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APR 08 2004

BUREAU OF AIR REGULATION

March 18, 2004

Mr. Frank W. Cox  
Director of Utilities and Responsible Official  
G.W. Ivey Power Plant  
Homestead City Utilities  
675 North Flagler Avenue  
Homestead, FL 33030

Re: Title V Air Operation Permit Renewal Application  
**G.W. Ivey Power Plant**  
DRAFT Permit Renewal No. **0250013-002-AV**  
Facility ID: **0250013**

Dear Mr. Cox:

One copy of the DRAFT Permit for the renewal of a Title V Air Operation Permit for the G.W. Ivey Power Plant, located at 660 NE 1 Road, Homestead, Dade County, is enclosed. The permitting authority's "INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" and the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" are also included.

Electronic versions of these documents have been posted on the Division of Air Resource Management's world wide web site for the United States Environmental Protection Agency (U.S. EPA) Region 4 office's review. The web site address is:

<http://www.dep.state.fl.us/air/permitting/airpermits>

The "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" must be published as soon as possible. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to A. A. Linero, P.E., at the above letterhead address. If you have any other questions, please contact Tom Cascio at 850/921-9526.

Sincerely,

Trina L. Vielhauer, Chief  
Bureau of Air Regulation

Enclosures

RECEIVED

APR 08 2004

BUREAU OF AIR REGULATION

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/Local Program: Dade County Department of Environmental Resources Management Suite 900 33 Southwest Second Avenue

Miami, Florida 33130-1540 Telephone: 305/372-6925 Fax: 305/372-6954

The complete project file includes the DRAFT Permit Renewal, the application for renewal, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact A.A. Linero, P.E., at the above address, or call 850/921-9523, for additional information.

March 30, 2004

- (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 this notice, unless 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.

leged, as well as the rules and statutes which entitle petitioner to relief;
han 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 of the Florida Administrative Code (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; 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 petitioner's substantial rights will be affected by the agency determination;
(c) A statement of how and when the 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 state;
(e) A concise statement of the utility

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

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit Project No. 0250013-002-AV G.W. Ivey Power Plant Dade County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to the Homestead City Utilities for the G.W. Ivey Power Plant, located at 660 NE 1 Road, Homestead, Dade County. The applicant's name and address are: Mr. Frank W. Cox, Director of Utilities, Homestead City Utilities, 675 North Flagger Avenue, Homestead, FL 33030.

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 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 a Revised 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 Section 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 the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2203).

STATE OF FLORIDA,

COUNTY OF DADE,

Personally appeared before me the undersigned authority, Glenn Martin, to me well known who being duly sworn deposes and says that he is the General Manager of the South Dade News Leader, a newspaper of general circulation, published at Homestead, Dade County, Florida. Affiant further says that the above named newspaper continuously published in Dade County, Florida, for more than one year immediately preceding the first publication of said Legal Notice or Advertisement and was during all such time and now is entered as second class mail matter in the United States Post Office in Homestead, Dade County, Florida, and that the Legal Notice or Advertisements, a true copy of which is hereto attached, was published in the

SOUTH DADE NEWS LEADER

on the following days:

MARCH 30, 2004

Signed

Sworn to and subscribed before me this 30th day of

MAR 2004 A.D.

H. Lawrence Wiggins III

Notary Public State of Florida at Large

My commission expires

OFFICIAL NOTARY SEAL H LAWRENCE WIGGINS III NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. CC976639 MY COMMISSION EXP. NOV. 19 2004

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IN

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**MIAMI-DADE COUNTY, FLORIDA**

**No.** .....

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VS.

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**PROOF OF PUBLICATION**

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SOUTH DADE

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**NEWS LEADER**

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**HOMESTEAD NEWSPAPERS INC.**  
HOMESTEAD, FLORIDA

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Power Plant Administrative Secretary  
675 N Flagler Ave  
Homestead, Fla 33030  
305-224-4751  
305-224-4769 Fax



# Fax

## From: The Desk of Maria Medina

**To:** Bureau of Air Regulation

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**Fax:** 850/922-6979      **Pages:** 3

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**Phone:**      **Date:** 04/05/04

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**Re:** Proof of Publication      **CC:**

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Urgent     For Review     Please Comment     Please Reply     Please Recycle

Please note the attached proof of publication of PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL for G.W. Ivey Power Plant, Permit Renewal No. 0250013-002-AV Facility ID 0250013.

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March 18, 2004

Mr. Frank W. Cox  
Director of Utilities and Responsible Official  
G.W. Ivey Power Plant  
Homestead City Utilities  
675 North Flagler Avenue  
Homestead, FL 33030

Re: Title V Air Operation Permit Renewal Application  
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DRAFT Permit Renewal No. 0250013-002-AV  
Facility ID: 0250013

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Sincerely,

Trina L. Vielhauer, Chief  
Bureau of Air Regulation

Enclosures

# The Miami Herald

www.herald.com  
www.eherald.com

**PUBLISHED DAILY  
MIAMI-DADE-FLORIDA**

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

Before the undersigned authority personally  
appeared:

**KAREL MONTES**

who on oath says that he/she is

**CUSTODIAN OF RECORDS**

of The Miami Herald, a daily newspaper published at  
Miami in Miami-Dade County, Florida; that the  
attached copy of advertisement was published in said  
newspaper in the issues of:

March 31, 2004

Affiant further says that the said The Miami Herald  
is a newspaper published at Miami, in the said  
Miami-Dade County, Florida and that the said  
newspaper has heretofore been continuously published  
in said Miami-Dade County, Florida each day and has  
been entered as second class mail matter at the post  
office in Miami, in said Miami-Dade 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 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  
newspapers(s).

*Karel Montes*

Sworn to and subscribed before me this  
31<sup>st</sup> day of March, 2004

My Commission

Expires: August 1, 2006

Silvia Acosta

*Silvia Acosta*  
Notary



## **PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit Project No. 0250013-002-AV  
G.W. Ivey Power Plant  
Dade County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to the Homestead City Utilities for the G.W. Ivey Power Plant, located at 660 NE 7 Road, Homestead, Dade County. The applicant's name and address are: Mr. Frank W. Cox, Director of Utilities, Homestead City Utilities, 675 North Flagler Avenue, Homestead, FL 33030.

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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 the Office of General Counsel of the Department of Environmental Protection, 3900 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 120.54(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 of the Florida Administrative Code (F.A.C.).

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Mediation is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661(d)(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 7661(d)(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 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

Handy Person  
Call: 954-927-9049

TECHNICAL SERVICE  
954-724-0793  
305-798-5849

CHILD CARE HOME  
Gen Exp. Tech.  
305-559-2993

ZAH/TH/CH/CH/CH/CH/CH  
305-559-2993

Handy Person  
Call: 954-927-9049

TECHNICAL SERVICE  
954-724-0793  
305-798-5849

CHILD CARE HOME  
Gen Exp. Tech.  
305-559-2993

ZAH/TH/CH/CH/CH/CH/CH  
305-559-2993

# The Miami Herald

www.herald.com  
www.elherald.com

PUBLISHED DAILY  
MIAMI-DADE-FLORIDA

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Before the undersigned authority personally  
appeared:

**KAREL MONTES**

who on oath says that he/she is

**CUSTODIAN OF RECORDS**

of The Miami Herald, a daily newspaper published at  
Miami in Miami-Dade County, Florida; that the  
attached copy of advertisement was published in said  
newspaper in the issues of:

March 31, 2004

Affiant further says that the said The Miami Herald  
is a newspaper published at Miami, in the said  
Miami-Dade County, Florida and that the said  
newspaper has heretofore been continuously published  
in said Miami-Dade County, Florida each day and has  
been entered as second class mail matter at the post  
office in Miami, in said Miami-Dade 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 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  
newspapers(s).

*Karel Montes*

Sworn to and subscribed before me this  
\_31<sup>st</sup> day of \_ March, 2004

My Commission

Expires: August 1, 2006

Silvia Acosta

*Silvia Acosta*  
Notary



## PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit Project No. 0250013-002-AV  
G.W. Ivey Power Plant  
Dade County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to the Homestead City Utilities for the G.W. Ivey Power Plant, located at 660 NE 1 Road, Homestead, Dade County. The applicant's name and address are: Mr. Frank W. Cox, Director of Utilities, Homestead City Utilities, 675 North Flagler Avenue, Homestead, FL 33030.

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 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 a Revised 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 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 the Office of General Counsel of the Department of Environmental Protection, 3900 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 of the Florida Administrative Code (F.A.C.).

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- 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.

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<b>HandyPerson</b> 2225 Call: 954-927-0049 Fax: 954-927-0049	<b>TECHNICAL SERVICE</b> 305-786-5849 305-724-0793 15 years experience 8518 E. South Jobs from A-Z Top Bottom 305-385-8456 Computer Problems (781) 853-902 Wednes. sat. online to MARRIOTT HOTEL 1001 Brickell Ave. Miami, FL 33131	<b>24hr/7days/Childcare</b> CHILD Care provider 24hrs, Kendall area. 7days 305-383-1382 CHILD Care Royale Grm Exp. Cert. Teach. at 305-559-2369
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Power Plant Administrative Secretary  
675 N Flagler Ave  
Homestead, Fla 33030  
305-224-4751  
305-224-4769 Fax

**City of Homestead**

# Fax

## From: The Desk of Maria Medina

**To:** Bureau of Air Regulation

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**Fax:** 850/922-6979 **Pages:** 6

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**Phone:** **Date:** 04/02/04

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**Re:** Proof of Publication **CC:**

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**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

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Please note the attached proof of publication of PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL for G.W. Ivey Power Plant, Permit Renewal No. **0250013-002-AV**, Facility ID **0250013**

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In the Matter of an  
Application for Permit Renewal by:

Homestead City Utilities  
675 North Flagler Avenue  
Homestead, FL 33030

DRAFT Permit No. **0250013-002-AV**  
**G.W. Ivey Power Plant**  
Dade County

### INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal (copy of DRAFT Permit attached) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Homestead City Utilities, applied on March 8, 2004, to the permitting authority for a Title V Air Operation Permit Renewal for the G.W. Ivey Power Plant, located at 660 NE 1 Road, Homestead, Dade County. The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-213. This source is not exempt from Title V permitting procedures. The permitting authority has determined that a Title V Air Operation Permit Renewal is required to commence or continue operations at the described facility.

The permitting authority intends to issue this Title V Air Operation Permit Renewal based on the belief that reasonable assurances have been provided to indicate that operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/922-6979, within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

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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

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IN

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**MIAMI-DADE COUNTY, FLORIDA**

No. ....

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.....

.....

vs.

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**PROOF OF PUBLICATION**

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SOUTH DADE

**NEWS LEADER**

**HOMESTEAD NEWSPAPERS INC.**

HOMESTEAD, FLORIDA

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**PUBLIC NOTICE OF INTENT TO ISSUE TITLE 62 PERMIT**  
**STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection (hereinafter "Authority") gives notice of its intent to issue a Title 62 Permit for the operation of a power plant located at 800 NE 1st Street, Homestead, Dade County, Florida. The applicant is the United Co., Director, United Homestead City, 875 North Main Street, Homestead, FL 33060.

The permitting authority will hold public hearings on the proposed DRAFT Permit in accordance with the conditions of the DRAFT Permit unless a response is received in accordance with the following schedule: (a) a written comment on the draft permit, or (b) a change of terms of 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, 2300 State Street, Tallahassee, Florida 905-99-2400. Any written comments must be made available for public inspection. Written comments received shall be available for public inspection. Any change in this DRAFT Permit, the permitting authority shall issue a DRAFT Permit and register the applicable written Public Notice.

A person whose substantial interests are affected by the proposed permitting action may petition for a preliminary review of the permit. Since the permit is issued under the authority of Florida Statutes, the information and data below and the permit application received by the Department of Environmental Protection, Tallahassee, Florida 905-99-2400.

STATE OF FLORIDA,

COUNTY OF DADE,

Personally appeared before me the undersigned authority, Glenn Martin, to me well known who being duly sworn deposes and says that he is the General Manager of the South Dade News Leader, a newspaper of general circulation, published at Homestead, Dade County, Florida. Affiant further says that the above named newspaper continuously published in Dade County, Florida, for more than one year immediately preceding the first publication of said Legal Notice or Advertisement and was during all such time and now is entered as second class mail matter in the United States Post Office in Homestead, Dade County, Florida, and that the Legal Notice or Advertisements, a true copy of which is hereto attached, was published in the

..... SOUTH DADE NEWS LEADER .....

..... on the following days:

..... MARCH 30, 2004 .....

Signed.....

Sworn to and subscribed before me this 30

day of, MARCH 2004, A.D.

H. Lawrence Wiggins III

Notary Public State of Florida at Large

My commission expires

OFFICIAL NOTARY SEAL  
 H. LAWRENCE WIGGINS III  
 NOTARY PUBLIC STATE OF FLORIDA  
 COMMISSION NO. CC976439  
 MY COMMISSION EXP. NOV. 19 2004

**PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit Project No. 020013-002-AV  
G.W. Way Power Plant  
Dade County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit Renewal to the Homestead City Utilities for the G.W. Way Power Plant, located at 660 NE 1 Road, Homestead, Dade County. The applicant's name and address are: Mr. Frank V. Coa, Director of Utilities, Homestead City Utilities, 575 North Flagler Avenue, Homestead, FL 33039.

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 comments should be provided to the Department's Bureau of Air Regulation, 2609 East Stone Road, Mail Station 85505, Tallahassee, Florida 32309-2400. 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 a Revised 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 Section 120.568 and 120.67 of the 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 Environ-

**Legal Notices**

ment 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 28.105.05 of the Florida Administrative Code (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; 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 petitioner's substantial rights will be affected by the agency's determination;
- (c) A statement of how and when the 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 state;
- (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 peti-

itioner seeks to the United States Code (U.S.C.), Section 7602(b)(3). 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 7602(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 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 7602(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: 850-922-6179

**Regulated District/Local Entity:**  
Dade County Department of Environmental Resources Management  
Suite 910  
33 Southwest Second Avenue

Miami, Florida 33130  
15-40  
Telephone: 305-372-6926  
Fax: 305-372-6654

Tallahassee, Florida  
 22399-3000 (Telephone)  
 850/245-2242 (Fax)  
 850/245-2203. Petitions  
 filed by any persons other  
 than those entitled to  
 written notice under  
 Section 120.60(3), F.S.,  
 must be filed within four-  
 teen 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 appli-  
 cable time period shall  
 constitute a waiver of  
 that person's right to  
 request an administrative  
 determination (hearing)  
 under Sections 120.608  
 and 120.57, F.S., or to

the agency's pro-  
 posed 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 other-  
 wise shall contain the  
 same information as set  
 forth above, as required  
 by Rule 28-105.381, F.A.C.  
 Because the adminis-  
 trative 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 different from the  
 action taken by the  
 notice of intent. Persons  
 whose substantial inter-  
 ests 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 accor-  
 dance with the require-  
 ments set forth above,  
 mediation is not  
 available for this proceed-  
 ing.