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BUREAU OF AIR REGULATION

State of Florida
County of Bay

Before the undersigned authority appeared _____

Pam Gregory, 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- 3824

in the matter of Public Notice

Permit issuance revision

in the Bay County

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

March 14, 2003

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 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.

Pam Gregory

State of Florida
County of Bay

Sworn to and subscribed before me this 14th day of March,

A. D., 2003 by Pam Gregory, Advertising Director of The

News Herald, who is personally known to me or has produced na

as identification.



Lorraine B. Grimes
MY COMMISSION # CC931149 EXPIRES
August 25, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

Lorraine B. Grimes
Notary Public, State of Florida at Large

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3824

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Title V DRAFT Permit Revision No.: 0050031-008-AV

Bay Resource Management Center Bay County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit revision to Bay County 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. The applicant's name and address are: Mr. C. Travis Windham, P.E. & R.O., Director, Bay County Public Utilities, 3410 Transmitter Road, Panama City, 32404.

Per the request of the Department, Bay County provided on December 11, 2002, the list of applicable requirements of a new federal regulation, specifically 40 CFR 60, Subpart BBBB.

The new regulations affect the operation of 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. The subject of this permit revision is to install the requirements of 40 CFR 60, Subpart BBBB. On December 6, 2000, the regulations at 40 CFR Part 60, Subpart BBBB, Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999, became applicable to the facility. Since the additional applicable requirement's became applicable to the facility and there is more than 3 (three) years left on the existing Title V permit as of the effective date of the new regulations, the Department is required to open the Title V permit for cause and install these requirements in accordance with Rules 62-4.080(1) and 62-213.430(4), F.A.C., and CFR 70.7(f).

The permitting authority will issue the PROPOSED Permit, and subsequent FINAL Permit, in accordance with the conditions of the DRAFT Permit 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 Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written com-

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...change of terms or conditions. The permitting authority will accept written comments concerning the proposed 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 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 Permit, the permitting authority shall issue another DRAFT Permit and require, if applicable, another Public Notice.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with ~~Florida Statutes~~ ^{Florida Statutes} (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). 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;

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 interest 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 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 sought by the petitioner, 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 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 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 the notice, unless the petitioner demonstrates to the Administrator of the EPA

view period as established at 42 U.S.C. Section 7661d(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 the 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 permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA 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:
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive
Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

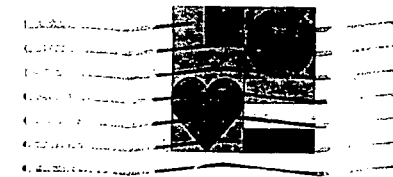
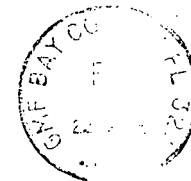
Affected District Program:
Department of Environmental Protection Northwest District Office
160 Governmental Center
Pensacola, Florida
32501-5794
Telephone: 850/444-8300
Fax: 850/444-8417

The complete project file includes the DRAFT Permit Revision, 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 Scott M. Sheplak, PE, at the above address, or call 850/921-9532, for additional information.
March 14, 2003

MONTENAY BAY LLC.



6510 Bayline drive
Panama City, Florida 32404



Attn: Bruce Mitchell
Florida DEP, Bureau of Air Regulation
Twin Towers Office Building
Mail Station 5505
2600 Blair Stone Road
Tallahassee, FL 32399

32399+6542

