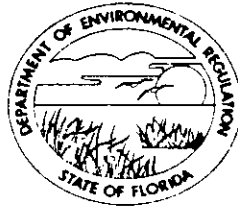


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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

ST. JOHNS RIVER
DISTRICT

3319 MAGUIRE BOULEVARD
SUITE 232
ORLANDO, FLORIDA 32803



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ALEX SENKEVICH
DISTRICT MANAGER

B. W. Wait, III
Director of Utilities
City of New Smyrna Beach Utilities Commission
Post Office Box 519
New Smyrna Beach, Florida 32069

Dear Mr. Wait:

Volusia County AP
City of New Smyrna Beach
Utilities Commission

Enclosed is Permit Number AC64-43484 dated 7-17-81, to construct the subject pollution source, issued pursuant to Section 403.061(14), Florida Statutes.

Should you object to this permit, including any and all of the conditions contained therein, you may file an appropriate petition for administrative hearing. This petition must be filed within fourteen (14) days of the receipt of this letter. Further, the petition must conform to the requirements of Section 28-5.201, Florida Administrative Code, (copy enclosed). The petition must be filed with the Office of General Counsel, Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

If no petition is filed within the prescribed time, you will be deemed to have accepted this permit and waived your right to request an administrative hearing on this matter.

Acceptance of the permit constitutes notice and agreement that the department may periodically review this permit for compliance, including site inspections where applicable, and may initiate enforcement action for violation of the conditions and requirements thereof.

Sincerely,

[Signature]
c m c A. Senkevich, P.E.
District Manager

JVS
AS:jrd H

Enclosures

cc: Kennard J. Kosky
Record Center - Tallahassee

RULES OF THE ADMINISTRATION COMMISSION
MODEL RULES OF PROCEDURE
CHAPTER 28-5
DECISIONS DETERMINING SUBSTANTIAL INTERESTS

PART II
FORMAL PROCEEDINGS

28-5.201 Initiation of Formal Proceedings.

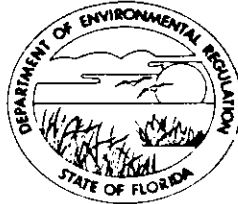
- (1) Initiation of formal proceedings shall be made by petition to the agency responsible for rendering final agency action. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper of standard legal size. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced and indented.
- (2) All petitions filed under these rules should contain:
 - (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name and address of the petitioner or petitioners, and an explanation of how his/her substantial interests will be affected by the agency determination;
 - (c) A statement of when and how petitioner received notice of the agency decision or intent to render a 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, as well as the rules and statutes which entitle the petitioner to relief;
 - (f) A demand for relief to which the petitioner deems himself entitled; and
 - (g) Other information which the petitioner contends is material.

A petition may be denied if the petitioner does not state adequately a material factual allegation, such as a substantial interest in the agency determination, or if the petition is untimely. (Section 28-5.201(3)(a), FAC)

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BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ALEX SENKEVICH
DISTRICT MANAGER

APPLICANT:

B. W. Wait, III
Director of Utilities
Post Office Box 519
New Smyrna Beach, Florida 32069

PERMIT/CERTIFICATION

No.: AC64-43484
County: Volusia
Project: City of New Smyrna Beach
Utilities Commission

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Chapters 17-2 Florida Administrative Code. The above named applicant, hereinafter called Permittee, is hereby authorized to perform the work or operate the facility shown on the approved drawing(s), plans, documents, and specifications attached hereto and made a part hereof and specifically described as follows:

The permittee can construct a 910-KW - 7.3 MMBTU Diesel Generator (Fairbanks Morse, Model 38 DD8 -1/8) using 5.4 MM BTU/hr. maximum heat input burning Natural Gas as the fuel. No. 2 fuel oil will be used as the pilot fuel.

This generator is located at 2495 North Dixie Freeway in New Smyrna Beach, Florida.

UTM: East 5058
UTM: North 3214.8

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth herein are "Permit Conditions", and as such are binding upon the permittee and enforceable pursuant to the authority of Section 403.161(1), Florida Statutes. Permittee is hereby placed on notice that the department will review this permit periodically and may initiate court action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations indicated in the attached drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits specifications, or conditions of this permit shall constitute grounds for revocation and enforcement action by the department.

DER Form 17-1.122(63) Page 1 of 4.

Appl. B. W. Wait, III

Project: City of New Smyrna Beach Utilities Commission

Page 2 of 4 of Permit No.: AC64-43484

3. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information: (a) a description of and cause of non-compliance; and (b) the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

4. As provided in subsection 403.087(6), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations.

5. This permit is required to be posted in a conspicuous location at the work site or source during the entire period of construction or operation.

6. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Section 403.111, F.S.

7. In case of an operation permit, permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or department rules.

8. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant, or aquatic life or property and penalties, therefore, caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, except where granting a variance or exception from department rules or state statutes.

9. This permit is not transferable. Upon sale or legal transfer of the property or facility covered by this permit, the permittee shall notify the department within thirty (30) days. The new owner must apply for a permit transfer within thirty (30) days. The permittee shall be liable for any non-compliance of the permitted source until the transferee applies for and receives a transfer of permit.

Appl. Name: B. W. Wait, III
Project: City of New Smyrna Beach Utilities Commission
Page 3 of 4 of Permit No. AC64-43484

10. The permittee, by acceptance of this permit, specifically agrees to allow access to permitted source at reasonable times by department personnel presenting credentials for the purposes of inspection and testing to determine compliance with this permit and department rules.
11. This permit does not indicate a waiver of or approval of any other department permit that may be required for other aspects of the total project.
12. This permit conveys no title to land or water, nor constitutes state recognition or acknowledgement of title, and does not constitute authority for the reclamation of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
13. This permit also constitutes:
 - () Determination of Best Available Control Technology (BACT)
 - () Determination of Prevention of Significant Deterioration (PSD)
 - () Certification of Compliance with State Water Quality Standards (Section 401. PL 92-500)

SPECIFIC CONDITIONS

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the St. Johns River District Office, are made a part hereof.
2. Construction of this installation shall be completed by July 14, 1982. Application for Permit to Operate will be submitted by August 14, 1982.
3. This construction permit expires on September 14 1982 following an initial period of operation for appropriate testing to determine compliance with the Rules of the Florida Department of Environmental Regulation Commission.

Appl. Name: B. W. Wait
Project: City of New Smyrna Beach Utilities Commission
Page 4 of 4 of Permit No.: AC64-43484

4. This diesel generator shall be tested for visible emissions within thirty (30) days after it is placed in operation. These test results are required prior to our issuance of an operation permit and shall be submitted in duplicate to the Florida Department of Environmental Regulation, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.
5. The operation of this installation shall be observed for visible emissions in accordance with Method 9-Visible Determination of the Opacity of Emissions from Stationary Sources (36FR24895; Federal Register, December 23, 1971).
6. This office (Florida Department of Environmental Regulation, Air Permitting, Orlando) shall be notified at least ten (10) days in advance of the compliance tests so that we can witness them.
7. This plant is required to operate within 10 percent of permitted capacity during the compliance tests. The permitted capacity is 5.7 MM BTU/hr.
8. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling test is completed.
9. The emission limitation for this generator is set forth in Chapter 17-2.05(1), F.A.C. and must be conducted in accordance with EPA Method #9.
10. The diesel engine is rated at 7.72 MM BTU/hr maximum heat input and must operate with a capacity factor no greater than 70% or a maximum heat input of 5.4 MM BTU/hr.

Issued this 7 day of July,
1987.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION

cmc
JH

DISTRICT MANAGER
A. Senkevich, P.E.

EXPIRATION DATE

September 14, 1982