with the Administrator of the EPA must meet the requirements of 42 U.S.C. Section 7610(d)(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 comment period is available for public inspection during normal business hours to 5:00 p.m., Monday through Friday, except legal holidays, at:

<p>Permitting Authority Department of Environmental Protection Bureau of Air Regulation 111 South Magnolia Street, Suite 4 Tallahassee, Florida 32301 Telephone: 904/669-5114 Fax: 904/669-6979</p>	<p>Affected Party (Local Proposal) Department of Environmental Protection Southwest District Office 3844 Coconut Point Drive Tampa, Florida 33619-6218 Telephone: 813/784-6100 Fax: 813/784-6984</p>
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The complete permit file includes the DRAFT Permit, the application, and the information required under Section 403.111, F.A.C. or 403.111, F.A.C. or 403.111, F.A.C.