

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT REVISION

Florida Department of Environmental Protection  
 Division of Air Resource Management, Bureau of Air Regulation  
 Permit Revision Project No. 0310358-011-AC/PSD-FL-374B  
 Trail Ridge Energy, LLC  
 Duval County, Florida

THE FLORIDA TIMES-UNION  
 Jacksonville, FL  
 Affidavit of Publication

Florida Times-Union

Applicant: The applicant for this project is the Trail Ridge Energy, LLC. The applicant's authorized representative and mailing address is: Mr. Scott Salisbury, President, Trail Ridge Energy, LLC, 29261 Wall Street, Wixom, Michigan 48393.

Facility Location: Trail Ridge Energy, LLC operates six lean-burn spark-ignition reciprocating internal combustion engine (RICE)-generator sets at the existing Trail Ridge Landfill facility located at 5110 U.S. Highway 301 South in Baldwin, Duval County, Florida.

Project: The request is to make a determination of non-applicability for the six RICE regarding the regulations at Title 40 of the Code of Federal Regulations Part 63 (40 CFR 63), Subpart A, General Provisions; and Subpart ZZZZ, Reciprocating Internal Combustion Engines. Since there will be no increase in pollutant emissions, the project is considered a minor modification to a major facility. An air quality impact analysis was not required. The non-applicability of 40 CFR 63, Subparts A and ZZZZ is based on the commenced construction date of the six RICE, which was December 19, 2005.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-7400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit Revision, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's electronic copies of these documents are available on the following web site: [www.dep.state.fl.us/air/eproducts/apds/default.asp](http://www.dep.state.fl.us/air/eproducts/apds/default.asp).

Notice of Intent to Issue Air Permit Revision: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit Revision in accordance with the conditions of the proposed Draft Permit Revision unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit Revision for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit Revision, the Permitting Authority shall revise the Draft Permit Revision and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of this Public Notice or receipt of a written notice, 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 14 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 (in a proceeding initiated by another party) 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 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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petitioner contends warrant reversal or modification of the agency's proposed action; (e) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Public Notice of Intent to Issue Air Permit Revision. 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: Mediation is not available for this proceeding.

DERENZO & ASSOCIATES INC  
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State of Florida  
 County of Duval

Before the undersigned authority personally appeared Sharon Walker who on oath says he/she is a Legal Advertising Representative of The Florida Times-Union, a daily newspaper published in Duval County, Florida; that the attached copy of advertisement is a legal ad published in The Florida Times-Union. Affiant further says that The Florida Times-Union is a newspaper published in Duval County, Florida, and that the newspaper has heretofore been continuously published in Duval County, Florida each day, has been entered as second class mail matter at the post office in Jacksonville, in Duval County, Florida for a period of one year 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 said newspaper.

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Name: Sharon Walker Title: Legal Adver  
 In testimony whereof, I have hereunto set my ha  
 aforesaid.

NOTARY:



Sally W. Willis  
 Commission # DD482207  
 Expires January 30, 2010  
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