

RECEIVED

MAY 10 2000



**WHEELABRATOR MCKAY BAY, INC.**  
A WASTE MANAGEMENT COMPANY

BUREAU OF AIR REGULATION

107 North 34th Street  
Tampa, Florida 33605  
(813) 248-1457  
(813) 247-2052 Fax

May 8, 2000

Mr. Joe Kahn  
Florida Department of Environmental Protection  
Division of Air Management  
Mail Station 5505  
2600 Blairstone Road  
Tallahassee, Florida 32399-2400

RE: Modification of Permit No. 0570127-002-AC, PSD-FL-086A

Dear Mr. Kahn:

Regarding your telephone conversation with Mr. Greig Grotecloss of the City of Tampa on May 5, he has requested that we forward the original copy of the public notice for the subject permit modification directly to you. The notarized original is attached for your use.

If you have any questions, please call Mr. Grotecloss or myself.

Sincerely,

A handwritten signature in black ink that reads 'William F. Hooper'. The signature is written in a cursive style.

William F. Hooper  
Director of Environmental Compliance,  
Health and Safety

Attachment

Cc: G. Grotecloss  
N. McCann  
M. Killeen  
L. Koon

cc: File  
Hillsboro Co.  
SWD  
EPA  
NPS

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THE TAMPA TRIBUNE
Published Daily
Tampa, Hillsborough County, Florida

BUREAU OF AIR REGULATION
State of Florida
County of Hillsborough } ss.

PUBLIC NOTICE OF INTENT
TO ISSUE PSD PERMIT
MODIFICATION
STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION
DEP File No 0570127-003-AC
PSD-FL-0868
City of Tampa
McKay Bay Refuse-to-Energy
Facility
Hillsborough County

Before the undersigned authority personally appeared J. Rosenthal, who on oath says that she is Classified Billing Manager of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE
in the matter of
PUBLIC NOTICE OF INTENT
was published in said newspaper in the issues of
MAY 2, 2000

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

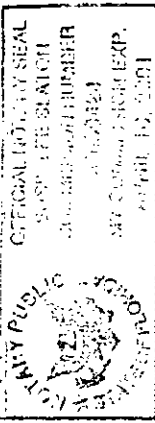
Sworn to and subscribed by me, this 3 day
of MAY 00 A.D. 20

Personally Known [checked] or Product Identification
Type of Identification Produced

(SEAL)

Jessie Lee Slator

The Department of Environmental Protection (Department) gives notice of its intent to issue a PSD permit modification to the City of Tampa for its McKay Bay Refuse-to-Energy Facility located at 10 North 34th Street, Tampa Hillsborough County. The modification is to revise the number of lime and carbon silos and describe the control equipment for those silos and the ash and scaper buildings. The applicant's mailing address is 306 East Jackson Street, 5N, Tampa, Florida 33602 A revised Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD). Total emissions of pollutants will not increase as a result of this project. An air quality impact analysis was not required for this project. This project is not subject to review under Section 403.506 F.S. (Power Plant Siting Act), because it provides for no expansion in steam generating capacity. The Department will issue the final PSD permit modification with the attached conditions 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 and requests for public meetings concerning the proposed PSD permit modification for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue PSD Permit modification. Written comments and requests for public meetings 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 written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed PSD permit modification and require, if applicable, another Public Notice. The Department will issue the PSD 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 at 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 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.

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:

Dept. of Environmental Protection  
Bureau of Air Regulation  
Suite 4, 111 S. Magnolia Drive  
Tallahassee, Florida, 32301  
Telephone: 850/488-0114  
Fax: 850/922-6979  
Air Management Division  
Hillsborough County  
Environmental Protection Commission  
1410 North 21 Street  
Tampa, Florida 33605  
Telephone: 813/272-5530  
Fax: 813/272-5605  
Dept. of Environmental Protection  
Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619-8218  
Telephone: 813/744-6100  
Fax: 813/744-6084

The complete project file includes the application, technical evaluations, draft PSD 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 Administrator, New Source Review Section, or the Department's reviewing engineer for this project, Joseph Kahn, P.E., at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.