

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING  
2600 BLAIR STONE ROAD  
TALLAHASSEE, FLORIDA 32301-8241



BOB GRAHAM  
GOVERNOR  
VICTORIA J. TSCHINKEL  
SECRETARY

July 27, 1984

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. F. A. Pollier  
Project Manager  
Westinghouse Waste Technology Services Division  
Post Office Box 10864  
Pittsburgh, Pennsylvania 15236

Dear Mr. Pollier:

Attached is one copy of the Technical Evaluation and Preliminary Determination, and proposed permits to construct two MSW-fired incinerators in Panama City, Florida.

Before final action can be taken on your draft permits, you are required by Florida Administrative Code Rule 17-103.150 to publish the attached Notice of Proposed Agency Action in the legal advertising section of a newspaper of general circulation in Bay County no later than fourteen days after receipt of this letter. The department must be provided with proof of publication within seven days of the date the notice is published. Failure to publish the notice may be grounds for denial of the permits.

Please submit, in writing, any comments which you wish to have considered concerning the department's proposed action to Mr. Bill Thomas of the Bureau of Air Quality Management.

Sincerely,

C. H. Fancy, P.E.  
Deputy Chief  
Bureau of Air Quality  
Management

CHF/pa

Attachments

cc: Robert V. Kriegel  
Peter Cunningham  
Alan Richter  
James Wilburn

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the Matter on an                    )  
Application for Permit by:            )  
  )  
Bay County Energy Resources         )   DER File No. AC 03-84703  
c/o Westinghouse Waste               )                    AC 03-84704  
  Technology Service Division        )  
Post Office Box 286                    )  
Madison, Pennsylvania 15663         )

INTENT TO ISSUE

The Department of Environmental Regulation hereby gives notice of its Intent to Issue, and proposed order of issuance for, a permit pursuant to Chapter 403, Florida Statutes for the proposed project as detailed in the application specified above. The Department is issuing this Intent to Issue for the reasons stated in the attached Technical Evaluation and Preliminary Determination.

The applicant, Bay County Energy Resources, applied on March 26, 1984, to the Department of Environmental Regulation for permits to construct two incinerators to burn municipal solid waste and wood wastes at a location approximately eight miles from the center of Panama City, Florida on U.S. Highway 231.

The Department has permitting jurisdiction under Chapter 403, Florida Statutes and Florida Administrative Code Rules 17-2 and 17-4. The project is not exempt from permitting procedures. The applicant was officially notified by the Department that an air construction permit was required for the proposed work.

This intent to issue shall be placed before the Secretary for final action unless an appropriate petition for a hearing pursuant to the provisions of Section 120.57, Florida Statutes, is filed within fourteen (14) days from receipt of this letter or

publication of the public notice (copy attached) required pursuant to Rule 17-103.150, Florida Administrative Code, whichever occurs first. The petition must comply with the requirements of Section 17-103.155 and Rule 28-5.201, Florida Administrative Code (copy attached) and be filed pursuant to Rule 17-103.155(1) in the Office of General Counsel of the Department of Environmental Regulation at 2600 Blair Stone Road, Tallahassee, Florida 32301.

Petitions which are not filed in accordance with the above provisions are subject to dismissal by the Department. In the event a formal hearing is conducted pursuant to Section 120.57(1), all parties shall have opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination of witness and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exception to any order or hearing officer's recommended order, and to be represented by counsel. If an informal hearing is requested, the agency, in accordance with its rules of procedure, will provide affected persons or parties or their counsel an opportunity, at a convenient time and place, to present to the agency or hearing officer, written or oral evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction, pursuant to Section 120.57(2), Florida Statutes.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the proposed agency action. Therefore, persons who may not wish to file a petition, may wish to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207 at least five (5) days before the final hearing and be filed with the hearing officer if one has been assigned at the Division of

Administrative Hearings, 2009 Apalachee Parkway, Tallahassee,  
Florida 32301. If no hearing officer has been assigned, the  
petition is to be filed with the Department's Office of General  
Counsel, 2600 Blair Stone Road, Tallahase, Florida 32301.  
Failure to petition to intervene within the allowed time frame  
constitutes a waiver of any right such person has to request a  
hearing under Section 120.57, Florida Statutes.

Executed the 27 day of July, 1984, in Tallahassee,  
Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

C. H. Fancy  
C. H. Fancy, P.E.  
Deputy Chief  
Bureau of Air Quality  
Management

Copies furnished to:

Robert V. Kriegel  
Peter Cunningham  
Alan Richter  
James Wilburn

PS Form 3811, Jan. 1979

**SENDER:** Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

Show to whom and date delivered.....¢

Show to whom, date and address of delivery.....¢

RESTRICTED DELIVERY  
Show to whom and date delivered.....¢

RESTRICTED DELIVERY.  
Show to whom, date, and address of delivery.....¢

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
F.A. Pollier  
Project USR  
P.O. Box 10864  
Pittsburgh PA 15236

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	P408530307	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE:  Addressee  Authorized agent

*Stuwards*

4. DATE OF DELIVERY  
7-30-84

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS  
*MW*

POSTMARK  
PITTSBURGH, PA  
JUL 30 1984  
USPO

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL