PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection (Department)
Division of Air Resource Management, Office of Permitting and Compliance

Draft Air Permit No. 0610096-005-AC
INEOS New Planet BioEnergy, Indian River County Facility
Indian River County, Florida

Applicant: The applicant for this project is INEOS New Planet BioEnergy (INPB) of Indian River County (IRC). The applicant's authorized representative and mailing address is: David King, President, INEOS New Planet BioEnergy, 925 74th Avenue, Vero Beach, Florida 32968-9702.

Facility Location: The IRC INPB BioEnergy Facility is located near Vero Beach in Indian River County, at the former location of an Ocean Spray citrus processing facility at the intersection of 74th Avenue and Oslo Road (near Interstate 95).

Project: The facility has completed construction. The facility, when running at full capacity, will produce approximately 8 million gallons per year of ethanol from a biomass feedstock consisting principally of vegetative yard waste, clean woody construction and demolition debris and municipal solid waste and yard waste that is classified as municipal solid waste. The two major changes described below were accomplished as a result of this permitting action.

INPB has requested one major modification to a previously issued construction permit (DEP File No. 0610096-004-AC). Specifically, INBP has requested that the requirements of New Source Performance Standard (NSPS), 40 Code of Federal Regulations Part 60 (40 CFR 60), Subpart AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Commenced After August 30, 1999 or for Which Modifications or Reconstruction is Commenced After June 6, 2001 be removed from the permit because due to new Federal rules and guidance the facility is no longer considered a municipal waste combustor (MWC). In place of the Subpart AAAA requirements, the vent gas boiler at the IRC INBP facility will be subject to the requirements of NSPS 40 CFR 60, Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. With the removal of the Subpart AAAA requirements, the IRC INBP facility is no longer a Federal Title V air pollution source and does not require a Title V air operation permit. Instead it will now be required to obtain a general air operation permit. Links to Subpart AAAA and Subpart Dc are given below:

Link to NSPS Subpart AAAA; Link to NSPS Subpart Dc

Another change was made to the reference permit by the Department. Florida rules have changed since the IRC INPB facility was originally permitted. In particular, Florida has adopted EPA rule 40 CFR 52.21(b)(1)(iii)(*t*), wherein… *"the term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140."* This means that since the IRC INPB facility is no longer a MWC with the removal of NSPS Subpart AAAA requirements and is no longer considered a *"Chemical Processing Plant"*, it is not one of the 28 source categories under Prevention of Significant Deterioration (PSD) regulations. Thus the 100 tons per year (TPY) threshold for triggering a PSD review in no longer valid. Instead, now under Florida rules the IRC INPB facility would have to emit or have the potential to emit 250 TPY or more of any PSD pollutant to be considered a major stationary source subject to a PSD review. The Department changed the IRC INBP permit to reflect this change based on the current Florida rules.

INBP has not requested any pollutant emission increases as a result of the permit modification. However, with the removal of NSPS Subpart AAAA requirements, annual emissions testing for the following pollutants will no longer be required: dioxins/furans; cadmium; lead; and hydrogen chloride. At the request of INBP, the emission limits of Subpart AAAA for the following pollutants will continue to be in the permit: nitrogen oxides, sulfur dioxides, carbon monoxide, particulate matter and opacity. In addition, the Department is setting a mercury emissions limit of 1.9 pounds.

This modification project is subject to the preconstruction review requirements of Rule 62-212.300, Florida Administrative Code (F.A.C.).

(Public Notice to be Published in the Newspaper)

Permitting Authority Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Division of Air Resource Management's Office of Permitting and Compliance is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 2600 Blair Stone Road, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

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 address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, 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. In addition, electronic copies of these documents along with all previous air permit applications and issued permits packages are available at the following web link:

http://www.dep.state.fl.us/air/emission/bioenergy/indian_river.htm

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 30 days from the date of publication of this Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 30-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the 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. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the 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 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. A petition for administrative hearing must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, Agency.Clerk@dep.state.fl.us, before the deadline. 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 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, any email address, telephone number and any facsimile number of the petitioner; the name, address any email address, telephone number, and any facsimile 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 when and how each petitioner received notice of the agency action or proposed decision; (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 the 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 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 to Issue Air Permit. 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 in this proceeding.