

*In the Matter of an
Application for Title V Air Operation Permit Renewal by:*

Mr. David L. Mulvay, Plant Manager
City of Lake Worth Utilities
1900 2nd Avenue North
Lake Worth, Florida 33461

DRAFT Air Permit No. 0990045-005-AV
Tom G. Smith Power Plant and
Lake Worth Water Treatment Plant
Title V Operation Permit Renewal
Palm Beach County, Florida

Intent to Issue Title V Air Operation Permit Renewal

Facility Location: The applicant requests renewal of the facility Title V air operation permit (Permit Renewal) to operate the City of Lake Worth Utilities facility, which is located at 117 College Street, Lake Worth, Florida 33461.

Project: On July 5, 2007, the applicant applied to the Department of Environmental Protection (Department) for a Permit Renewal.

The facility includes eight regulated emission units with a total nominal generating capacity of 96 megawatts (MW). These include five diesel engine generators, each with a rating of 2 MW; one 26.5 MW fossil fuel steam generating unit; one 30 MW simple cycle gas turbine; and one 29.5 MW combined cycle gas turbine. Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

Details of the project are provided in the application and the enclosed "Statement of Basis".

Permitting Authority: Applications 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, 62-213, and 62-214, 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. Department's Bureau of Air Regulation, is the Permitting Authority responsible for making a permit determination regarding this project. The Department's physical address is: Bureau of Air Regulation, 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301. The Department's mailing address is: Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. The Department's telephone number is 850/488-0114 and facsimile 850/921-9533.

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 Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the DRAFT Permit by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number indicated above. A copy of the complete project file is available at the Department's Southeast District Office, 400 North Congress Ave, Suite 200 West Palm Beach, Florida 33401 (Telephone: 561/681-6600). A copy of the complete project file is also available at the office of the compliance authority, which is the Palm Beach County Health Department, Air Quality Control Section, 901 Evernia Street, West Palm Beach, Florida 33401 (Telephone: 561-840-4500).

Notice of Intent to Issue Air Permit: The Department gives notice of its intent to issue a 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, 62-214, 62-296, and 62-297, F.A.C. The Department will issue a PROPOSED Permit and subsequent FINAL Permit in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "Public Notice of Intent to Issue Title V Air Operation Permit Renewal" (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet 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 above address or phone number. Pursuant to Rule 62-110.106(5), F.A.C., the applicant shall provide proof of publication to the Department at the above address within seven (7) days of publication. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form presented in Section 50.051, F.S., to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Comments: The Department will accept written comments concerning the DRAFT 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 Department at the above address, email or facsimile. As part of his or her comments, any person may also request that the Department hold a public meeting on this permitting action. If the Department determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the official web site for notices at Florida Administrative Weekly (FAW) at <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. Subsequent action on the Title V and Title IV parts of the Permit Renewal may be split if comments are received on the Title V portion of the DRAFT Permit. For additional information, contact the Department 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 Department 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Title V Air Operation Permit. 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 the attached Public Notice or within fourteen (14) days of receipt of this Written Notice of Intent to Issue Title V Air Operation Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department 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 (in a proceeding initiated by another party) 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 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 each 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, including an explanation of how the alleged facts relate to specific rules or statutes; 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

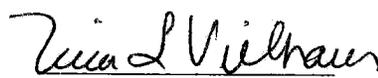
which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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 Written Notice of Intent to Issue Title V Air Operation Permit. 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: Mediation is not available in this proceeding.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(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 7661d(b)(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 7661d(b)(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: <http://epa.gov/region4/air/permits/Florida.htm>.

Executed in Tallahassee, Florida.


Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Title V Air Operation Permit Renewal (including the Public Notice, and the DRAFT/permit) and all copies were sent electronically (with Received Receipt) before the close of business on 9/27/07 to the persons listed:

David L. Mulvay, Lake Worth Utilities: dmulvay@lakeworth.org

Lee Hoefert, Southeast District: lee.hoefert@dep.state.fl.us

Jim Stormer, Palm Beach County Health Department: james_stormer@doh.state.fl.us

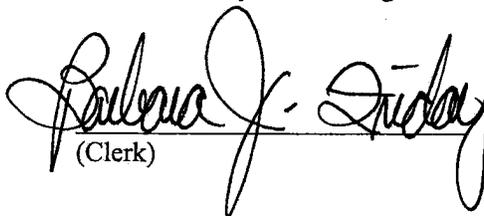
Scott Osbourn, P.E., Golder Associates: sosbourn@golder.com

Gracy Danois, EPA Region 4: danois.gracy@epa.gov

Katy Forney, EPA Region 4: forney.kathleen@epa.gov

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.


(Clerk) 9/27/07
(Date)

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL

Department of Environmental Protection
DRAFT Title V Air Operation Permit No.0990045-005-AV
City of Lake Worth Facility
Palm Beach County

Applicant: The applicant for this project is City of Lake Worth Utilities, 1900 2nd Avenue North, Lake Worth, Florida 33461. The applicant's responsible official is Mr. David L. Mulvay, Power Plant Manager.

Facility Location: The applicant operates the City of Lake Worth facility comprised of the Tom G. Smith Power Plant and the Lake Worth Water Treatment Plant. The facility is located at 117 College Street, Lake Worth, Florida 33461. It is immediately north of 6th Avenue South and east of Interstate 95.

Project: The applicant submitted an application for a Title V Air Operation Permit Renewal including an Acid Rain Part pursuant to Title IV of the Clean Air Act. The facility consists of the following emissions units:

The facility includes eight regulated emission units with a total nominal generating capacity of 96 megawatts (MW). These include five diesel engine generators, each with a rating of 2 MW; one 26.5 MW fossil fuel steam generating unit; one 30 MW simple cycle gas turbine; and one 29.5 MW combined cycle gas turbine. Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities. The electrical units at the facility are typically used for peaking purposes or when power is not available from the main provider in the area.

The Permit Renewal recognizes the permanent shutdown in 2005 of two fossil fuel steam generating units not listed above and includes a compliance plan requiring installation of permanent stack sampling facilities on certain units or pursuit and approval of an alternative sampling procedure.

Permitting Authority: Applications 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, 62-213, and 62-214 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, Bureau of Air Regulation, is the Permitting Authority responsible for making a permit determination regarding this project. The Department's physical address is: Bureau of Air Regulation, 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301. The Department's mailing address is: Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. The Department's telephone number is 850/488-0114 and facsimile 850/921-9533.

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(Public Notice to be Published in the Newspaper)

for notices at Florida Administrative Weekly (FAW) at <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. Subsequent action on the Title V and Title IV parts of the Permit Renewal may be split if comments are received on the Title V portion of the DRAFT Permit. For additional information, contact the Department 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 Department shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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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 Public Notice of intent. 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: 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 7661d(b)(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 7661d(b)(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 7661d(b)(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 EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm> .