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BUREAU OF AIR REGULATION

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COUNTY OF ORANGE }

Before the undersigned authority personally appeared Claudia Escobar, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at Orlando in Orange County, Florida; that the attached copy of advertisement, being a Public Notice in the matter of File No. 0090069-006-AC in the Orange Court, was published in said newspaper in the issue; of 2/12/09.

Affiant further says that the said Orlando Sentinel is a newspaper published at Orlando, in said Orange County, Florida, and that the said newspaper has heretofore been continuously published in said Orange County, Florida, each Week Day and has been entered as second-class mail matter at the post office in Orlando in said Orange County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/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.

The foregoing instrument was acknowledged before me this 13th day of February, 2009, by Claudia Escobar, who is personally known to me and who did take an oath.

(SEAL)

BEVERLY C. SHIMMOMS
Comm# DD0387737
Expires 3/10/2009

Order# 934228

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEP File No. 0090069-006-AC (PSD-FL-378A)
Brevard County Solid Waste Management Central
Disposal Facility
Brevard Energy, LLC
Brevard County

Applicant: The applicant for this project is Brevard Energy, LLC. The applicant's authorized representative and mailing address is: Mr. Scott Salisbury, Managing Member, 29261 Waji Street, Wixom, Michigan 48393.

Facility Location: The facility, Brevard County Solid Waste Management Central Disposal Facility is located at 2250 Adamson Road, Cocoa, Brevard County, Florida. The facility is a Title V source.

Project: The applicant, Brevard Energy, LLC, submitted an application on November 21, 2007 (application complete on November 5, 2008) to the Department for a modification of the sulfur dioxide (SO2) emission limit in the original prevention of significant deterioration (PSD) permit, PSD-FL-378 issued March 6, 2007. This project will establish a Best Available Control Technology (BACT) emission limit for SO2 under the PSD rules. Total emissions from the facility will not exceed 69-ton per year (TPY).

This permit modification will also address compliance demonstration requirements specified in the permit for determination of particulate matter with a mean diameter equal to or less than 10 microns (PM10) emissions and delete references to applicability of 40 Code of Federal Regulations (CFR) Part 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines.

An air quality impact analysis was conducted. Emissions from the facility will not cause or contribute to a violation of any state or federal ambient air quality standards. Maximum predicted air quality impacts due to emissions from the proposed new project are higher than the applicable PSD Class II significant impact levels for SO2 except for SO2 on an annual basis. Therefore, multi-source modeling in the vicinity of the project and PSD Class II increment consumption was required. Maximum predicted air quality impacts due to emissions from the proposed new project are less than the applicable PSD Class I area significant impact levels.

PSD Class II Increment Analysis

Pollutant	Averaging Time	Max Predicted Impact (ug/m ³)	Allowable Increment (ug/m ³)	Impact Greater Than Allowable Increment?
SO ₂	24-hour	79	91	NO
	3-hour	289	512	NO

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit modification is required to perform the proposed work. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5503, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: <http://www.dep.state.fl.us/air/eproducts/apsd/default.asp>.

Notice of Intent to Issue Air Permit Modification: The Permitting Authority gives notice of its intent to issue a PSD air permit modification to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision of a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit and requests for a public meeting for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: 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, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, 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 14 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 appropriate 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 (in a proceeding initiated by another party) 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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts at issue, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Public Notice of Intent to Issue PSD Air Permit Modification. 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: Mediation is not available for this proceeding.