

Farzie Shelton, chE; REM

Associate GM Technical Support

RECEIVED

July 24, 2007

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BUREAU OF AIR REGULATION

Ms. Trina Vielhauer, Chief Bureau of Air Regulation Florida Department of Environmental Protection 2600 Blair Stone Road Tallahassee, Florida 32399-2400

Attention: Mr. A. A. Linero, P.E. Administrator

RE:

DEP File No. 1050004-019-AC

C.D. McIntosh, Jr. Power Plant-Unit 3

Dear Ms Vielhauer:

We are in receipt of the Department's Draft Air Construction Permit for installation of SCR for the above referenced Unit. As per requirement of Chapter 50, Florida Statutes, we published the Public Notice of Intent in the Lakeland Ledger on Friday July 20, 2007. Therefore, enclosed please find proof of publication. Additionally, on July 16, 2007 we submitted our comments re this draft permit and requested the Department for extension of time up to and including August 30, 2007.

As always, we appreciate all the help you and your staff extend to us.

Sincerely

Farzie Shelton

Enclosure

cc: Ken Kosky P.E.

City of Lakeland • Department of Electric Utilities

AFFIDAVIT OF PUBLICATION THE LEDGER

Lakeland, Polk County, Florida

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Refore the undersigned authority personally appeared Paula Freeman, who on oath says that she is Inside Classified Sales Manager The Ledger, a daily newspaper published at Lakeland in folk County, Florida; that the attached copy of advertisement, being

Notice of Intent

ter of Air Construction Permit

ng Lakeland Electric

shed in said newspaper in the issues of 7-20; 2007

Miant further says that said The Ledger is a newspaper published it Lakeland, in said Polk County, Florida, and that the said sewspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter it the post office in Lakeland, in said Polk County, Florida, for a seriod of one year next preceding the first publication of the ittached copy of advertisement, and affiant further says that he has wither paid nor promised any person, firm or corporation any liscount, rebate, commission/or jefund for the purpose of securing his advertisement for publication in the said newspaper.

Paula Vreeman

Inside Classified Sales Manager Who is personally known to me.

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Patricia ankou

Notary Public

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AFFIDAVIT OF PUBLICATION THE LEDGER Lakeland, Polk County, Florida

Case No's:

STATE OF FLORIDA) **COUNTY OF POLK)**

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Notice of Intent

in the matter of Air Construction Permit

Concerning Lakeland Electric

was published in said newspaper in the issues of 7-20; 2007

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.

Application for Permit by Lakeland Electric . , Internation of Environmental Protection (Department) gives notice of its intent to issue an air construction permit (copy of draft permit enclosed) for the proposed project as defailed in the air construction permit (copy of draft permit enclosed) for the proposed project as defailed in the for the reasons stated below.

Lakeland Electric (the Company) operates the C.D. Montans 1.17 Power. Plant, located at 3030 East Lake Parker Drive (Lakeland, Polk County, Florida, The Company) applied for a permit on the existing Unit 3 at the plant of the permit on the existing Unit 3 at the plant of the provisions of Chapter 403.087. Florida The Department has permitting flurisdiction under the provisions of Chapter 403.087. Florida This action is not exempt from permitting procedures, the Department has determined that on air construction permits required the provisions of Chapters 62.41.62.210.160.2121. The Department intends to issue in spermit based on the belief, that reasonable assurances have been provided to Indicate that operation of these emission units will compty with all appropriate provisions of Chapters 62.4.62.204.62.210.62.210.02.210. tion Permit. The notice shall be published one) time tonly in the legal advertisement section for a newspaper of general circulation in the area affected: Rule 62-110 106(7)(6); F.A.C.: requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, topublication in a newspaper of general circulaof its mininded action. For the purpose of mass rules, appunication in a newspaper of general circula-tion in the area affected; means publication in a newspaper meeting the requirements of Sections 5 50.011 and 50.031°, F.S. hin the county where the activity is to Toke place III you dre uncertain that a sewspaper meets these requirements, please contact the Department at the address or telephone. number listed below. The applicant shall provide proof of publication to the Department's Bureau number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation," at 2600 Bian Stone Road. Mail Station #5505-fallatnassee. Florido 32399-2400 (fele-phone: 850/488-0114; Fax: 855/92-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-1101/96(5), F.A.C. No permitting action forwhich published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform afflactivity in substantially, the form prescribed in section 50.0511-531 to the office of the Department issuing the permit Fallure to publish, the notice and provide proof of publication may issuit in the denkel of the permit pursuant to Rules 62-110,104(9) & (11)*FA.C. with the Department will issue the final construction permit unless a response received in accordance with the following procedures results in a different decision or significant change, of terms or conditions the Department will accept written comments concerning the proposed permit issuance action for a period of 14/days from the date of publication of Public Notice; Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station 15505, Tallahasse, Florida 13239-2430. May written comments filled shall be made available from public inspection, if written comments received result in a significant change, in the proposed logancy (action, the Department shall revise the proposed permit and required in applicable, another Public Notice). The Department will issue the construction permit with attached conditions unless a timely petition for, an administrative hearing is, filed pursuant to sections) 120.569 and 120.57. F.S. before the deadline for filing a petition, the procedures for petitioning for, a hearing are set forth below. The period of the processed permitting decision may petition for, an administrative proceeding (hearing) under sections 120.569 and 120.57. of the Floridar Statutes. The petition must contain the information set forth below, and must be filed (received) in the Office of General Coursel of the Department of 3900 Commonwealth Boulevard, Mail Station 1835, Tallahassee, Florida 23399-3000/Petitions filed by the permit applicant or any of the parties listed below must be filed within, 14 days of receipt of this notice of intent. Petitions filed by any persons folder from those entitled to written inotice under section 120.60(3) of the Florida Statutes must be filled within 14 days of publication of the public notice of within 14 days of receipt of that notice.

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Concerning Lakeland Electric

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Paula Vreeman

Inside/Classified Sales Manager

Who is personally known to me.

Sworn to and subscribed before me this...

Notary Public

(Seal)

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newspaper of general circulation in the area offected. Rule 62-110.106(7)(b), F.A.C. applicant cause the notice to be published as soon as possible after notification by the Departmen of lis Intended action. For the purpose of these rules, "publication in a newspaper of general circula tion in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place? If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, of 2000 Blair Stone Road. Mail Station #5505, Tollahassee, Plandra 32399-2400 (Telephone: 850/488-0114; Fax: 850/922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62110.106(5), F.A.C.:No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform officially in substantially the form prescribed in section 50.051; F.S. to the office of the Department issuing the station of the published proof of the published proof of the proof of the Department issuing the ne substantially the form prescribed in section accounts for the unice of the exportment is united in the permit failure to publish the notice and provide proof of publication, may result in the denicil of the permit pursuant to Rules 62-110, 104(9) & (11), F.A.C.

The Department will issue the final construction permit unless a response received in accordance

with the following procedures results in a different decision or significant change of terms or cond None.

Fishe Department will accept written comments concerning the proposed permit issuance action for a period of 14 days from the date of publication of Public Notices, Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Birst Stone Road, Mall Station #5505, allohassee, Florida, 32399-2400: Any written comments; filed Birst Stone Road, Wall Station #5505, allohassee, Florida, 32399-2400: Any written comments; filed shall be mode; avoilable for public inspection. If written comments racelyed result in a significant, change in the proposed agency, action, the Department shall revise the proposed permit and require it applicable, another, hublic The first 1200 feet and require, if opplicable, another, and the first the first 1200 feet and the first t

The Department will issue the construction permit with attached conditions unless a timely pet tion for an administrative hearing is filed pursuant to sections 120.569 and 120.57:F.S., before the deadline for filling a petition. The procedures for petitioning for a hearing are set, forth below.

A person whose substantial interests are affected by the proposed permitting decision petition for an administrative proceeding (hearing) under sections 120.509 and;120.57, of the Ffordar Statutes. The petition must contain the information set, forth below, and must be filled (received) in stations, the perinon mass-compare into information, serior in colony, and the solution of the Office of General Counsel of the Department, at 3900 Commonwealth Boulevard, Mall Station #35; Taliahassee: Florida 32399, 3000, Petitions filed by the permit applicant or any of the parties listed. below must be filled within 14 days of receipt of this notice of intent. Petitions filed by any persons below must be filled within 14 days of receipt of this notice of intent. Petitions filed by any persons to the rithou, those entitled to written notice under section 120:60(3) of the Fiorida Statutes must be filled, within 14 days of publication, of the public notice or within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicants the appropriate time period shall constitute a waiver of that, person's right or equest an admistrative determination (hearing) under sections 120:569 and 120:57 F.S. or, to intervene in this proceeding, and participate as a party to it. Yany subsequent intervention (in a proceeding initiated by another with Rule 28-106:205 of the Florida Administrative Code.

contain the following information: (a) The name and address of each agency, affected and each agency is 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 explo which shall be the defined to solve a purpose; defined the course of 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 decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of of the ultimate facts alleged, including the specific facts the petitioner contends war rant reversal or modification of the agency's proposed action; (f) A statement of the specific rule or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged tacts relate to the specified rules or statutes; and (g and a process of the relief sought, by the petitioner, stating precisely, the oction 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 file 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. 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 proceed locing leading rows to be a time.

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