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MAR 04 2009

BUREAU OF AIR REGULATION

March 2, 2009

Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road, Mail Station 5505  
Tallahassee, FL 32399-2400

Re: Permit No. 0250013-003-AV  
G.W. Ivey Power Plant  
Title V Permit Renewal

To whom it may concern:

Attached please find proof of publication for the Public Notice of Intent to Issue Title V Air Operation Permit for the City of Homestead. This notice was published in the legal advertisement section of the Miami Herald newspaper on February 26, 2009.

If you have any questions regarding the attached, you can reach me at 305-224-4751.

Regards,

A handwritten signature in black ink, appearing to read 'Kenneth J. Konkol', is written over a horizontal line.

Kenneth J. Konkol  
Assistant Director of Electric Utilities

KK/mm

Xc: Sonia Burkule, Project Engineer  
URS Corporation  
7800 Congress Avenue  
Boca Raton, FL 33487

**- Energizing Your Hometown -**

675 North Flagler Avenue • Homestead, Florida 33030  
Phone: 305-224-4700 • Fax: 305-224-4769 • Email: hes@homesteadenergy.org



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:

February 26, 2009

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*

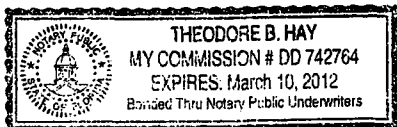
Sworn to and subscribed before me this  
26<sup>th</sup> day of February 2009

My Commission

Expires: March 10, 2012

Theodore B. Hay

Notary



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

Florida Department  
of Environmental  
Protection  
Division of  
Air Resource  
Management,  
Bureau of Air  
Regulation  
Draft/Proposed  
Permit No.  
0250013-003-AV  
Homestead City  
Utilities  
G.W. Ivey Power  
Plant  
Miami-Dade County,  
Florida

Applicant: The  
applicant for this  
project is Homestead  
City Utilities. The  
applicant's  
responsible official  
and mailing address  
is: Kenneth J. Konkol,  
Utilities Assistant  
Director, City of  
Homestead, 1000  
S.W. 10th St.,  
Homestead, FL 33030.

with the provisions of  
Chapter 493, 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: 2800 Blair  
Stone Road, MS  
#8505 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 the  
address indicated  
above for the  
Permitting Authority.  
The complete project  
file includes the  
draft/proposed  
permit, the Statement  
of Basis, the  
application, and the  
information  
submitted by the  
applicant, exclusive  
of confidential  
records under  
Section 403.11, F.S.  
Interested persons  
may view the draft  
permit by visiting the  
following website:  
<http://www.dep.state.fl.us/air/epredate/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 Permit:** The  
Permitting Authority  
gives notice of its  
intent to issue a Title  
V air operation permit  
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,  
62-214, 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  
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 or a  
significant change of  
terms or conditions.

**Comments:** The  
Permitting Authority  
will accept written  
comments  
concerning the  
draft/proposed Title  
V air operation permit  
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 other  
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 (FAW). If a  
public meeting is

Boulevard, Mail  
Box 3300,  
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  
decision (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  
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,  
who shall be the  
address for service  
purpose 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  
should be reversed or  
modified; (g) A  
statement of how the  
alleged facts  
relate to the specific  
rules or statutes; and  
(h) A statement of 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  
such facts are in  
dispute and  
otherwise shall  
contain the same  
information as set  
forth in the  
petition required by  
Rule 28-106.301, F.A.C.

Because the  
administrative  
hearing process is  
designed to formulate  
the agency action,  
the filing of a petition  
means that the  
Permitting  
Authority's final  
decision 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

EPA's 45-day review  
of this project and  
the deadline for  
submitting a citizen  
petition can be found  
at the following  
website address:  
<http://www.epa.gov/region4/air/Florida.htm>.  
**Objections:** Finally,  
pursuant to 42 United  
States Code (U.S.C.)  
Section 7681(d)(2),  
any person may  
petition the  
Administrator of the  
EPA within 90 days of  
the expiration of the  
Administrator's  
45-day review period  
as established at 42  
U.S.C. Section  
7681(d)(1), to object  
to the issuance of any  
Title V air operation  
permit. Any petition  
shall be based only  
on objections to the  
permit that were  
raised with  
reasonable specificity  
during the 30-day  
public comment  
period provided in  
the Public 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, F.A.C.  
Petitions filed with  
the Administrator of  
EPA must meet the  
requirements of 42  
U.S.C. Section  
7681(d)(2) and must  
be filed with the  
Administrator of the  
EPA at: U.S. EPA,  
401 M Street, S.W.,  
Washington, D.C.  
20460. For more  
information regarding  
EPA review and  
objections, visit  
EPA's Region 4 web  
site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

Sworn to and subscribed before me this  
26<sup>th</sup> day of February 2009

My Commission

Expires: March 10, 2012

Theodore B. Hay

Notary



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

Florida Department of Environmental Protection  
Division of Air Resource Management,  
Bureau of Air Regulation  
Draft/Proposed Permit No. 0250013-003-AV  
Homestead City Utilities,  
G.W. Ivey Power Plant  
Miami-Dade County, Florida

**Applicant:** The applicant for this project is Homestead City Utilities. The applicant's responsible official and mailing address is: Kenneth J. Konkol, Utilities Assistant, Director, City of Homestead, G.W. Ivey Power Plant, 780 North Homestead Boulevard, Homestead, Florida 33030.

**Facility Location:** The applicant operates the existing G.W. Ivey Power Plant, which is located in Miami-Dade County at 855 North Flagler Avenue, Homestead, Florida 33030.

**Project:** The applicant applied on November 21, 2008 to the Department for a Title V air operation permit renewal. This is a renewal of Title V air operation permit No. 0250013-002-AV. The existing facility consists of sixteen unregulated dual fuel fired engine generators, two unregulated cooling towers, and various unregulated fuel oil and miscellaneous storage tanks. Based on the Title V permit renewal application received on November 20, 2008, this facility is not a major source of hazardous air pollutants (HAP).

**Permitting Authority:** Applications for Title V air operation permits are subject to review in accordance

[MiamiHerald.com/  
Classifieds](http://MiamiHerald.com/Classifieds)

final Title V air operation permit in accordance with the conditions of the draft/proposed permit unless a timely hearing is filed under Sections 120.569 and 120.57, 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/proposed Title V air operation permit 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 other 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 (FAW). 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 permit, the Permitting Authority shall issue a revised permit 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.

**Petitioners:** 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

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 28-108.301, F.A.C.

**Because the administrative hearing process is designed to formulate information for the filing of a petition means that the Permitting Authority's final action may be different from the petition 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. 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 EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that result in a different decision or significant change of terms or conditions. The status regarding