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AUG 26 2004

BUREAU OF AIR REGULATION

August 24, 2004



*The J.E.D. Solid Waste Management Facility*

1501 Omni Way  
St. Cloud, FL 34773  
(407) 891-3720 phone  
(407) 891-3730 fax

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ms. Trina Vielhauer, Chief  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399

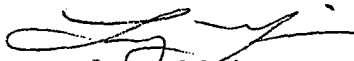
RE: DEP File No. 0970079-002-AC  
Oak Hammock Disposal Facility

Dear Ms. Vielhauer:

Please find enclosed the **Original** Affidavit of Publication for the Public Notice of Intent to Issue Air Construction Permit Modification for the above referenced facility. The information was published on August 18, 2004 in the Osceola Section of the Orlando Sentinel.

If you need additional information please give me a call.

Sincerely,



Lenny Marion  
Operations Manager

LM/ss

Enclosure (1)

# Orlando Sentinel

Published Daily

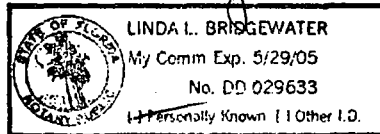
State of Florida } S.S.  
COUNTY OF ORANGE

Before the undersigned authority personally appeared DEBORAH M. TONEY, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at KISSIMMEE in OSCEOLA County, Florida; that the attached copy of advertisement, being a **PUBLIC NOTICE OF I** in the matter of DEP #0970-079-002-AC in the OSCEOLA Court, was published in said newspaper in the issue; of 08/18/04

Affiant further says that the said Orlando Sentinel is a newspaper published at KISSIMMEE in said OSCEOLA County, Florida, and that the said newspaper has heretofore been continuously published in said OSCEOLA County, Florida, each Week Day and has been entered as second-class mail matter at the post office in KISSIMMEE in said OSCEOLA 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/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.

The foregoing instrument was acknowledged before me this 18 day of AUG., 20 04, by DEBORAH M. TONEY, who is personally known to me and who did take an oath.

(SEAL)



## PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No.  
0970-079-002-AC  
Omni Waste of  
Osceola County, LLC  
Oak Hammond Disposal  
Facility  
Osceola County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Omni Waste of Osceola County for revising the emission limits established for the solid waste disposal facility west of Highway 441, approximately 6.5 miles south of Holopaw. A determination of Best Available Control Technology pursuant to Rule 62-212.4001, F.A.C. was not required. The applicant's name and address are: Omni Waste of Osceola County, LLC, 1501 Omni Way, St. Cloud, Florida, 34773.

The proposed changes will revise the emission limits for the criteria pollutant consistent with expected emissions from landfill. The revised emission estimates were based on the methodology outlined in 40 CFR 60, Subpart WWW.

The Department will issue the FINAL Permit modification in accordance with the conditions of the DRAFT Permit modification, unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit Modification. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit modification and require, if applicable, another Public Notice.

The Department will issue the permit modification with the attached conditions 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 procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of 3900 Commonwealth Boulevard Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties 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 within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department 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 appropriate 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 par-

ticipate 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.

A petition that disputes the material facts on which the Department'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, which shall be the address for service purposes during the course of the proceeding and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when 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 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 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 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 hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding in accordance with the requirements set forth above.

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:P

Department of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida 32301  
Telephone: 850/488-0114

Department of Environmental Protection  
Central District Office  
3319 Maguire Boulevard,  
Suite 232  
Orlando, Florida 32803-3767  
Telephone: 407/894-7555  
Fax: 407/897-2966

The complete project file includes the application, Draft Permit Modification and the information submitted by the responsible official exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Program Administrator, Permitting South Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.  
OSC5803684 AUG.18.2004