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JUL 08 2011

BUREAU OF AIR REGULATION

STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared KATHY CICALA, who on oath says that she is LEGAL ADVERTISING SPECIALIST of the FLORIDA TODAY, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

Ad # (242175)	\$	1,113.04	the matter of:
Acct. # (6DA520)			
DERENZO AND ASSOCIATES, INC			
the	Court	NOTICE OF INTENT	
BREVARD ENERGY LLC			

as published in the FLORIDA TODAY in the issue(s) of:

June 24, 2011

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that 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 said newspaper.

Kathy Cicala
(Signature of Affiant)

24th day of June, 2011

Mary Griffin
(Signature of Notary Public)

Mary Griffin

(Name of Notary Typed, Printed or Stamped)

Sworn to and subscribed before this:



MARY GRIFFIN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD0933769
Expires 10/19/2013

Personally Known or Produced Identification _____
Type Identification Produced: _____

PUBLIC NOTICE OF INTENT TO ISSUE PERMITS

Florida Department of Environmental Protection
 Division of Air Resource Management, Bureau of Air Regulation
 Draft/Proposed Title V Air Operation Permit Revision No. 0090069-010-AV
 Draft Air Construction Permit Modification Permit No. 0090069-009-AC (PSD-FL-378C)
 Brevard County Solid Waste Management Central Disposal Facility Brevard County, Florida
Applicant: The applicant for this project is Brevard Energy, LLC. The applicant's responsible official and mailing address are: Mr. Scott Salisbury, Managing Member, Brevard Energy, LLC, 29261 Wall Street, Wixom, Michigan 48393.
Facility Location: The applicant operates the existing Brevard County Solid Waste Management Central Disposal Facility, which is located at 2250 Adamson Road, Cocoa, Brevard County, Florida.
Project: The applicant applied on November 15, 2010 to the Department for an air construction permit modification and a revised Title V air operation permit. The Brevard County Solid Waste Management Central Disposal Facility (Central Disposal Facility) operates a Class I municipal solid waste (MSW) landfill in Cocoa, Brevard County. Landfill gas (LFG) is a product of the microbial decomposition of waste and is extracted by recovery wells that are located in both active and capped cells of the landfill. LFG is pretreated, dewatered, filtered, and compressed prior to being combusted in the six engines that power the electrical power generators.
 The Draft/Proposed permits revise the maximum allowable carbon monoxide and particulate matter with an aerodynamic diameter of less than 10 micrometers emissions rate and compliance testing requirements. The project revises the Best Available Control Technology (BACT) determinations for these pollutants based on current technological information.
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 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.
 Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. 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 #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.
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 the address indicated above for the Permitting Authority. The complete project file includes the draft air construction permit modification, the draft/proposed Title V air operation permit revision, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed permits by visiting the following website:
<http://www.dep.state.fl.us/air/emission/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.
Notice of Intent to Issue Air Permits: The Permitting Authority gives notice of its intent to issue an air construction 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 appropriate 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 air construction permit modification 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 or a significant change of terms or conditions.
The Permitting Authority gives notice of its intent to issue a Title V air operation permit revision to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of existing equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final Title V air operation permit in accordance with the conditions of the draft/proposed Title V air operation permit revision 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 or a significant change of terms or conditions.
Comments: The Permitting Authority will accept written comments concerning the draft air construction permit modification and draft/proposed Title V air operation permit revision for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the 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 in the Florida Administrative Weekly. 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 timely, received written comments or comments received at a public meeting result in a significant change to the draft/proposed permits, the Permitting Authority shall issue revised draft/proposed permits and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.
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 the 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 indicate; (e) A concise statement of the ultimate facts alleged, 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 Air Permit. 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.
EPA Review: EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period, provided that the applicant also transmits an electronic copy of the required proof of publication directly to EPA at the following email address: ouendo.ana@epamail.epa.gov. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if

David Derenzo

From: David Derenzo [dderenzo@derenzo.com]
Sent: Tuesday, July 05, 2011 10:55 AM
To: 'oquenda.ana@epamail.epa.gov'
Cc: 'marilyn.koletzke@dep.state.fl.us'; 'Michael Laframboise'
Subject: Brevard Energy Published Notice of Intent to Issue Air Permits
Attachments: Draft0090069ACAVSignedWrittenNoticeofIntent.pdf; IMG.pdf; IMG_0001.pdf

Ms. Oquendo:

Brevard Energy (Brevard County Solid Waste Management Central Disposal Facility) had published in *Florida Today* a Notice of Intent to Issue Air Permits as specified in the attached letter (first attachment). The proof of publication is presented in the second and third attachments.

The original proof of publication has been sent to Ms. Marilyn Koletzke at the FDEP.

Please contact me if you require additional details.

Thank you

David Derenzo
Derenzo and Associates, Inc.
39395 Schoolcraft Road
Livonia, MI 48150



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

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JUL 08 2011

BUREAU OF
AIR REGULATION

Electronic Mail – Received Receipt Requested.

Mr. Scott Salisbury, Managing Member
Brevard Energy, LLC
29261 Wall Street
Wixom, Michigan 48393

Re: Draft Permit No. 0090069-009-AC (PSD-FL-378C), Air Construction Permit Modification
Draft/Proposed Permit No. 0090069-010-AV, Title V Air Operation Permit Revision
Brevard County Solid Waste Management Central Disposal Facility

Dear Mr. Salisbury:

Enclosed is the permit package for an air construction permit modification and a revised Title V air operation permit for the Brevard County Solid Waste Management Central Disposal Facility. This existing facility is located at 2250 Adamson Road, Cocoa, Brevard County. The permit package includes the following documents:

- The draft air construction permit modification and supporting technical evaluation and preliminary determination document.
- The statement of basis, which summarizes the facility, the equipment and the primary rule applicability for the Title V air operation permit.
- The draft/proposed revised Title V air operation permit, which includes the specific permit conditions that regulate the emissions units covered by the proposed project.
- The Written Notice of Intent to Issue Air Permits provides important information regarding: the Permitting Authority's intent to issue air permits for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue air permits; the procedures for submitting comments on the draft/proposed permits; the process for filing a petition for an administrative hearing; and the availability of mediation.
- The Public Notice of Intent to Issue Air Permits is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The Public Notice must be published as soon as possible and the proof of publication must be provided to the Department within seven days of the date of publication. Because this permit is being processed as a combined draft/proposed Title V permit revision in order to reduce processing time, a duplicate copy of the proof of publication must also be transmitted by electronic mail within seven days of the date of publication to Ms. Ana Oquendo at EPA Region 4 at the following address:
oquendo.ana@epamail.epa.gov.

If you have any questions, please contact the Project Engineer, Marilyn Koletzke, by telephone at (850) 717-9112 or by email at marilyn.koletzke@dep.state.fl.us.

Sincerely,

Jeffery F. Koerner, Program Administrator
Permitting and Compliance Section
Division of Air Resource Management

6-21-11

Date

Enclosures

JFK/mk