



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Building
2600 Blairstone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

April 24, 2006

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Ms. Farzie Shelton
City of Lakeland
Department of Electric Utilities
501 East Lemon Street
Lakeland, FL 33801-5050

RE: City of Lakeland
C.D. McIntosh, Jr., Power Plant
Modification to Conditions of Certification
DEP Case Number PA74-06K
OGC Case Number 06-0333

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Shelton:

The Siting Board issued the Site Certifications for the McIntosh Power Plant Unit 3 on December 7, 1978. This certification authorized the construction and operation of a 334 Mw coal/gas/refuse fired power plant. Unit 5 was certified on June 1, 2000 for the operation and construction of a 370 Mw gas fired power plant. The McIntosh Power Plant Facility is located near the City of Lakeland, Florida. The Department of Environmental Protection has subsequently modified the Conditions of Certification on nine different occasions by final orders. On or before March 3, 2006, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on or before March 3, 2006, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Department's website. Those notices specified that pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., all parties to the certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which file a written objection to the modification; that failure of any of the parties to file a response will constitute a waiver of objection to the modification; and that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing.

No objections to the modification have been received by the Department. The Conditions of Certification for the McIntosh Unit No. 3 facility are hereby modified as follows:

"Permittee" shall be changed to "licensee" throughout.

II. SPECIFIC

A. Unit No. 3

The construction and operation of the Unit No. 3 at the McIntosh Plant shall be in accordance with all applicable provisions of the Chapters 62-210 - 62-297, Florida Administrative Code, PSD-FL-008, and Title V Air Operation Permit No 1050004-016-AV and any subsequent modifications and/or amendments. The licensee ~~permittee~~ shall comply with the following conditions of certification:

1. Air

a. Emission Limitations

1.-5. No change

6. The forced oxidation system modification and related activities shall not result in the release of objectionable odors pursuant to Rule 62-296.320(2), F.A.C.

7. The licensee shall utilize best practices in order to assure that fugitive emissions resulting from the forced oxidation conversion to the FGD system (including subsequent long-term material handling operations) are minimized. In no case, shall particulate emissions from such fugitive emissions exceed 20% opacity.

b. Air Monitoring Program – No change

b. Air Monitoring Program - No change

c. Stack Testing

1) Within 45 60 days after placing Unit 3 on line after modifying the Flue gas desulphurization system for forced oxidation, achieving the maximum capacity at which the facility will be operated, but no later than 180 days after initial startup, the owner or operator shall conduct stack performance tests for particulates matter and SO₂ in order

to demonstrate that existing emission limits can be met. The licensee shall and promptly furnish the Department a written report of the results of such performance tests.

2) Performance tests shall be conducted and data reduced in accordance with methods and procedures in accordance with EPA or DEP-approved test methods.

3) Performance tests shall be conducted under such conditions as the Department shall specify based on representative performance of the facility. The owner or operator shall make available to the Department such records as may be necessary to determine the conditions of the performance tests.

4) The owner or operator shall provide the Department with 30 days prior notice of the performance tests and afford the Department the opportunity to have an observer present.

5) Stack tests for particulates, NO_x and SO₂ shall be performed annually in accordance with conditions 2, 3 and 4 above. CEMS and CEMS's relative accuracy tests may be used to determine compliance as long as the source and test conditions are consistent with the applicable requirements.

d. Reporting

1) - 2) - No change

3) The licensee shall notify the DEP Southwest District at least one day prior to the commencement of construction of the FGD conversion to forced oxidation and 7 days prior to commencement of any related stack performance testing. The DEP's Southwest District shall be notified within 5 days, in writing, upon completion of the forced oxidation construction modifications.

4) A written summary shall be submitted to the Bureau of Air Regulation within 60 days of completion of the stack tests required in condition II.a.1.c. above.

Written objections must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. If the Department does not receive any written objections, then an Order Modifying the Conditions of Certification shall be issued by the Department. If written objections are timely filed which address only a portion of the modification, then pursuant to Rule 62-17.211(1)(b)5., F.A.C., the Department shall issue an Order approving that portion of the modification to which no

objections were filed, unless that portion of the modification is substantially related to or necessary to implement the portion to which written objections are filed. If written objections are raised, then pursuant to Section 403.516(1)(c), F.S., the applicant may file a petition for modification with the Department and the Division of Administrative Hearings seeking approval for those portions of the modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Any questions regarding this Final Order to Modify Conditions of Certification should be directed to Hamilton S. Oven at (850) 245-8002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Such contact with any of the above does not constitute an objection to the modification.

Sincerely,

Hamilton S. Oven

Hamilton S. Oven, P.E.

Administrator, Siting Coordination Office

Attach:

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

Dorise Cunningham 04/24/2006
Clerk Date

April 24, 2006

Page Five

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order has been sent by United States Postal Service to:

James V. Antista, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600

Craig Varn, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Mary Ann Helton, Esquire
Florida Public Service Commission
Gerald Gunter Building
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Sheauching Yu, Esquire
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Mail Station 58
Tallahassee, FL 32399-0450

Mr. Frank Anderson, Esquire
Southwest FL Water Management District
2379 Broad St.
Brooksville, FL 34609-6899

Mark Carpanini, Esquire
Office of the County Attorney
POB 9000
Bartow, FL 33831-9000

Angela Morrison, Esquire
Hopping Green Sams & Smith
POB 6526
Tallahassee, FL 32314

Norman White, Esquire
Central FL Regional Planning Council
555 East Church St
Bartow, FL 33830

Andrew R. Reilly, Esquire
East Lake Parker Residents
POB 2039
Lakeland, FL 33845-2039

Thomas B. Tart, Esquire
Orlando Utilities Commission
500 South Orange St.
Orlando, FL 32801

✓ Scott A. Goorland, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000