



Farzie Shelton, chE; REM

Manager of Environmental Affairs

RECEIVED

DEC 09 2004

BUREAU OF AIR REGULATION

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 6, 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: Draft Title V Air Operation Permit No.: 1050352-004-AC
Lakeland Electric – Revised Draft Title V Air Operation Permit Project No: 1050352-002-AV
Winston Peaking Station Polk County**

We are in receipt of your letter dated November 19, 2004 and attached Drafts Title V Air Operation Permit, and Public Notice of Intent to Issue these Permits which we received on November 23, 2004.

Pursuant to the requirements of Chapter 50, Florida Statutes, and Rule 62-110.106(5), F.A.C. on December 2, 2004 we published the "Public Notice of Intent to Issue 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

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

Farzie Shelton

Enclosure

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

RECEIVED

Lakeland, Polk County, Florida DEC 19 2004

BUREAU OF AIR REGULATION

Case No

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared C. Morgan Miller, who on oath says that he is Display Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being an

Notice of Intent

in the matter To Issue Title V Permit ; Winston Peaking Station

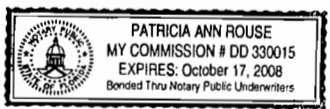
Concerning City of Lakeland, Polk County, Florida

was published in said newspaper in the issues of 12-2; 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 C. Morgan Miller
C: Morgan Miller
Display Advertising Manager
Who is personally known to me.

Sworn to and subscribed before me this 2nd
day of December A.D. 20 04
Patricia Ann Rouse
Notary Public



(Seal) My Commission Expires Oct 17, 2008
LL255191 L916

Attach Ad Here

PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT
Department of Environmental Protection

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

Applicant: The applicant for this project is Lakeland Electric, 501 East Lemon Street, Lakeland, Florida 33801-5079. The applicant's responsible official is Mr. Timothy Bates, Director of Energy Supply.
Facility Location: The applicant operates a peaking station, which is located at 1200 Airport Road, Lakeland, Polk County, Florida.

Project: The construction permit is being issued to correct minor inconsistencies between the original permit application information and the limitations of permit 1050352-001-AC, that were discovered during the processing of the Title V air operation permit. Making these changes will allow the Title V air operation permit to be issued with limitations that will meet the US EPA's criteria for being practically enforceable and assure that the facility maintains the requested non-PSD classification. In addition, this action will be used to respond to a recent request by Ms. Farzie Shelton to make changes to the 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, as authorized by the initial air construction permit 1050352-001-AC, and as revised by air construction permit 1050352-004-AC.

These revised Draft permits are being issued due to the fact that comments received on the previous DRAFT permits resulted in changes that were considered significant enough to require a new public notice. In order to remove conflicts between the conditions that limit potential emissions, the fuel quantity limitations were removed from the permit. Potential emissions are still limited by hourly heat input limits for each fuel, annual hours of operation limits for each fuel, and hourly and annual emissions limits.

Permitting Authority: Applications for Air Construction Permits and for Title V Air Operation Permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to operate the facility. The Department of Environmental Protection is the Permitting Authority responsible for making a permit determination regarding this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: Department of Environmental Protection, 2400 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the Draft Construction Permit, the Statement of Basis for the Draft Title V permit, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above, or may view the DRAFT Permit and file electronic comments by visiting the following website: <http://www.dep.state.fl.us/cir/products/orders/>. A copy of the complete project file is also available at the Department of Environmental Protection's Southwest District Office at 3804 Coconut Palm Drive, Tampa, Florida 33619-8218 (telephone: 813/744-6100).

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the facility will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Air Construction Permit, a Proposed Title V Air Operation Permit and subsequent Final Title V Air Operation Permit in accordance with the conditions of the Draft Permits unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the Draft Air Construction Permit for a period of fourteen (14) days from the date of publication of this Public Notice. The Permitting Authority will accept written comments concerning the Draft Title V Air Operation Permit for a period of thirty (30) days from the date of publication of this Public Notice. Written comments must be post-marked and all e-mail or facsimile comments must be received by the close of business (5 pm) on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices (<http://flhoro.dep.state.fl.us/onw/>) and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen (14) days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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 rights will be affected by the agency determination; (c) A statement of how and when the 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 state; (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 the 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 Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent. Persons whose substantial interests will be affected by any such final 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: Mediation is not available for this proceeding.

Objections: In addition to the above right to petition, pursuant to 42 United States Code (U.S.C.) Section 7601(a)(2), any person may petition the Administrator of the EPA within sixty (60) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7601(d)(1), to object to the issuance of any Title V Air Operation Permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the thirty (30) day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7601(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. For more information regarding objections, visit the EPA Region 4 web site at: www.epa.gov/region4/air/permits

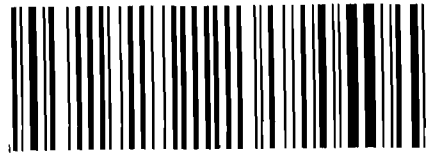
L916 12-2 2004



501 E. Lemon St. ♦ Lakeland, Florida 33801


ADDRESS SERVICE REQUESTED

CERTIFIED MAIL



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U.S. POSTAGE
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Ms. Trina L. Vielhauer
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road, Mail Station #5505
Tallahassee, Florida 32399-2400

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