

MONTENAY BAY LLC



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MAY 24 2005
BUREAU OF AIR REGULATION

MBLLC/DEP, Public notice affidavit-05-091-0520

May 20, 2005

Mr. Bruce Mitchell
Florida DEP
2600 Blair Stone Road
MS5505
Tallahassee, Florida 32399-2400

Dear Mr. Mitchell:

Ref: Permit renewal, Title V Draft Permit Number: 0050031-008-AV
Public notice affidavit

Enclosed, please find the affidavit.

Thank you

A handwritten signature in black ink, appearing to read "Chalmous Beechem", written over a horizontal line.

Chalmous Beechem
Safety Manager
Montenay Bay LLC
850-785-7933x206

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MAY 24 2005

Florida Freedom Newspapers, Inc.

BUREAU OF AIR REGULATION

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

RECEIVED
MAY 19 2005

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 - 8752

in the matter of Public Notice of Intent

Draft Air Construction Permit No. 0050031-011-AC

in the Bay County

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

May 18, 2005

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 18th day of May

A.D., 2005 by Glenda Sullivan, Classified Manager

of The News Herald, who is personally known to me or has produced na as identification.

Marie Forrest
Commission # DD209621
Expires May 5, 2007



Bonded Troy Faith - Insurance, Inc. 800-385-7019

Marie Forrest

Notary Public, State of Florida at Large

8752
PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Air Construction Permit No.: 0050031-011-AC
Title V DRAFT Permit Renewal No.: 0050031-010-AV

Bay Resource Management Center
Bay County

The Department of Environmental Protection's Bureau of Air Regulation (permitting authority) gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit Renewal to the Bay County Utilities Service Department, 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, Bay County. The applicant's name and address are: Mr. Thomas T. Crandall, R.O., Utilities Director, Bay County Utilities Service Department, 3410 Transmitter Road, Panama City, 32409.

The subject of the Air Construction Permit is to: (1) replace those BACT pollutant emission limitations that were established in an air construction permit (PSD-FL-129) with their corresponding pollutant emission limitations that are applicable from the new federal regulations at 40 CFR 60, Subpart BBBB, Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999, adopted and incorporated by reference in Rule 62-204.800(9)(e), F.A.C., which are all more stringent except for the emissions of NOx (nitrogen oxides); and, the change is less than significant due to the use of excess air to control the emissions of carbon monoxide (CO); (2) delete the limitation and test method for beryllium, since the standard at 40 CFR 61, Subpart C, does not apply based on prior Department determinations and discussions with the U.S. EPA, Region 4; and, (3) establish the operational requirements for the facility after performance testing is completed, if completed prior to November 16, 2005.

The subject of the Title V Air Operation Permit Renewal is to renew the permit and incorporate any changes made in the Air Construction Permit; and,

Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida. 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2303). 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 publication of the public notice or within fourteen days of receipt of the notice of intent, 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 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 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 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, 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, 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 each 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, as well as the rules and statutes which entitle the petitioner to relief;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,
- (g) A statement of the relief requested by the petitioner.

for volatile organic compounds (VOCs; see SC #B.26.) and the appropriate test methods (see new SC #B.53.) that were not transferred from Subsection A. to Subsection B in the last revision, 0050031-008-AV.

The permitting authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Renewal and subsequent FINAL Title V Air Operation Permit Renewal, in accordance with the conditions of the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit Renewal unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed Draft Air Construction Permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, 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 Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The Permitting Authority will accept written comments concerning the DRAFT Title V Air Operation Permit Renewal for a period of thirty (30) days from the date of publication of this Public Notice. Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Permitting Authority's office or facsimile, as listed below. As part of his or her comments, any person may also request that the Per-

mitted by the Permitting Authority, stating precisely the action 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 notice of intent. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application(s) 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, pursuant 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 Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any Title V Permit. Any petition shall be based only on objections to the permits that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator 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 period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any Title V Permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA

Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://flh06a6.dep.state.fl.us/onw> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority's office at the address or phone number listed below. If written comments or comments received at a public meeting result in a significant change to the DRAFT Title V Air Operation Permit Renewal, the Permitting Authority shall issue a Revised DRAFT Title V Air Operation Permit Renewal and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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 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

Permitting Authority must meet the requirements of 42 U.S.C. Section 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:
Affected District Program:
Department of Environmental Protection
Department of Environmental Protection Bureau of Air Regulation Northwest District Office 111 South Magnolia Drive, Suite 4 160 Governmental Center Tallahassee, Florida 32301 Pensacola, Florida 32501-5794
Telephone: 850/488-0114
Telephone: 850/595-8300
Fax: 850/922-6979
Fax: 850/595-8096

The complete project file includes the DRAFT Permit Renewal, the request/application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Jeff F. Koerner, P.E., at the above address, or call 850/921-9536, for additional information.
May 18, 2005