

Published Daily
Key West, Monroe County, Florida 33040

RECEIVED
NOV 16 1998
BUREAU OF
AIR REGULATION

**STATE OF FLORIDA
COUNTY OF MONROE**

Before the undersigned authority personally appeared Randy G. Erickson , who on oath says that he is director of the Advertising Department of the Key West Citizen, a daily newspaper published at Key West, in Monroe County Florida; that the attached copy of advertisement, being a legal notice in the matter of

Notice of Intent to Issue Air Construction Permit
Permit No. 0870047-002-AC

In the _____ Court, was published in said newspaper in the issues of
Nov. 9, 1998

Affiant further says that The Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida each day (except Saturdays) and has been entered as second-class mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 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 newspaper.

[Handwritten Signature]

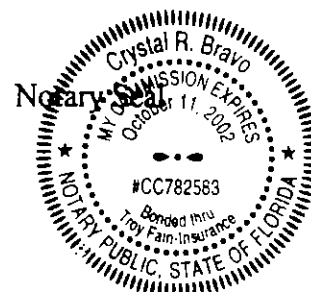
Signature of Affiant

Sworn and subscribed before me this 12th day of November, 1998.

[Handwritten Signature]

Signature of Notary Public

Expires Oct. 11, 2002
Personally Known Produced Identification _____
Type of Identification Produced _____



**PUBLIC NOTICE OF INTENT TO
ISSUE AIR CONSTRUCTION
PERMIT
STATE OF FLORIDA
DEPARTMENT OF ENVIRON-
MENTAL PROTECTION**

Draft Permit No. 0870047-002-AC
The City of Key West, Southern-
most Waste to Energy Facility
Monroe County

The Department of Environmen-
tal Protection (Department) gives
notice of its intent to issue an air
construction permit to The City of
Key West for the Southernmost
Waste to Energy Facility located at
5701 W. Junior College Road,
Key West, Monroe County. A Best
Available Control Technology
(BACT) determination was not re-
quired pursuant to Rule 62-
212.400, F.A.C. and 40 CFR
52.21, Prevention of Significant
Deterioration (PSD). The appli-
cant's name and address are The
City of Key West, Southernmost
Waste to Energy Facility, 5701 W.
Junior College Road, Key West,
Florida 33040.

This Permit will allow the appli-
cant to use a manual method of
soot blowing and discontinue us-
ing the originally installed contin-
uous steam soot blowers.

Air quality impact analysis was
not conducted. Emissions from
the facility will not consume PSD
increment and will not signifi-
cantly contribute to or cause a vi-
olation of any state or federal am-
bient air quality standards.

The Department will issue the fi-
nal permit with the attached con-
ditions unless a response re-
ceived in accordance with the fol-
lowing procedures results in a dif-
ferent decision or significant
change of terms or conditions.

The Department will accept writ-
ten comments concerning the
proposed permit issuance action
for a period of 14 (fourteen) days
from the date of publication of
"Public Notice of Intent to Issue
Air Construction Permit." Written
comments should be provided to
the Department's Bureau of Air
Regulation at 2600 Blair Stone
Road, Mail Station #5505, Talla-
hassee, FL 32399-2400. Any
Written comments filed shall be
made available for public inspec-

tion. If written comments received
result in a significant change in
the proposed agency action, the
Department shall revise the pro-
posed permit and require, if appli-
cable, another Public Notice.

The Department will issue the
permit with the attached condi-
tions unless a timely petition for
an administrative hearing is filed
pursuant to sections 120.569 and
120.57 F.S., before the deadline
for filing a petition. The proce-
dures for petitioning for a hearing
are set forth below.

A person whose substantial inter-
est are affected by the proposed
permitting decision may petition
for and administrative proceeding
(hearing) under sections 120.659
and 120.57 of the Florida Stat-
utes. The petition must contain
the information set forth below
and must be filed (received) in
the Office of General Counsel of
the Department at 3900 Com-
monwealth Boulevard, Mail Sta-
tion #35, Tallahassee, Florida
32399-3000. Petition filed by the
permit applicant or any of the par-
ties listed below must be filed
within fourteen days of receipt of
this notice of intent. Petitions filed
by any persons other than those
entitled to written notice under
section 120.60(3) of the Florida
Statutes must be filed with four-
teen days of publication of the
public notice or within fourteen
days of receipt of this notice of in-
tent, whichever occurs first. Un-
der section 120.60(3), however,
any person who asked the De-
partment for notice of agency ac-
tion may file a petition within four-
teen days of receipt of that notice,
regardless of the date of publica-
tion. A petitioner shall mail a copy
of the petition of 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 per-
son's right to request an adminis-
trative 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 inter-
vention will be only at the ap-
proval of the presiding officer
upon the filing of a motion in com-
pliance with Rule 28-106.205 of
the Florida Administrative Code.

A petition that disputes the mate-
rial facts on which the Depart-
ment's action is based must con-
tain the following information: (a)
The name and address of each
agency affected and each agen-
cy's file or identification number, if

known; (b) The name, address
and telephone number of the peti-
tioner, the name address and
telephone number of the petiti-
oner's representative, if any, which
shall be the address for service
purposes during the course of the
proceeding; and explanation of
how the petitioner's substantial
interest will be affected by the
agency determination; (c) A state-
ment of how and when petitioner
received notice of the agency ac-
tion or proposed action; (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, as well as the rules
and statutes which entitle the pe-
titioner to relief; and (f) A demand
for relief.

A petition that does not dispute
the material facts upon which the
Department'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.

Because the administrative hear-
ing process is designed to formu-
late final agency action, the filing
of a petition means that the De-
partment's final action may be dif-
ferent from the position taken by it
in this notice. Persons whose
substantial interests will be af-
fected by any such final decision
of the Department on the applica-
tion have the right to petition to
become a party of the proceed-
ing, in accordance with the re-
quirements set forth above.

Mediation is not available in this
proceeding.

A complete project file is available
for public inspection during nor-
mal business hours, 8:00 a.m. to
5:00 p.m., Monday through Fri-
day, except legal holidays, at:

Department of Environmental
protection, Bureau of Air Regula-
tion, 111 S. Magnolia Drive, Suite
4, Tallahassee, Florida, 32301,
Telephone 850-488-0114, Fax
850-922-6979.

Department of Environmental
Protection, South District Office,
2295 Victoria Avenue, Suite 364,
Fort Myers, Florida 33901, Tele-
phone 941-332-6975, Fax 941-
332-6969.

The complete project file includes
the application, technical evalua-
tions, Draft Permit, and the infor-
mation submitted by the responsi-
ble official, exclusive of confiden-
tial records under Section
403.111, F.S. Interested persons
may contact the Administrator,
New Resource Review Section at

111 South Magnolia Drive, Suite
4, Tallahassee, Florida 32301, or
call 850-488-0114, for additional
information.

November 9th, 1998.