

Florida Freedom Newspapers, Inc.

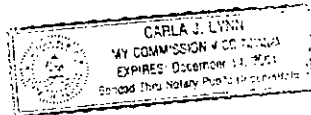
PUBLISHERS OF THE NEWS HERALD
Panama City, Bay County, Florida
Published Daily

State of Florida County of Bay

Before the undersigned authority appeared _____
Ken Carpenter _____, who on oath says that (s)he
is _____ Advertising Director _____ 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 _____
In the matter of _____ Public Notice _____
Notice of Intent P.O.#66942 _____
In the _____
Court, was published in said newspaper in the issues of _____
November 10, 1999 _____

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 this predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as a second class mail matter at the post office in Panama City in said Bay County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement, all in accordance with the provisions of section 49.03, Florida Statutes; and affiant further says that (s)he 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.

State of Florida
County of Bay
Sworn to and subscribed before me this 10th day of November,
A. D., 1999 by Ken Carpenter, Advertising Director of The
News Herald, who is personally known to me or has produced _____
as identification.



Carla J. Lynn
Notary Public, State of Florida at Large

5608 PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPER- ATION PERMIT

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION
Title V DRAFT Permit No.
0050031-002-AV
Bay Resource
Management Center
Bay County

The Department of Environ-
mental Protection (permitting
authority) gives notice of its in-
tent to issue a Title V air oper-
ation permit to Bay County for
the Bay Resource Management
Center located at 6510
Bay Line Drive, Panama City,
Bay County. The applicant's
name and address are: County
Administrator, Bay County,
310 West 6th Street, Panama
City, Florida 32401.

Bay County is planning to re-
place forced draft fans at the
facility to reduce the capacity
of the two municipal waste
combustors (MWCs). Each of
the MWCs is presently per-
mitted to burn 255 tons per
day (TPD) while producing
68,000 pounds per hour
(lbs/hr) of steam. The purpose
of the fan replacement project
is to reduce the capacity of
(derate) each MWC to less
than 250 tons per day of mu-
nicipal solid waste (MSW). The
U.S. Environmental Protection
Agency (U.S. EPA) has advised
Bay County and the De-
partment that by reducing the
capacity of each MWC, the fa-
cility will not longer be subject
to 40 CFR 60, Subpart Cb,
"Emission Guidelines and
Compliance Times for Large
Municipal Waste Combustors
That Are Constructed on or
Before September 20, 1994,
amended August 25, 1997,
62FR45119", adopted and in-
corporated by reference as
Department Rule 62-204.800
(8)(b)1-10. F.A.C. 62FR
45119", adopted and incorpo-
rated by reference as De-
partment Rule
62-204.800(8)(b)1-10. F.A.C.
U.S. EPA has given preliminary
approval to derate the facility
as detailed in a letter to the
Department dated September
30, 1999. U.S. EPA's final ap-
proval is contingent upon in-
corporation of certain enforce-
able permit conditions. These
conditions are part of the
DRAFT Title V permit. The con-
ditions reflect a reduced ca-
pacity of 245 TPD of MSW and
65,333 lbs/hr of steam on a
24-hour rolling average.

The facility remains subject to
40 CFR 60, Subpart E,
"Standards of Performance for
Incinerators", adopted and in-
corporated by reference as
Department Rule
62-204.800(7)(b)5. F.A.C. After
the proposed action, the
facility will be subject to the
proposed U.S. EPA Regulation
40 CFR 60, Subpart
BBBB, "Emission Guidelines
for Existing Stationary
sources: Small Municipal
Waste Combustion Units".
Compliance with Subpart
BBBB will be in accordance
with the ultimate schedule es-
tablished following finalization
of the rule. The practical effect
of the derating will be the de-
ferral of additional air pollution
control equipment installation
by approximately three to four
years.

The permitting authority will is-
sue the Title V PROPOSED
Permit, and subsequent Title V
FINAL Permit, in accordance
with the conditions of the Title
V DRAFT Permit unless a re-
sponse received in accordance
with the following procedures
results in a different decision or
significant change of
terms or conditions. The per-
mitting authority will accept
written comments concerning
the proposed Title V DRAFT
Permit issuance action for a
period of 30 (thirty) days from
the date of publication of this
Notice. Written comments
should be provided to the De-
partment's Bureau of Air Regu-
lation, 2600 Biar Stone Road,
Mail Station #5505, Tallahas-
see, Florida 32399-2400. Any
written comments filed shall
be made available for public
inspection. If written comments
received result in a significant
change in this DRAFT
Permit, the permitting authority
shall issue another DRAFT
Permit and require, if applica-
ble, another Public Notice.

A person whose substantial in-
terests are affected by the pro-
posed permitting decision
may petition for an adminis-
trative hearing in accordance
with Sections 120-569 and
120-57 of the Florida Statutes
(F.S.) The petition must contain
the information set forth
below and must be filed
(received) in Office of General
Counsel of the Department of
Environmental Protection,
3900 Commonwealth Boule-
vard, Mail Station #35, Tallahas-
see, Florida 32399-3000
(Telephone: 850/488-9730;
Fax: 850/4874938). Petitions
filed by any persons other
than those entitled to written

notice under Section
120-60(3), F.S., must be filed
within fourteen days of publi-
cation of the public notice or
within fourteen days of receipt
of the notice of intent, which-
ever 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 pe-
tition within fourteen days of
receipt of that notice, regard-
less 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. The
failure of any person to file a
petition within the applicable
time period shall constitute a
waiver of that person's right to
request an administrative de-
termination (hearing) under
Sections 120-569 and 120-57,
F.S., or to intervene in this pro-
ceeding and participate as a
party to it. Any subsequent in-
tervention 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 follow-
ing information:

- The name and address of
each agency affected and
each agency's file or
identification number, if
known;
 - The name, address and
telephone number of the peti-
tioner; name address and tele-
phone number of the peti-
tioner's representative, if any,
which shall be the address for
service purposes during the
course of the proceeding, and
an explanation of how peti-
tioner's substantial rights will
be affected by the agency de-
termination.
 - A statement of how and
when the petitioner received
notice of the agency action or
proposed action;
 - A statement of all disputed
issues of material fact if there
are none, the petition must so
state;
 - A concise statement of the
ultimate facts alleged, as well
as the rules and statutes
which entitle petitioner to relief;
and
 - A demand for relief.
- 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 au-
thority's final action may be dif-
ference from the position taken
by it in this notice of intent.
Persons whose substantial in-
terests will be affected by any
such final decision on the appli-
cation have the right to petition
to become a party to the
proceeding, in accordance
with the requirements set forth
above.

Mediation is not available for
this proceeding.
In addition to the above, pur-
suant to 42 United States
Code (U.S.C.) Section
7661d(b)(2), any person may
petition the Administrator of
the EPA within 60 (sixty) days
of the expiration of the Admin-
istrator's 45 (forty-five) day re-
view period as established at
42 U.S.C. Section 7661(b)(1),
to object to issuance of any
permit. Any petition shall be
based only on objections to
the permit that were raised
with reasonable specificity
during the 30 (thirty) day public
comment period provided
in this notice, unless the peti-
tioner demonstrates to the Ad-
ministrator of the EPA that it
was impracticable to raise
such objections within the
comment period or unless the
grounds for such objection
arose after the comment pe-
riod. Filing of a petition with
the Administrator of the EPA does
not stay the effective date of
any permit properly issued
pursuant to the provisions of
Chapter 62-213, F.A.C. Petitions
filed with the Administrator of
EPA must meet the re-
quirements of 42 U.S.C. Sec-
tion 7661d(b)(2) and must be
filed with the Administrator of
the EPA at: U.S. EPA, 401 M
Street, S.W., Washington, D.C.
20460.

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:
Permitting Authority
Department of Environmental
Protection
Bureau of Air Regulation
111 South Magnolia Drive
Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-1344
Fax: 850/922-6979
Affected District Program
Department of Environmental
Protection

Northwest District Office
160 Governmental Center
Pensacola, Florida
32501-5794
Telephone: 850/444-8300
Fax: 850/444-8417
The complete project file in-
cludes the DRAFT Permit, the
application, and the information
submitted by the responsible
official, exclusive of confidential
records under Section
403.111 F.S. Interested persons
may contact Scott M.
Sheplak, P.E., at the above
address, or call 850/931-9532,
for additional information.
November 10, 1999

NOV 30 1999

BUREAU OF AIR REGULATION

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 23-Nov-1999 12:32pm

From: Carolyn Salmon PEN
850)595-83 (

SALMON_C@a1.deppns.dep.state.fl.us

Dept:

Tel No:

To: Tom Cascio TAL

(CASCIO_T@A1)

Subject: Bay Resources testing

Tom: Andy Allen, Ed Middleswart and I have discussed what testing we would like to require Bay Resources/Montenay conduct. We would like to require CO, lead, fluorides, VOC, mercury, and beryllium every 5 years, prior to permit renewal. They will be doing this battery of tests along with PM, SO2, NOX and VE in December.

Thanks, Carolyn

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 17-Nov-1999 11:06am

From: Carolyn Salmon PEN
850) 595-83 ~~67~~ (

SALMON_C@a1.deppns.dep.state.fl.us

Dept:
Tel No:

695-8364

To: Scott Sheplak TAL (SHEPLAK_S@A1)
To: Michael Hewett TAL (HEWETT_M@A1)

Subject: Bay Co Resource Recovery

Bay Co Resource Recovery is scheduled to do extensive stack testing in December. The extended 1990 operating permit requires some metals and toxics test every 5 years - this is the year. Their consultant told me that the T5 draft specifies this testing at the department's request. Needless to say, they prefer not to do it. I'm of a mind that they should do all of the tests-that would give us a much better handle on what is happening. And they don't have the T5 permit yet. What is your opinion?

They do plan to replace the CO and O2 monitoring systems by spring 2000. We will let them defer the RATAs until the new systems are operational.

thanks, Carolyn Salmon

Tom,
If there's a standard
they should be doing
testing at least every
5 years. Does permit require?
SMT
11/14

89/11/2
695-8364

Carolyn Salmon 11-22-99

INTEROFFICE MEMORANDUM

(Draft)

Date: 03-Nov-1999 04:13pm
From: Tom Cascio TAL
Dept:
Tel No:

To: nzimmerman@burkeblue.com@in
To: Michael Hewett TAL (HEWETT_M)
To: Scott Sheplak TAL (SHEPLAK_S)

Subject: BAY COUNTY DRAFT PERMIT

Mr. Zimmerman:

As we discussed this afternoon, my understanding is that Michael Hewett agrees that Specific Condition A.70. can be deleted from the DRAFT Permit for the Bay County Resource Recovery Facility. The PROPOSED Permit will thus reflect this change.

Tom Cascio

INTEROFFICE MEMORANDUM

(Draft)

Date: 02-Nov-1999 10:44am
From: Tom Cascio TAL
Dept:
Tel No:

To: nzimmerman@burkeblue.com@in

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.5.1.6. 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



-file- Copied Sent
11/1/99
CJH

OFFICE OF THE COUNTY ATTORNEYS

October 28, 1999

RECEIVED

OCT 29 1999

BOARD OF COUNTY COMMISSIONERS

BUREAU OF AIR REGULATION

BURKE & BLUE, P.A.

C.H. Fancy, P.E.
Chief
Bureau of Air Regulation
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Bay County Resource Recovery Facility

LES W. BURKE
ROB BLUE, JR.
NEVIN J. ZIMMERMAN
EDWARD A. HUTCHISON, JR.
TIMOTHY M. WARNER
DAVID M. NOLL
ELIZABETH J. WALTERS
SHERRI DENTON MALLORY
DOUGLAS L. SMITH
SHARON DINWIDDIE
WILLIAM G. WARNER
MICHAEL S. BURKE
M. TODD BURKE

Dear Mr. Fancy:

On October 22, 1999, Bay County, Florida ("Bay County") received from Florida's Department of Environmental Protection ("DEP") a draft copy of Title V Permit No. 0050031-002-AV (the "Draft Permit") governing air emissions from Bay County's resource recovery facility located in Bay County, Florida.

This letter is Bay County's comments to the Draft Permit. We would appreciate your prompt review of these comments and your Department issuing another Draft Permit that reflects the removal of Section III.A.3.2.3 before Bay County publishes the Public Notice. The importance of removing this section from the Draft Permit immediately is that the operations of the Resource Recovery Facility are to be transferred at 12:01am on November 4 to Montenay Power Company, and it is important that this specific provision be eliminated or the timely transfer of operations to Montenay will be in jeopardy.

The County's specific comments are as follows:

1. Section III.A.3.2.3 Bay County requests that this section be **deleted**.

Section III.A.3.2.3 of the Draft Permit provides: "If the facility exceeds the steam output level corresponding to 250 tons per day (equivalent to a steam flow of 66,667 lbs/hr) after completing the modification to the forced draft

221 MCKENZIE AVENUE
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PANAMA CITY, FLORIDA 32402
TELEPHONE (850) 769-1414
TELECOPY (850) 784-1573

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DISTRICT V

October 28, 1999

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fan wheel, the facility will be required to be in compliance with all applicable federal and state MWC requirements for large MWC units on schedule. Section 129 of the Clean Air Act and the federal MWC regulations, as well as the approved Florida section 111(d)/129 plan, require all MWC units to be in compliance with all applicable requirements or close by December 19, 2000." (Draft Permit § III.A.3.2.3)

This Section was apparently inserted in response to EPA's position as stated in the conclusion section of its letter of September 30, 1999, which stated in part "[t]herefore EPA maintains the *position* that..." Certainly this is EPA's *position*, but it is not a permit condition. EPA certainly understands that its position may not be shared by others. Bay County strongly feels that this statement of *position* should not be included in the permit.

Bay County believes it is inappropriate to expressly incorporate such requirements in its Title V permit as state and federally enforceable permit conditions. Neither the Clean Air Act, EPA's regulations, nor Florida's law or regulations require that such a provision be incorporated in a Title V permit.

As a practical matter, a derated facility that experiences isolated upsets ought to have an opportunity to correct the underlying problem before being forced to comply with the large MWC regulations. For instance, such a correction can take the form of repair to malfunctioning equipment.

Finally, such a provision moots the enforcement discretion held by both EPA and DEP. If Bay County's MWC units violate applicable provisions of the Clean Air Act and its implementing regulations, Bay County is subject to civil and criminal enforcement action pursuant to section 113 of the Clean Air Act, 42 U.S.C. § 7413. Such enforcement action may include a grant of injunctive relief designed to ensure that additional violations do not occur or the imposition of monetary penalties. See, e.g., id. § 7413(b). The section of the Draft Permit set forth above forecloses such remedies and instead requires that Bay County either instantly achieve otherwise inapplicable standard at tremendous cost to the citizens of Bay County or shutdown entirely, or both. Such limited outcomes are unreasonable, under the circumstances.

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In light of the foregoing, Bay County respectfully requests that DEP delete section III.A.3.2.3 from Bay County's Draft Permit and issue a final Title V permit which also omits that provision.

2. *Section III.A.70.* Bay County requests this section be **deleted**.

Section A.70 provides in part that "[based on the unreliable operation and data from the existing oxygen and carbon monoxide continuous monitoring systems, the Department requests that the following continuous monitoring systems be installed, calibrated and operated in accordance with 40 CFR 60, Part BBBB (proposed)..."

Bay County disagrees with the statement that existing oxygen and carbon monoxide continuous monitoring systems (CEMs) are unreliable. In that the existing CEMs are installed and operating as required, it appears unnecessary to require Bay County to install new CEMs pursuant to a proposed rule to measure data that is being collected for informational purposes only. It would be more efficient to install a comprehensive CEM system as part of the inevitable retrofit for small MWCs.

3. *Section III.A.5.1.6* Bay County should **not** be required to install CEMs to measure sulfur dioxide (SO₂) and oxides of nitrogen (NO_x).

A.5.1.6 also states that the Facility must install CEMs to measure SO₂ and NO_x. The facility has not installed air pollution control (APC) equipment and will not reduce SO₂ or NO_x emissions from the current levels (as required in the near future for Large MWCs). Therefore, Bay County should not be required to install CEMs to measure SO₂ and NO_x, because the CEMs data will be of little value (not needed for determining compliance) and there are no regulations (currently promulgated) that require these CEMs to be installed on small MWCs.

Also under this condition A.5.1.6 there is a reference to 40 CFR 60.53b, 40 CFR 60.58b and 40 CFR 60.59b which are regulatory citations for Subpart Eb (for MWCs installed after 1994). These citations should not affect the Bay Facility. With regard to the required CEMs system (CO, opacity, and oxygen), the installation, operation, and maintenance, along with the recording can be covered by specifying that the CEMs meet the requirements

October 28, 1999

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of 40 CFR Subpart A, 60.13, and Appendix B and F. These are the current CEMs requirements listed in the existing operating permits (AO 03-165754 and AO 03-165755).

Also under A.5.1.6 there is a reference of natural gas to be fired, however, the plant uses fuel oil as the auxiliary fuel for start-up.

4. *Section III, A.5.1.1.* In A.5.1.1 there is a listing of fuels burned at the facility. The facility should be able to burn MSW, wood waste (up to 160 tons/day in both units), and fuel oil as auxiliary fuel.
5. *Section III, A.5.1.4.* In A.5.1.4 there is a reference to a pit. The facility has a tipping floor, and does not have a pit.

We appreciate your early consideration of the County's comments, and they have been listed in order of importance to Bay County. Your immediate attention to Comment No. 1 would be appreciated.

Sincerely,



Nevin J. Zimmerman

NJZ/wgm

cc: Jonathan A. Mantay, County Manager
Stephen S. Passage, Montenay Power Company
David Beachler, Esq., Danes & Moore
Tony LoRe, Camp Dresser & McKee
Charles (Skip) E. Cook, Camp Dresser & McKee

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 22-Oct-1999 02:09pm
From: Michael Hewett TAL
HEWETT_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Alvaro Linero TAL (LINERO_A)
To: Bruce Mitchell TAL (MITCHELL_B)
To: Tom Cascio TAL (CASCIO_T)
To: Scott Sheplak TAL (SHEPLAK_S)

Subject: Draft Bay County RRF Permit

850-769-1414
247

I spoke to Nevin Zimmerman (attorney for Bay County) today. After a quick review of the proposed permit they have only one major concern.

The EPA has always said that they believe if one of the Bay County MWC units ever goes above 250 tons per day after the derate, that unit should be considered large and subject to subpart Cb. Bay County did not argue that point with EPA but they did object to EPA making it a condition of the derate. That is why, in EPA's derate approval letter, their opinion concerning the applicability of subpart Cb is stated in the conclusion and not the conditions.

Bay County would like us to do the same. The Department may believe that if the measured steam production rate of either unit ever goes above 250 tpd (66,667 lbs/hr), that unit will no longer be considered "derated" and must comply with subpart Cb. However, by including it as a permit condition it implies that the County agrees. The County would like us to remove condition A.3.2.3. from the permit and state it in a letter instead.

Bruce and Tom, Zimmerman will likely call one of you on Monday. I told him that I would let you know that we have talked. I'll be in on Monday and can participate on the call if you think it will help.

Michael



OFFICE OF THE COUNTY ATTORNEYS

October 13, 1999

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OCT 15 1999

BUREAU OF AIR REGULATION

**BOARD OF COUNTY
COMMISSIONERS**

Mr. Thomas Cascio
Division of Air Resources
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399

BURKE & BLUE, P.A.

LES W. BURKE
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DOUGLAS L. SMITH
SHARON DINWIDDIE
WILLIAM G. WARNER
MICHAEL S. BURKE
M. TODD BURKE

Re: Bay County Resource Recovery Facility

Dear Mr. Cascio:

As instructed by your office of the Florida DEP, this letter formally requests a minor modification to the Bay County Resource Recovery Facility's (BCRRF) Title V Air Permit application that was submitted on June 7, 1996. This permit application stated that the design capacity of the BCRRF for each of two of the Municipal Waste Combustor (MWC) units is 255 tons of MSW per day, for a total of 510 TPD. The BCRRF has proposed to make a physical modification to each of the MWC units as described previously in the derating request letter sent to both EPA Region 4 and Florida DEP, dated June 16, 1999. This permit modification request would reduce the design capacity of the MWC units to 245 tons of MSW (having a higher heating value of 4500 Btu/lb) per day, and a corresponding steam flow of 65,333 lb/hr per unit, consistent with the derating request submitted on June 16, 1999. The physical modifications will be completed to meet the schedule outlined in the Florida DEP Plan for MWCs (i.e. on-site construction and/or process changes completed by September 12, 2000 and final compliance by December 19, 2000).

As you may know, the County has been negotiating with the USEPA Region 4 and Florida DEP regarding the derating request for a number of months. USEPA issued a letter to Florida DEP on September 30, 1999 stating their acceptance of the proposed derating of the MWC units at 245 TPD (see the attached letter dated September 30, 1999).

The major changes include the derated capacity of each MWC unit to 245 TPD MSW having a heating value of 4500 Btu/lb, and the listed owner of the Facility is the Bay County Board of County Commissioners. The County requests that

221 MCKENZIE AVENUE
POST OFFICE BOX 70
PANAMA CITY, FLORIDA 32402
TELEPHONE (850) 769-1414
TELECOPY (850) 784-1573

COMMISSIONERS:

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DISTRICT V

October 13, 1999

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the Title V permits be modified to include changes as marked on the attached pages from the original application.

The County has sent a letter request to the Florida DEP to modify the construction permit(s) and that they be issued in the name of Bay County, the owner of the facility. The County is currently negotiating with Montenay to become the new operator, expected to take place later in the fall of 1999.

We trust that this information is sufficient to act on our request to modify the Title V Air Permit application. If you have any questions or need additional information, please call me at (850) 769-1414.

Sincerely,

A handwritten signature in black ink, appearing to read "Nevin J. Zimmerman", with a long horizontal flourish extending to the right.

Nevin J. Zimmerman

NJZ/wgm

Enclosure

cc: Bay County Board of County Commissioners
Jonathan A. Mantay, County Manager
R. Scott Davis, USEPA
Dale McKeand, BCESI
Steve Passage, Montenay
Wolfram Schuetzenduebel, Montenay
Charles Perry, Hunton & Williams
Tony LoRe, Camp, Dresser & McKee
David Beachler, Dames & Moore

**Department of
Environmental Protection**

**DIVISION OF AIR RESOURCES MANAGEMENT
APPLICATION FOR AIR PERMIT - LONG FORM**

I. APPLICATION INFORMATION

Identification of Facility Addressed in This Application

1. Facility Owner/Company Name :	
Bay County Energy Systems, Inc. Bay County Board of County Commissioners	
2. Site Name :	
Bay Resource Management Center	
3. Facility Identification Number :	
0050031	<input type="checkbox"/> Unknown
4. Facility Location :	
Bay Industrial Park - approximately 2 miles North of intersection of U.S. 231 and County Road 2301	
Street Address or Other Locator :	6510 Bay Line Drive
City : Panama City	County : Bay Zip Code : 32404-____
5. Relocatable Facility?	6. Existing Permitted Facility?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I. Part 1 - 1

DEP Form No. 62-210.900(1) - Form
Effective : 3-21-96

Owner/Authorized Representative or Responsible Official

1. Name and Title of Owner/Authorized Representative or Responsible Official :

Name : ~~James M. Leddy~~ Jonathan S. Mantay
 Title : ~~Plant Manager~~ Bay County Manager

2. Owner or Authorized Representative or Responsible Official Mailing Address :

Organization/Firm : ~~Bay County Energy Systems, Inc.~~ Bay County Board of County Commissioners
 Street Address : 6310 Bay Line Drive
 City : Panama City
 State : FL Zip Code : ~~32404~~ 32402

3. Owner/Authorized Representative or Responsible Official Telephone Numbers :

Telephone : (904) ~~785-7933~~ Fax : (904) ~~784-1779~~

4. Owner/Authorized Representative or Responsible Official Statement :

I, the undersigned, am the owner or authorized representative of the non-Title V source addressed in this Application for Air Permit or the responsible official, as defined in Rule 62-210.200, F.A.C., of the Title V source addressed in this application, whichever is applicable. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof. I understand that a permit, if granted by the Department, cannot be transferred without authorization from the Department, and I will promptly notify the Department upon sale or legal transfer of any permitted emissions units.*

Signature _____

Date _____

* Attach letter of authorization if not currently on file.

C. EMISSIONS UNIT DETAIL INFORMATION
(Regulated Emissions Units Only)

Emissions Unit Information Section
 MSW-Fired Combustor/Boiler #1 W/ESP

2

Emissions Unit Details

1. Initial Startup Date :	01-May-1987	
2. Long-term Reserve Shutdown Date :		
3. Package Unit :		
Manufacturer :	O'CONNOR COMBUSTOR	Model Number : RC 120
4. Generator Nameplate Rating :	15	MW
5. Incinerator Information :		
Dwell Temperature :	1,800	Degrees Fahrenheit
Dwell Time :	1.00	Seconds
Incinerator Afterburner Temperature :		Degrees Fahrenheit

Emissions Unit Operating Capacity

1. Maximum Heat Input Rate :	96 91.875 mmBtu/hr		
2. Maximum Incinerator Rate :	21250.00 20417	lb/hr	253.00 245 tons/day
3. Maximum Process or Throughput Rate :	74800 66,667	lb/hr steam	#/hr steam flow (maximum 4-hour block ave.)
4. Maximum Production Rate :			
5. Operating Capacity Comment :	245 Combustor design capacity is 255 TPD based on a waste heating value of 4500 BTU/Lb. Both emission units feed a common turbine-generator.		

Emissions Unit Operating Schedule

Requested Maximum Operating Schedule :		
	24 hours/day	7 days/week
	52 weeks/year	8,760 hours/year

III. Part 4 - 1

DEP Form No. 62-210.900(1) - Form
 Effective : 3-21-96



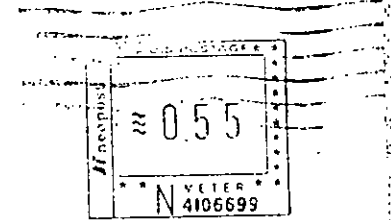
**BOARD OF COUNTY
COMMISSIONERS**

OFFICE OF THE
COUNTY ATTORNEYS

221 MCKENZIE AVENUE
POST OFFICE BOX 70
PANAMA CITY, FLORIDA 32402

A

Mr. Thomas Cascio
Division of Air Resources
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399



32399X6316 01



INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 06-Oct-1999 04:33pm
From: Michael Hewett TAL
HEWETT_M
Dept: Air Resources Management
Tel No: 850/488-0114

To: Bruce Mitchell TAL (MITCHELL_B)
To: Ed Svec TAL (SVEC_E)
To: Alvaro Linero TAL (LINERO_A)

Subject: Bay County Permit

Bruce, Ed and Al,
I know you're working against a deadline to get the Bay County permit out and I don't want to complicate your work, but I have a question.

I've been dealing with the Bay County MWC facility for a while and I've discovered that they operate with O2 and CO continuous monitors. They are wet monitors, which means that there is a correction factor calculated during each annual test and used for the entire year. They are known to be inaccurate and the Department has taken enforcement action in the past for excess monitor downtime. They also have opacity monitors that apparently operate without problems.

Since the facility is making a process change (i.e. physically reducing the design capacity) in order to avoid costly improvements to the air pollution control systems, would it be possible to require them to upgrade their CEMs to meet the proposed subpart AAAA requirements now. They will eventually have to meet the proposed small MWC unit standards which are similar to the subpart Cb requirements. So by requiring them to upgrade their O2, CO and Opacity CEMs, we will be forcing them to comply ahead of schedule with conditions that are already imminent. The proposed subpart AAAA standards also require SO2 and NOx CEMs, but I think if we try to force them to continuously monitor pollutants they have not previously monitored, they might want to challenge us. If we just require them upgrade their existing monitors because of a poor compliance history, they might not make a fuss.

Please let me know whether you think the permit change is feasible and whether it is worth the effort.

Thanks