

KEY WEST
THE CITIZEN

3420 Northside Drive Key West Fl. 33040 Office 305-294-6641 Fax 305-294-0768

Published Daily
Key West, Monroe County, Florida 33040

**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 Title V Air Operation Permit
Permit No. 0870047-001-AV

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

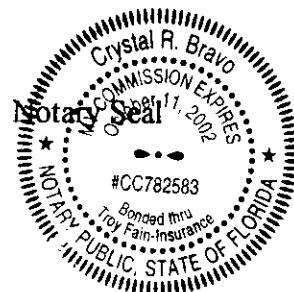
Affiant further says that The Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida each day (except Saturdays) and has been entered as second-class mail matter at the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

Signature of Affiant

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

Signature of Notary Public

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



PUBLIC NOTICE OF INTENT TO
ISSUE TITLE V AIR OPERATION
PERMIT
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION
Title V DRAFT Permit No. 0870047-001-AV
Southernmost Waste to Energy
Monroe County
The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Utility Board of the City of Key West for the Southernmost Waste to Energy located at 5701 West Junior College Road, Key West, Monroe County. The applicant's name and address are: E. David Fernandez, City of Key West, P.O. Box 1409, Key West, Florida 33041-1409
The permitting authority will issue the Title V DRAFT Permit, and subsequent the 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 term 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 Regulations, 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 Permit and acquire, if applicable, another Public Notice.
The permitting authority will issue the permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S.; Mediation under Section 120.573, 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 must be filed within 14 (fourteen) days of publication of the public notice 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 receipt of that notice regardless of the date of publication. A petitioner must 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 proceedings and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer, the filing of a motion in compliance with the 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 each petitioner, name, address and telephone of 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 each 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; and
- (f) A demand for relief.

A petition that does not dispute the material facts upon which the permitting authority's action is to be based shall state that no such facts are in dispute and otherwise shall contain the same information set as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate the final action may be different from the position taken by it in their 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.

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 24 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 the petitioner demonstrated to 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 the EPA at 401 M. Street, SW, 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 450
Tallahassee, Florida 32301
Telephone: 850/488-1344
Fax: 850/922-6979
Affected District
FDEP South Florida 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 M. Sheplak, P.E. at the above address or call 850/921-9532 for additional information.
November 9th, 1998