

6510 Bayline Drive
Panama City, Florida 32404
850-522-1142
850-522-0622 FAX

Montenay Bay LLC

Fax

To: Mr. Michael Halpin - FDEP **From:** J.J. Zebroski

Fax: 850-922-6979 **Pages:** 3 (including cover sheet)

Phone: **Date:** 3/4/2004

Re: Public Notice **CC:** Mr. Marc C. Wallace - CDM

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• **Comments:**

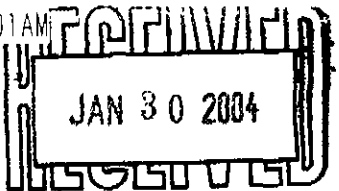
Mr. Halpin

Please find attached, confirmation of the publishing of the Public Notice of Intent to Issue Air Construction Permit, included in the Panama City News Herald edition of January 29, 2004.

Thank you for your assistance in processing this matter.

Sincerely,

J.J. Zebroski
Montenay Bay
APC Retrofit Project Manager



Florida Freedom Newspapers, Inc.

PUBLISHERS OF THE NEWS HERALD
Panama City, Bay County, Florida
Published Daily

State of Florida County of Bay

Before the undersigned authority appeared _____

Glenda Sullivan _____, who on oath says that (s)he

is Classified Manager _____ of The News Herald, a daily

newspaper published at Panama City, in Bay County, Florida; that the attached copy of

advertisement, being a Legal Advertisement - 5776 _____

in the matter of Public Notice Of Intent To Issue Air _____

Construction Permit _____

in the Bay County _____

Court, was published in said newspaper in the issue of _____

January 29, 2004 _____

Affiant further says that The News Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as periodicals matter at the post office in Panama City, in said Bay County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she 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.

Glenda Sullivan _____

State of Florida
County of Bay

Sworn and subscribed before me this 29th _____ day of January _____
A.D., 2004 by Glenda Sullivan, Classified Manager _____
of The News Herald, who is personally known to me or has produced no _____
as identification.



Marie Forrest
MY COMMISSION # DD209621 EXPIRES
May 5, 2007
BONDED THRU TROY FAIR INSURANCE, INC

Marie Forrest _____
Notary Public, State of Florida at Large

5776
PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEP File No. 0050031-009-AC
Montenay Bay RRF
Panama City, Bay County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to Bay County Board of County Commissioners, for the Bay County (Montenay Bay) RRF located at 6510 Bay Line Drive, Panama City, Bay County. The permit is to replace the ESP on each of the two existing combustors with a spray dry absorber and a fabric filter baghouse. Additional charges include the installation of lime storage and slaking equipment, a carbon storage and injection system, ID fans, stacks and associated appurtenances. The subject changes are intended as a means of complying with 40 CFR 60 Subpart BBBB and 62-204.800(b)(6), F.A.C.

The Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's mailing address is 3410 Transmitter Road, Panama City, FL 32404. What follows is a summary of how the facility's permitted maximum annual emission rates (in Tons Per Year) will change, following implementation of the requirements of this permit:

Pollutant: Existing (TPY):	
After Retrofit (TPY):	
TPY Reduction: Percent	
Reduction	
Particulate Matter (PM):	
59.13; 22.6; 36.93; 61.8	
percent	
Sulfur Dioxide (SO2):	
313.17; 78.4; 234.77; 75.0	
percent	
Nitrogen Oxide (NOx):	
236.08; 272.45; (36.37);	
(15.4 percent)	
Carbon Monoxide (CO):	
812.93; 243.91; 569.02;	
70.0 percent	
Lead (Pb): 0.88; 0.41;	
0.43; 48.9 percent	
Mercury (Hg): 0.79; 0.24;	
0.56; 69.6 percent	
Hydrogen Chloride (HCl):	
540.05; 39.37; 500.68;	
92.7 percent	

An air quality impact analysis was not conducted since emissions of affected pollutants will either decrease below existing (permitted) values or have increases below the pertinent significance thresholds.

The Department will issue the first permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision of significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505 Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the 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. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen 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 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 of the Florida Administrative Code.

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 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 indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that 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 that 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 filing 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 of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the re-

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Dept. of Environmental Protection, Bureau of Air Regulation, Suite 4, 111 S. Magnolia Drive, Tallahassee, Florida, 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Dept. of Environmental Protection, Northwest District, 160 Government Center, Pensacola, Florida 32501-5794
Telephone: 850/595-8300
Fax: 850/596-4417

The complete project file includes the application, technical evaluations, Draft permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.114, F.S. Interested persons may contact the Administrator, New Source Review Section, at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 or call 850/488-0114, for additional information.
January 29, 2004