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DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR RESOURCES MANAGEMENT
BUREAU OF AIR REGULATION
TITLE V SECTION
MAIL STATION #5505
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

FILED VIA FACSIMILE 850-922-6979

BAY COUNTY, FLORIDA,

Petitioners,

v.

PROPOSED PERMIT NO.: 0050031-002-AV

STATE OF FLORIDA,
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Respondent.

PETITION FOR ADMINISTRATIVE PROCEEDING

COMES NOW, Petitioner, BAY COUNTY, FLORIDA, as owner and permit holder for the Bay County Resource Management Center and moves for an Administrative Proceeding pursuant to Section 120.57, Florida Statutes, and says:

1. The Petitioner's name is BAY COUNTY, FLORIDA and its address is 644 Mulberry Avenue, Panama City, Florida 32401 and its telephone number is (850) 784-4015. The Respondent's name is DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF AIR RESOURCES MANAGEMENT BUREAU OF AIR REGULATION TITLE V SECTION and its address is Mail Station #5505 2600 Blair Stone Road Tallahassee, Florida 32399-2400 and its telephone number is (850) 488-1344. The Proposed Permit Number is 0050031-002-AV. The project is proposed for Bay County, Florida.

2. The Petitioner, BAY COUNTY, FLORIDA, received notice by letter dated January 31, 2000, attached hereto as Exhibit A (without Enclosures).

3. The Petitioner's substantial interests are directly impacted by the Respondent's inclusion of the Permitting Note in A.3.2.9. In an e-mail sent to Nevin J. Zimmerman on November 2, 1999, attached hereto as Exhibit B, Tom Cascio indicated that the Draft Permit would reflect the deletion of Specific Condition A.3.2.3. The Specific Condition appears to have been deleted from the Proposed Permit; however, Specific Condition A.3.2.3 has been added as a Permitting Note in A.3.2.9. The Petitioner again requested the deletion of A.3.2.9, the Permitting Note and the reference to the EPA letter referred to in the Permitting Note in a letter dated February 10, 2000, a copy of which is attached hereto as Exhibit C. A third party may assert that the Permitting Note is effectively a "death sentence" in that it would require closing the Bay County Resource Management Center if the provisions of A.3.2.9. are violated. The Bay County Resource Management Center is Bay County's primary method of solid waste disposal. Closure of the Bay County Resource Management Center would severely impact the disposal of solid waste in Bay County until such time as the Bay County Resource Management Center could be retrofitted to meet the requirements for a large MWC unit.

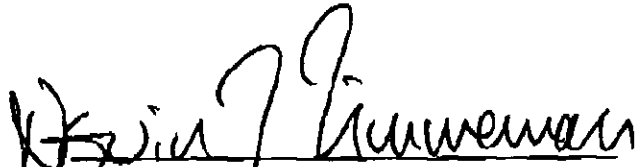
4. The facts presented in paragraph C. above are of such significance that the Respondent should remove A.3.2.9. and the

Permitting Note from the Proposed Permit No.: 0050031-002-AV.

5. The Petitioner requests that the Respondent remove A.3.2.9 and the Permitting Note from the Proposed Permit No.: 0050031-002-AV.

WHEREFORE, the Petitioner, BAY COUNTY, FLORIDA, requests an Administrative Hearing pursuant to Section 120.57, Florida Statutes.

Dated: February 14, 2000.


Nevin J. Zimmerman,
Attorney for Petitioner



Jeb Bush
 Governor

Department of Environmental Protection

Twin Towers Office Building
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400

David B. Scrubs
 Secretary

January 31, 2000

Mr. Jonathan A. Mantay
 Bay County Administrator
 310 West 6th Street
 Panama City, Florida 32401

Re: PROPOSED Title V Permit No.: 0050031-002-AV
 Bay Resource Management Center

Dear Mr. Mantay:

One copy of the "PROPOSED PERMIT DETERMINATION" for the Bay Resource Management Center located at 6510 Bay Line Drive, Panama City, Bay County, Bay Industrial Park – approximately 2 miles North of the intersection of U.S. 231 and County Road 2301, is enclosed. This letter is only a courtesy to inform you that the DRAFT permit has become a PROPOSED permit. An electronic version of this determination has been posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is <http://www2.dep.state.fl.us/air>.

Pursuant to Section 403.0872(6), Florida Statutes, if no objection to the PROPOSED permit is made by the USEPA within 45 days, the PROPOSED permit will become a FINAL permit no later than 55 days after the date on which the PROPOSED permit was mailed (posted) to USEPA. If USEPA has an objection to the PROPOSED permit, the FINAL permit will not be issued until the permitting authority receives written notice that the objection is resolved or withdrawn. If you have any questions, please contact Tom Cascio at 850/921-9526.

Sincerely,


 C. H. Fancy, P.E.
 Chief
 Bureau of Air Regulation

CHF/abc

Enclosures

copy furnished to:

Mr. Nevin Zimmerman, Esq., Burke and Blue
 Mr. James M. Leddy, Plant Manager
 Mr. Gerald Joseph, P.E., DMG Environmental, Inc.
 Mr. Ed Middleswart, P.E., FDEP, NWD
 Mr. Gary Shaffer, FDEP, NWD Branch Office
 U.S. EPA, Region 4 (INTERNET E-mail Memorandum)



"Protect, Conserve and Manage Florida's Environment and Natural Resources"

From: Tom Cascio TAL 850/488-1344 <Tom.Cascio@dep.state.fl.us>
To: Burke_ & Blue_GW_Domain.B&B(NEVIN)
Date: Tue, Nov 2, 1999 8:47 AM
Subject: BAY COUNTY DRAFT PERMIT

Mr. Zimmerman:

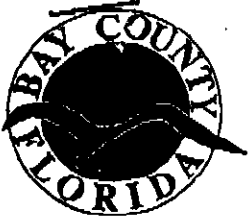
As discussed with Scott Sheplak this morning, the PROPOSED Title V Permit for the Bay County Resource Recovery Facility will reflect the following changes to the DRAFT Permit:

1. Specific Condition A.3.2.3. will be deleted.
2. Specific Condition A.5.1.8. will be deleted.
3. We will add distillate fuel oil as an allowable fuel in Specific Condition A.5.1.1.
4. We will replace the reference to "pit" with "tipping floor" in Specific Condition A.5.1.4.

Note: Unfortunately, we did not discuss Specific Condition A.70. We're checking with Michael Hewett for an assessment. So, as for now, plans are to include it in the PROPOSED Permit.

Tom Cascio





OFFICE COPY

OFFICE OF THE COUNTY ATTORNEYS

February 10, 2000
VIA FACSIMILE (850) 922-6979

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Tom Cascio
Department of Environmental Protection
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Proposed Title V Permit No.: 0050031-00-AV (Bay County Air Permit)

Dear Tom:

Attached are three pages from the proposed Bay County Air Permit that show our proposed changes.

1. Deletion of Note and reference to EPA letter on page 7 underneath A.3.2.9. We had an understanding we FDEP and EPA that the topic of "what happens if the Facility exceeds 250 tons per day" was not going to be in the permit as either a permit condition or a note. The EPA memorandum you sent to me from Scott Davis clearly states that this topic should *not* be discussed in the permit. We request that the note and reference to the EPA letter be deleted.
2. Change "90" on line two of A.39 (page 14) to "80" to be consistent with other provisions in the permit.
3. Add the words ""(steam flow)" in A.70 after the words "charging rates" to clearly define the term "charging rates."

Thank you for your immediate attention to this. We are hopeful that these issues (primarily issue number 1) can be resolved quickly.

Sincerely,

Nevin J. Zimmerman

NJZ/wgm

