



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (941) 479-8181

John E. Manning  
District One

August 5, 2000

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District Two

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District Three

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District Four

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District Five

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County Manager

James G. Yaeger  
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Diana M. Parker  
County Hearing  
Examiner

Mr. Scott Sheplak, P.E.  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, Fl. 32399

**SUBJECT: Lee County Waste to Energy Facility  
Title V Permit No. 0710119-001-AV**

Dear Mr. Sheplak:

Attached please find a copy of the Affidavit of Publication provided by the 'Ft. Myers News-Press indicating the Public Notice of Intent to Issue a Title V Air Operations Permit was published on August 1, 2000.

If you have any questions, please call me.

Sincerely,

**ENVIRONMENTAL SERVICES DEPARTMENT**

Lindsey J. Sampson, P.E., Director  
Solid Waste Division

LJS:  
W/ Attachment

cc: D. Owen  
D. Dee  
T. Eriksen  
T. Tyrrell  
B. Bigari  
II E 105

8/14/00 cc: Jonathan Holton

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**RECEIVED**

**AUG 10 2000**

**BUREAU OF AIR REGULATION**

NEWS-PRESS

Published every morning — Daily and Sunday  
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared \_\_\_\_\_

Kieanna Henry

who on oath says that he/she is the \_\_\_\_\_

Asst. Legal Clerk of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the

attached copy of advertisement, being a \_\_\_\_\_

legal notice

in the matter of \_\_\_\_\_

DEP Title V Air Operation Permit

in the \_\_\_\_\_ Court

was published in said newspaper in the issues of \_\_\_\_\_

August 1, 2000

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the 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.

*Kieanna Henry*

Sworn to and subscribed before me this

1st day of \_\_\_\_\_

August, 2000 by

Kieanna Henry

who is personally known to me or who has produced \_\_\_\_\_

as identification, and who did or did not take an oath \_\_\_\_\_

Notary Public Brenda Leighton

Print Name \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

CLASS-16



Brenda Leighton  
MY COMMISSION # CC808905 EXPIRES  
February 14, 2003  
BONDED THRU TROY FAIN INSURANCE, INC.

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 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 the 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.

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION Revised Title V DRAFT Permit No: 0710119-001-AV Lee County Resource Recovery Facility Lee County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Lee County Department of Solid Waste Management for the Lee County Resource Recovery Facility located at 10500 Buckingham Road, Fort Myers, Lee County. The applicant's name and address are: Lee County Department of Solid Waste Management, 2013 Alhambra Avenue, Fort Myers, Florida 33902.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V 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 Title V 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: 850/488-9730; 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.

Any person 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 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/Local Program: Department of Environmental Protection, South District Office, 2295 Victoria Avenue,

Suite 364, Fort Myers, Florida 33901 Telephone: 941/332-6975 Fax: 941/332-6969

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott A. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information. No. 53755 August

The failure of any person to file a petition within the applicable time period shall constitute a waiver of that person's right to re-