

40 Lane Road, CN 2615  
Fairfield, NJ 07007-2615  
973 882 9000  
Fax 973 882 4156

28 February 2001

Mr. Scott M. Sheplak, P.E., Administrator  
FDEP, Title V Section  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

RECEIVED

MAR 05 2001

BUREAU OF AIR REGULATION

*SUBJ: 2000 Statement of Compliance  
Ogden Martin Systems of Lake, Inc.  
Facility ID 0690046*

Dear Mr. Sheplak:

This is in response to your letter dated February 2, 2001, regarding the Statement of Compliance for Calendar Year (CY) 2000.

Since this facility has not received a Title V Air Operation Permit, all three options given on the DEP Form 62-213.900(7) were "Not Applicable". Therefore, we believe that the requirement to submit the Statement of Compliance for CY 2000 does not apply to this facility at this time.

If additional information is needed, please do not hesitate to contact Viet Q. Ta, Facility Environmental Engineer at (727) 856-2917.

Sincerely,



Leon Brasowski  
V.P., Environmental Permitting

cc: Andrew T. Nguyen, FDEP SWD  
K. Stepsus  
C. Boatwright

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**RECEIVED**

JAN 10 2001

BUREAU OF AIR REGULATION

OGDEN MARTIN SYSTEMS OF LAKE, INC.,  
Petitioner,

vs

OGC Case No.: \_\_\_\_\_

FLORIDA DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,  
Respondent.

**PETITION FOR FORMAL ADMINISTRATIVE PROCEEDING**

Petitioner OGDEN MARTIN SYSTEMS OF LAKE, INC. (hereinafter "Petitioner") files  
this Petition for Formal Administrative Proceeding pursuant to Sections 120.569 and 120.57, Fla.  
Stat., and states:

- 1. The name and address of the affected agency is as follows:

Florida Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

- 2. The agency's file identification number is Title V Permit No. 0690046-001-AV,  
Facility ID No. 0690046.

- 3. The name, address and telephone number of the Petitioner is as follows:

Ogden Martin Systems of Lake, Inc.  
3830 Rogers Industrial Park Road  
Okahumpka, Florida 34762  
(352)365-1611

- 4. The name, address and telephone number of the Petitioner's representative is as  
follows:

Mary F. Smallwood, Esquire  
Ruden, McClosky, Smith, Schuster & Russell, P.A  
215 South Monroe Street, Suite 815

Tallahassee, Florida 32301  
(850)681-9027

5. Petitioner received notice of the Florida Department of Environmental Protection's (hereafter the "Department") intent to issue a Title V permit to Petitioner by certified mail on May 15, 2000.

6. Petitioner's substantial interests are being determined by the Department as Petitioner is the operator of the Lake County Resource Recovery Facility (hereafter the "Facility") located in Lake County, Florida. The Department has proposed to issue a Title V air operation permit to Petitioner with conditions which will affect the manner in which Petitioner is allowed to operate the Facility. As more specifically set forth below, those permit conditions are inconsistent with the Petitioner's application for a Title V permit and with the applicable statutory and regulatory requirements for Title V permits.

7. Petitioner disputes the following issues of material fact:

a. Petitioner disputes that it is feasible to continuously monitor the temperature in the furnace combustion chamber. Instead, existing permits allow monitoring of furnace roof temperature. Petitioner also contends that compliance with the Environmental Protection Agency's Good Combustion Practices, including carbon monoxide concentration and steam rate, provide a more appropriate mechanism for monitoring combustion than furnace temperature. See Specific Conditions B.12., B.13., B.76., B.80., and B.112, and the P.E. Certification.

b. Petitioner disputes that it is required under applicable statutes or regulations or feasible under normal operation of the Facility to completely combust all materials placed in the furnace prior to further processing, such as ash handling and landfilling. Petitioner further contends that there is no definition of "complete combustion" that could be used to determine compliance with this requirement. See Specific Condition B.111 and the P.E. Certification.

c. Petitioner disputes that the processing of biomedical waste should be limited to "boxed biomedical waste." No statutory or regulatory provisions imposes such a limitation on the Facility. See Subsection B, Facility description, Specific Conditions B.12 and B. 103.

d. Petitioner disputes that the maximum throughput for biomedical waste should be limited to 1.12 tons/hour and 26.88 tons/day at Unit 1 of the Facility. The Department has previously authorized a maximum throughput of 2.15 tons/hour for Unit 1. See Specific Condition B.8.(c).

e. Petitioner disputes that quarterly testing for mercury, using EPA Method 29, is required for Unit 1 of the Facility. The regulations cited by the Department as a basis for this requirement do not require quarterly testing. See Specific Condition B.109.

f. Petitioner disputes that either Unit 1 or Unit 2 is subject to an hourly throughput limit or an annual rolling average throughput limit. The steam flow rate, as a 4-hour average, is the appropriate parameter for monitoring Facility operations. See Specific Conditions B.8.(a), B. 64., B.80., D.8.(a).

g. Petitioner disputes that it is possible to use refuse pit inventory to determine the average daily solid waste charging rate for each unit as the pit is used to service both units at the Facility. See Specific Conditions B.103 and D.102.

h. Petitioner disputes that Unit 2 is not permitted to process biomedical waste. See Subsection D., Facility description.

i. Petitioner contends that the requirement that flue gases be cooled to a maximum temperature of 300° F., with a 3-hour rolling average, is inconsistent with Specific Conditions B.11. and D.11, which allow the flue gas temperature to vary within a 17 degree Celcius range of the most recent test results. See Specific Conditions B.40. and D.39.

j. Petitioner contends that the two hour limitation on excess emissions from startup, shutdown, or malfunction during a 24 hour period is inconsistent with the provisions of Specific Conditions B.43. and D. 43. See Specific Conditions B.44. and D.44.

k. Petitioner contends that the requirements of Specific Condition B.85. exceed the requirements imposed by 40 CFR 60.7

l. Petitioner contends that it is not appropriate to limit compliance testing for Beryllium to EPA Reference Method 104. Instead, EPA Method 29 should be included as an approved testing method. See Specific Condition B.60.

m. Petitioner disputes that specific carbon parameters, such as pneumatic flow rate and particle size, are appropriate compliance parameters. See Specific Conditions E.1. and E.4.

n. Petitioner contends that the processing of used oil and used oil filters is not subject to both the provisions of 40 CFR Part 261 and 40 CFR Part 279 but should be regulated by one or the other of these provisions. See Specific Conditions B.12.(10)(j), B.104, D.12.(9)(g), and D.103.

8. The specific rules or statutes that Petitioner contends require reversal or modification of the Department's action are:

a. Rules 62-4.070(3), 62-4.070(5), 62-4.160(2), 62-204.800, 62-210.200, 62-210.700, 62-212, 62-213, 62-296.401, 62-296.416, Fla. Admin. Code.

b. 40 CFR Subpart A, including, but not limited to, 40 CFR § 60.7; 40 CFR § 60.8; 40 CFR § 60.11; 40 CFR Subpart Cb, including, but not limited to, 40 CFR § 60.31b, 40 CFR § 60.34b, 40 CFR § 60.38b; 40 CFR Subpart Db; 40 CFR Subpart E; 40 CFR § 60.51b; 40 CFR § 60.53c(a); 40 CFR § 60.53c(c); 40 CFR § 60.58b(a); 40 CFR § 60.58b(j); 40 CFR Part 70; 40 CFR 261; 40 CFR Part 279; and 40 CFR Appendices A, B, and F.

Accordingly, Petitioner requests that:

1. The Petition for Formal Administrative Proceeding be forwarded to the Division of Administrative Hearings pursuant to Sections 120.569 and 120.57, Florida Statutes.
2. The Administrative Law Judge enter an order recommending modification of the conditions of Permit No. 0690046-001-AV as necessary to address Petitioner's objections set forth above.
3. The Administrative Law Judge grant such other relief as may be appropriate.

Respectfully submitted this 25<sup>th</sup> day of May, 2000.

RUDEN, McCLOSKEY, SMITH  
SCHUSTER & RUSSELL, P.A.

*Mary F. Smallwood*

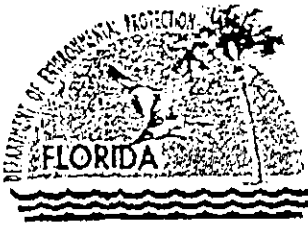
Mary F. Smallwood  
215 South Monroe Street, Suite 815  
Tallahassee, Florida 32301  
(904) 681-9027  
Florida Bar ID No. 0242616  
Counsel for Ogden Martin Systems of Lake, Inc.

#### CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing has been filed by Hand-Delivery with the Clerk of the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 this 25<sup>th</sup> day of May, 2000.

*Mary F. Smallwood*

Mary F. Smallwood



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David B. Struhs  
Secretary

May 10, 2000

CERTIFIED MAIL - Return Receipt Requested

Gary K. Crane, Ph.D.  
Executive Vice President  
Ogden Martin Systems of Lake, Inc.  
3830 Rogers Industrial Park Road  
Okahumpka, FL 34762

Re: DRAFT Title V Permit No.: 0690046-001-AV  
Ogden Martin Systems of Lake, Inc.

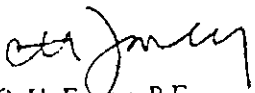
Dear Dr. Crane:

One copy of the DRAFT Title V Air Operation Permit for the Ogden Martin Systems of Lake, Inc., located at 3830 Rogers Industrial Park Road, Okahumpka, Lake County, is enclosed. The permitting authority's "INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" is also included.

The Department will publish the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" as soon as possible. This issue is important in order for you to receive your Title V FINAL Permit by October 25, 2000.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Scott M. Sheplak, P.E., at the above letterhead address. If you have any other questions, please contact Bruce Mitchell at 850/921-9506.

Sincerely,

  
C. H. Fancy, P.E.  
Chief  
Bureau of Air Regulation

CHF/rbm

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an  
Application for Permit by:

Ogden Martin Systems of Lake, Inc.  
3830 Rogers Industrial Park Road  
Okahumpka, Florida 34762

DRAFT Permit No.: 0690046-001-AV  
Ogden Martin Systems of Lake, Inc.  
Lake County

### INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit (copy of DRAFT Permit enclosed) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Ogden Martin Systems of Lake, Inc., applied on June 14, 1996, to the permitting authority for a Title V air operation permit for the Ogden Martin Systems of Lake, Inc., located at 3830 Rogers Industrial Park Road, Okahumpka, Lake County.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210 and 62-213. This source is not exempt from Title V permitting procedures. The permitting authority has determined that a Title V air operation permit is required to commence or continue operations at the described facility.

The permitting authority intends to issue this Title V air operation permit based on the belief that reasonable assurances have been provided to indicate that operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT." However, the Department will publish the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" as soon as possible. This issue is important in order for you to receive your Title V FINAL Permit by October 25, 2000.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the attached 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 permit issuance action for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT." Written comments should be provided to the permitting authority office. 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, 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 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), F.S., 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), F.S., however,



DRAFT Permit No.: 0690046-001-AV

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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. 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 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, 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; 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 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 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 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 will not be available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

DRAFT Permit No.: 0690046-001-AV

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The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information:

- (a) The name, address, and telephone number of the petitioner;
- (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- (c) Each rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and,
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

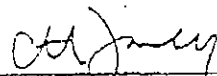
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Finally, 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 42 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 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.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



C. H. Fancy, P.E.

Chief

Bureau of Air Regulation

DRAFT Permit No.: 0690046-001-AV

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT (including the DRAFT permit) and all copies were sent by certified mail before the close of business on 05-12-00 to the person(s) listed:

Gary Crane, OMSL, Executive V.P., Responsible Official

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT (including the DRAFT permit) were sent by U.S. mail on the same date to the person(s) listed:

Len Kozlov, CD  
Welton Cadwell, Chairman, Lake County BCC  
Tom John, P.E., TJE  
Jason Gorrie, OMSP  
U.S. EPA, Region 4 (INTERNET E-mail Memorandum)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated agency Clerk, receipt of which is hereby acknowledged.

Sandra Knight  
(Clerk)

05-12-00  
(Date)

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Title V DRAFT Permit No.: 0690046-001-AV  
Ogden Martin Systems of Lake, Inc.  
Lake County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Ogden Martin Systems of Lake for the resource recovery facility located at 3830 Rogers Industrial Park Road, Okahumpka, Lake County. The applicant's name and address are: Ogden Martin Systems of Lake, Inc., 3830 Rogers Industrial Park Road, Okahumpka, FL 34762.

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. 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 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 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 42 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 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  
Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767  
Telephone: 407/894-7555  
Fax: 407/897-5963

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.

file

# INTEROFFICE MEMORANDUM

**Sensitivity:** COMPANY CONFIDENTIAL

**Date:** 28-Apr-2000 10:57am

**From:** Leonard Kozlov ORL 407/894-755  
KOZLOV\_L@a1.depor1.dep.state.fl.us

**Dept:**

**Tel No:**

**To:** Scott Sheplak TAL ( SHEPLAK\_S@A1 )  
**To:** Bruce Mitchell TAL ( MITCHELL\_B@A1 )  
**CC:** John B. Turner ORL ( TURNER\_JB@a1.depor1.dep.state.fl.us )  
**CC:** Garry Kuberski ORL ( KUBERSKI\_G@a1.depor1.dep.state.fl.us )  
**CC:** Dina Jones ORL ( JONES\_DX@a1.depor1.dep.state.fl.us )

**Subject:** Ogden Oct 99 inspection

Scott,

As per your request, attached is the inspection report that John Turner and Jim Bradner from solid waste section as to what they saw at the landfill. Unfortunately there is no signed report in the file. A search is on. This copy came from Garry's file in his computer. Presently Turner and Bradner are out of the office. I know photos were taken but they are not in our files. I am having the solid waste folks check their files since this was a solid waste issue rather than air as to what is disposed of in a landfill. If we come across more info you will be the first to know.

Len

**INSPECTION REPORT FORM  
AIR POLLUTION EMISSION SOURCES**

<b>FACILITY</b> Ogden Martin Systems of Lake, Inc.		<b>DISTRICT</b> Central	<b>COUNTY</b> Lake
<b>ADDRESS</b> 3830 Rogers Industrial Park Road Okahumpka, Florida 34763		<b>CONTACT</b> Ph. 352-365-1611 (Lake) Jason M. Gorrie, Senior Environmental Engineer. Ph. 813-856-2917 (Pasco)	
<b>AIRS</b> 0690046	<b>PERMIT</b> AO35-193817	<b>EXPIRATION DATE</b> Title V permit application received.	
<b>SOURCE DESCRIPTION</b> E.U. 1 MSW Incinerator with biomedical waste commingled. E.U. 2 MSW Incinerator			
<b>INSPECTION DATE</b> 2-Nov-99		<b>AUDIT TYPE</b> Level 2	<b>COMPLIANCE STATUS</b> In-compliance
<b>INSPECTION COMMENTS/RECOMMENDATIONS:</b>			
<p>The writer along with Tom Mulligan conducted an inspection to review records and observe the condition of ash. The record review was discussed with Jason Gorrie and Cecil Boatwright. All records requested were presented. Copies were made for the DEP files.</p> <p>This inspection satisfy the requirement for a quarterly inspection and to investigate the possibility of inadequate furnace temperature for the combustion of medical waste.</p> <p>Small amounts of unburned medical waste had been found in the incinerator ash at Astatula Landfill Landfill records had shown that the waste came from Ogden Martin. Jason Gorrie stated that Jim Robinson from the Ocala HRS Office was there to observe the unburned waste. I informed them that John Turner and Jim Bradner from this office had also been there to observe the waste.</p> <p>The combustion chamber temperature is measured with three thermocouples on the roof of the chamber. The temperatures are recorded on a strip chart and also recorded in the Genesis computer system. The temperature being measured by each thermocouple is shown by digital readout on the control panel. The temperatures are labeled as data points 03, 04, and 05.</p> <p>The genesis system records the temperature shown by each thermocouple as a 2 minute average. A strip chart records the temperature as shown by the digital readout. The date stamp on the strip chart is one day behind, that is Oct. 27 is stamped the 26th.</p> <p>Copies of the strip chart and Genesis report for Oct 26, 27, 28, and 29 are attached. A temperature of less than 1138 °F was not recorded. The permit specifies a minimum roof temperature of 1138 °F as a surrogate for a combustion chamber temperature of 1800 °F.</p> <p>The CEM notebook was examined to determine compliance with the opacity, CO, SO<sub>2</sub>, and carbon injection rate. Example copies of the notebook were obtained for October 28. The carbon injection rate was slightly greater than 23 lb./hr which is what they have stated they are going to use. There was no violation of the opacity, CO, or SO<sub>2</sub> limits. Periods of poor combustion would produce high CO emissions. Elevated CO emissions were not observed for Oct. 26, 27, 28, or 29.</p>			
continued next page			
<b>INSPECTOR(S) NAME(S)</b> Garry Kuberski			
<b>SIGNATURE</b> Pages 1 and 2 signed by G. Kuberski 4-Nov-99.		<b>DATE</b>	

**INSPECTION REPORT FORM  
AIR POLLUTION EMISSION SOURCES**

<b>FACILITY</b> Ogden Martin Systems of Lake, Inc.		<b>DISTRICT</b> Central	<b>COUNTY</b> Lake
<b>ADDRESS</b> 3830 Rogers Industrial Park Road Okahumpka, Florida 34763		<b>CONTACT</b> Ph. 352-365-1611 (Lake) Jason M. Gorrie, Senior Environmental Engineer. Ph. 813-856-2917 (Pasco)	
<b>AIRS</b> 0690046	<b>PERMIT</b> AO35-193817	<b>EXPIRATION DATE</b> Title V permit application received.	
<b>SOURCE DESCRIPTION</b> E.U. 1 MSW Incinerator with biomedical waste commingled. E.U. 2 MSW Incinerator			
<b>INSPECTION DATE</b> 2-Nov-99		<b>AUDIT TYPE</b> Level 2	<b>COMPLIANCE STATUS</b> In-compliance
<b>INSPECTION COMMENTS/RECOMMENDATIONS:</b>			
<p>Copies of the medical waste delivery reports were obtained for Oct 26, 27, 28, and 29 and are attached.</p> <p>The ash house contents were observed and the operation was discussed with Cecil Boatwright.</p> <p>The ash is transported to the ash house on a conveyor belt. The ferrous metal is separated with a magnet and drops in one pile while the ash drops in another. The ash is wet and does not create dust.</p> <p>Ash is removed from the ash house each week day using an end loader to load a dump truck. The end loader driver watches for unburned material in the ash and if any is seen he separates it and sends it back through the incinerator. Because the end loader is large the driver may not see small pieces of unburned waste. Small pieces would be smaller than one to two feet in diameter.</p> <p>On Fridays all of the ash from the ash house is removed to allow for operation over the weekend when ash may not be removed.</p> <p>The following records are attached:</p> <p style="padding-left: 40px;">CEM Notebook, 9 pages with the following titles:</p> <p style="padding-left: 80px;">Daily Opacity Summary from 10/27/99 to 10/28/99 Daily Opacity Summary 10/28/99 Daily Emissions Summary from 10/27/99 to 10/28/99. ( 3 pages) Daily Process Summary ( 2 pages) Daily Calibration Log ( 2 pages)</p> <p style="padding-left: 80px;">Medical Waste Delivery Report ( 41 pages) Daily Ash Ticket Summary for Oct. 26, 27, 28 and Nov. 1 (35 pages) Genesis printouts showing combustion chamber temperatures, history replay and directory ( 5 pages) Combustion chamber temperature strip chart recordings ( 3 pages)</p>			
<b>INSPECTOR(S) NAME(S)</b> Gary Kuberski			
<b>SIGNATURE</b>		<b>DATE</b>	





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0.00

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AMENDMENT AGREEMENT

File - "Lake County"

This Amendment Agreement (the "Agreement") is entered into this 12<sup>th</sup> day of January, 1995 by and between NRG/Recovery Group, Inc., a Florida corporation (the "Company") and Lake County, Florida (the "County") a municipal corporation under the laws of the State of Florida.

BACKGROUND

The parties hereto have entered into an Addendum XII to NRG/Lake County Agreement, dated as of November 8, 1988 (the "Service Agreement") pursuant to which Company is obligated to, among other things design, construct, operate and maintain a municipal waste-to-energy facility located in Lake County, Florida (the "Facility"). Pursuant to the Service Agreement, Company and the County have agreed that, among other things, from time to time changes in legal requirements may require that modifications to the Facility be made or that the parties' rights and obligations under the Service Agreement be modified. The parties have agreed that in order to implement the requirements of recently promulgated regulations of the Florida Department of Environmental Protection, certain modifications to the Facility and the Service Agreement should be made in accordance with such provisions of the Service Agreement. This Amendment sets forth such modifications.

AGREEMENT

- 1. Definitions. Unless otherwise defined herein, capitalized terms shall have the meaning given to such terms in the Service Agreement. In addition, the following definition shall be deemed to be added to Section 1.01 of the Service Agreement.

"Assumed Capital Improvement Debt Service" shall mean, with respect to Billing Year ending March, 1996, an amount equal to \$73,233.92, and with respect to Billing Years ending March, 1997 through 2014, an amount equal to \$97,645.23.

- 2. Installation and Operation of Mercury Control Technology. The parties agree that Company will design, construct and install, operate and maintain at the Facility the activated carbon injection technology described in Schedule 1 hereto (the "Mercury Control System"). Except to the extent affected by and Event of Force Majeure, Company will cause the Mercury Control System to be fully installed and ready for testing in accordance with applicable law on or prior to July 1, 1995.

- 3. Funding of Capital Cost of Mercury Control System. In

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BUREAU OF AIR REGULATION

consideration of Company's obligation to design and install the Mercury Control System at the Facility pursuant to the terms of this Amendment, the County shall pay to Company the sum of \$1.1 million. Such payment shall be due in full within ten (10) business days after the date that Company certifies to the County in writing that the Mercury Control System has been fully installed and is ready for testing in accordance with applicable law; provided that if and to the extent an Event of Force Majeure causes a delay in the installation of the Mercury Control System such that completion is delayed beyond July 1, 1995, the Company shall be paid \$990,000 (i.e. 90% of \$1.1 million) on July 1, 1995 and the remaining 10% shall be paid upon completion, and any costs and expenses to which the Company would otherwise be entitled as a result of such event of Force Majeure shall be paid in accordance with the terms of this Service Agreement.

4. Other Changes to the Service Agreement.

(a) Section 8.03 of the Service Agreement is amended to replace the first sentence thereof with the following:

"For any Monthly Billing Period the County shall pay to the Company the sum of (i) the Operation and Maintenance Charge of one-twelfth (1/12) of the amounts shown on Schedule 9 for the applicable Billing Year, and (ii) \$.60 per ton of County Waste processed and escalated by the Escalation Factor, utilizing July, 1988 as the base month with respect to (i) above and May, 1994 as the base month with respect to (ii) above."

(b) Sections 8.05(a), 8.09(b)(iii), 8.09(e) and Section 4.2 of Schedule 4 of the Service Agreement are hereby amended to replace references to "525 kwh per ton" with "523 kwh per ton" wherever they appear.

(c) Section 8.06(e) of the Service Agreement is hereby amended to modify the Adjusted Service Fee component of the Shortfall calculation stated therein by adding the following proviso at the end of the description of the Adjusted Service Fee:

"; provided that for purposes of this Shortfall calculation, SF shall include the Assumed Capital Improvement Debt Service as part of the DS component thereof."

(d) Section 8.06 of the Service Agreement is hereby amended to add the following new subsection 8.06(f):

"(f) For purposes of calculating amounts due under the annual settlement statement referred to in Section 8.06(d) with respect to Billing Years 1996 and thereafter, if and to the extent the Company uses a greater amount of activated carbon reagent (per ton of waste processed) in operating Unit I of the Facility than it uses in operating Unit II of the Facility, then the Company shall owe to the County an amount equal to the incremental cost of such greater amount of reagent, using the average cost of such reagent per pound during the prior Billing Year."

(e) Section 8.09(b)(ii) of the Service Agreement is hereby amended to replace the reference therein to "472.50 kwh per ton" with "470.70 kwh per ton".

(f) Schedule 3 to the Service Agreement is hereby amended to add the following new item (17):

"17. The cost of activated carbon reagent used by the Company in connection with operation of the Mercury Control System."

(g) Schedule 4, Section 4.2(i) to the Service Agreement is hereby amended to read as follows:

"(i) Mercury emissions for each unit of the Facility shall comply with the ~~less stringent of~~ (a) 70 mg/dscm (at 7% O<sub>2</sub>) at a point downstream of the baghouse for each unit, or (b) 80% removal efficiency of the inlet concentration of mercury as measured at the economizer outlet.) Such emissions shall be measured based upon quarterly tests, comprised of three test runs per unit using EPA Method 101A, and compliance with such emissions limitations shall be determined by the annual average of all such emissions tests performed in a calendar year.

*PP 4-2  
Side 4 - Perb. 30s  
[Handwritten signature]*

(h) Schedule 4 to the Service Agreement is hereby amended to delete the last paragraph thereof and replace it with the following:

*19 Apr.*

"Process Residue shall be tested to determine compliance utilizing the Putrescible and Unburned Carbon Test. The Unburned Carbon Performance Standard is five percent (5%) by dry weight of the ash (but excluding the amount of carbon in the ash that is attributable to the use of activated carbon

injection as part of the operation of the Mercury Control System) and the Putrescible Matter Performance Standard is five-tenths percent (0.5%) by dry weight of the ash."

(i) Schedule 5 to the Service Agreement is hereby amended to add the following parenthetical clause at the end of the first paragraph in Section 5.5 thereof:

"... (excluding that amount of carbon in the ash that is attributable to the use of activated carbon injection as part of the operation of the Mercury Control System)."

5. Miscellaneous.

As amended by this Amendment, the Service Agreement shall continue in full force and effect. This Amendment, together with the Service Agreement, contains the entire agreement between the parties with respect to the subject matter hereof, and supersedes any and all prior oral or written understandings relating to the subject matter hereof.

IN WITNESS WHEREOF, the parties have made and executed this Amendment on the respective dates under each signature: LAKE COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chairman, authorized to execute same by Board action on the 17th day of January, 1995, and BRUCE W. STONE signing by and through its ELECTIVE VICE-PRESIDENT duly authorized to execute same.

COUNTY

BOARD OF COUNTY COMMISSIONERS OF  
LAKE COUNTY, FLORIDA

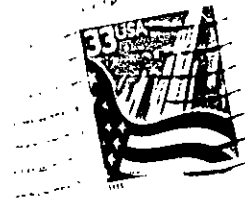
Rhonda H. Gerber  
Rhonda H. Gerber, Chairman

This 16th day of February,  
1995.

ATTEST:

James C. Watkins  
James C. Watkins, Clerk  
of the Board of County  
Commissioners of Lake  
County, Florida

Mr. J. M. Lashay  
5901 Zanna Street  
Leesburg, FL 34748-8979



State of Florida DEP  
2600 Blair Stone Rd.  
MS-5505  
TALLAHASSEE, FL  
32399-2400

Attn. Scott Sheplack

32399-2400



**INSPECTION REPORT FORM  
AIR POLLUTION EMISSION SOURCES**

<b>FACILITY:</b> Lake County Landfill (Astatula)		<b>DISTRICT:</b> Central District (30)	<b>COUNTY:</b> Lake (069)
<b>ADDRESS:</b> 13130 Astatula Landfill Road, Tavares		<b>CONTACT:</b> Gary Debo	
<b>ARMS #:</b> N/A	<b>PERMIT #:</b> Air - N/A Solid Waste - SO35-276910	<b>EXPIRATION DATE:</b>	
<b>SOURCE DESCRIPTION:</b> Solid Waste Landfill Facility			
<b>INSPECTION DATE:</b> 10/29/99	<b>AUDIT TYPE:</b> II (2)	<b>COMPLIANCE STATUS:</b> In Compliance	
<b>INSPECTION COMMENTS/RECOMMENDATIONS:</b>			
<p>In response to a call from Mr. Debo inspectors arrived at the landfill approximately 4:30 pm and were taken to a site where eight piles of ash were deposited. Per weight records, each load originated from and was charged to the Ogden Martin incinerator facility. They all arrived on the date of 10/29/99. The account number was 22003.</p> <p>The ash contained scattered pieces of unburned materials such as cloth, cardboard, and plastic. A piece of what appeared to be red bag plastic was observed protruding from one pile. After mechanical removal from the pile the red plastic was approximately 1 ft X 2 ft in size and contained a small pouch which contained several rubber gloves. Also observed near the red plastic was a piece of rubber tubing about 2 feet in length, a metal hemostat, and a small plastic container. Numerous photographs were taken.</p> <p>Mr. Debo stated that the eight piles of ash received that day were not as completely incinerated as the loads received from the Ogden Martin facility in the past. An older area of uncovered ash from Ogden Martin was observed and this ash had virtually no unburned materials present.</p>			
<b>INSPECTOR(S) NAME(S):</b> John Turner (air) / James Bradner (solid waste)			
<b>SIGNATURE(S)</b>		<b>DATE:</b> Inspection - 10/29/99 Report - 11/1/99	

PERM FORM NO. 85-1



**LAKE COUNTY**  
BOARD OF COUNTY COMMISSIONERS

*info@lcc.com*

**Gary R. Debo**  
Division Director  
Department of Solid Waste Management Services  
Waste Management Facilities Operations Division

Phone (352) 343-6030 ext. 233  
Pager (352) 241-3102  
Fax (352) 742-3184

13130 Astatula Landfill Rd.  
Tavares, FL 32778

Post-it® Fax Note	7671	Date	5/1/00	# of pages	3
To	Scott Sheplak	From	Len Rostov		
Co./Dept.	DARIM	Co.	DEP ORL		
Phone #		Phone #			
Fax #		Fax #			

5/1/00  
cc: Claire Fercy  
Bruce Mitchell  
Scott Sheplak



PHOTO 1

RED PLASTIC



PHOTO 2

RED PLASTIC



PHOTO 3

RED PLASTIC



PHOTO 1

SITE: Astatula Landfill PHOTO 1 JK  
 LOCATION: ash pile  
 DATE/TIME: 10/29/99 @ 5:00pm  
 PHOTOGRAPHER: John Turner  
 CAMERA/FILM:  
 DESCRIPTION: foil like container  
 with rubber gloves taken from  
 piece of red plastic in photo

PHOTO 2

SITE: Astatula Landfill PHOTO 2 JK  
 LOCATION: ash pile  
 DATE/TIME: 10/29/99 @ 5:00pm  
 PHOTOGRAPHER: John Turner  
 CAMERA/FILM:  
 DESCRIPTION: piece of red plastic  
 and length of tubing

PHOTO 3

SITE: Astatula Landfill PHOTO 3 JK  
 LOCATION: ash pile  
 DATE/TIME: 10/29/99 @ 5:00pm  
 PHOTOGRAPHER: John Turner  
 CAMERA/FILM:  
 DESCRIPTION: red plastic with  
 foil-like container showing  
 rubber gloves inside



**SITE:** Astatula Landfill 710501 BX  
**LOCATION:** ash pile  
**DATE/TIME:** 10/29/99 2 5:00 pm  
**PHOTOGRAPHER:** John Turner  
**CAMERA/FILM:**  
**DESCRIPTION:** foil like container  
with rubber gloves taken from  
piece of red plastic in photo



**SITE:** Astatula Landfill photo 2  
AK  
**LOCATION:** ash pile  
**DATE/TIME:** 10/29/99 2 5:00pm  
**PHOTOGRAPHER:** John Turner  
**CAMERA/FILM:**  
**DESCRIPTION:** piece of red plastic  
and length of tubing



Astetula Landfill

PHOTO 3  
Gr.

LOCATION: ash pile

TIME: 10/29/74 @ 5:00 pm

BY: John Turner

DESCRIPTION: red plastic with  
foil-like container showing  
rubber gloves inside



Florida  
Department of  
Environmental Protection

Jeb Bush  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David Struhs  
Secretary

F A X T R A N S M I T T A L S H E E T

DATE: 5/11/00  
TO: Legal Advertising  
PHONE: \_\_\_\_\_

FAX: (407) 420-5011

FROM: Barbara Boutwell

PHONE: (850) 921-9524

RE: Division of Air Resources Management  
Public Notice of Intent

FAX: 850.922.6979

CC: \_\_\_\_\_

Total number of pages including cover sheet: 3

**Message**

Please publish this legal ad in the  
Lake Sentinel on May 14 (Sunday - Please call  
Bruce Mitchell at 850/921-9506 if this is not doable.)

For billing on this ad please forward invoice to  
Barbara Boutwell at above address, Mail Station  
5505 to Purchase Order # 53700000766  
which is an open PO with Orlando Sentinel.

If there are any problems with this fax transmittal, please call the above phone number.

"Protect, Conserve, and Manage Florida's Environmental and Natural Resources"

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**PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Title V DRAFT Permit No.: 0690046-001-AV  
Ogden Martin Systems of Lake, Inc.  
Lake County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Ogden Martin Systems of Lake for the resource recovery facility located at 3830 Rogers Industrial Park Road, Okahumpka, Lake County. The applicant's name and address are: Ogden Martin Systems of Lake, Inc., 3830 Rogers Industrial Park Road, Okahumpka, FL 34762.

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. 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 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 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 42 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 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  
 Central District  
 3319 Maguire Boulevard, Suite 232  
 Orlando, Florida 32803-3767  
 Telephone: 407/894-7555  
 Fax: 407/897-5963

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.



Check Message

May 11 '00 10:57

T.1.1 Check condition of remote Fax. 614074205011

Resent ~ 11:05 - successful



Florida  
Department of  
Environmental Protection

Jeb Bush  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David Strus  
Secretary

FAX TRANSMITTAL SHEET

DATE: 5/11/00  
TO: Legal Advertising  
PHONE: \_\_\_\_\_

FAX: (407) 420-5011

FROM: Barbara Bowtell

PHONE: (850) 921-9524

Division of Air Resources Management

FAX: 850.922.6979

RE: Public Notice of Intent

CC: \_\_\_\_\_

Total number of pages including cover sheet: 3

Message

Please publish this legal ad in the  
Lake Sentinel on May 14 (Sunday - Please call  
Bruce Mitchell at 850/921-9506 if this is not doable.)  
For billing on this ad please forward invoice to  
Barbara Bowtell at above address, Mail Station  
5505 to Purchase Order # 53700000766  
which is an open PO with Orlando Sentinel.