Florida Department of Environmental Protection

Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

E-CORRESPONDENCE
lee.niblock@marioncountyfl.org

Dr. Lee Niblock, County Administrator
Marion County Board of County Commissioners
601 SE 25th Avenue
Ocala, FL 34471-2600

Re: DRAFT/PROPOSED Title V Air Operation Permit No.: 0830124-007-AV
Marion County Baseline Landfill

Dear Dr. Niblock:

One copy of the Public Notice and the DRAFT/PROPOSED Title V Air Operation Permit Revision for the existing Marion County Baseline Landfill, located at 5601 SE 56th Street, Ocala, Marion County, Florida, is enclosed. The permitting authority's "INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION" and the "PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION" are also included.

An electronic version of the DRAFT/PROPOSED Permit will be posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is:

http://www.dep.state.fl.us/air/eproducts/ards/default.asp

The "PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION" must be published as soon as possible upon receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Alan Zahm P.E., at the above letterhead address. If you have any other questions, please contact Mr. Zahm at 407/893-3335.

Sincerely,

Caroline Shine
Program Administrator
Air Resource Management

CS/az/jt
Enclosures

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Sincerely,

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Program Administrator
Air Resource Management

CS/az/jt
Enclosures

In the Matter of an
Application for Permits by:

Marion County Board of County Commissioners
601 SE 25th Avenue
Ocala, FL 34471-2600
Attn: Dr. Lee Niblock, County Administrator

DRAFT/PROPOSED Title V Operation Permit No.: 0830124-007-AV
Marion County Baseline Landfill
Marion County

INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION

The Florida Department of Environmental Protection (permitting authority) gives notice of its intent to issue a DRAFT/PROPOSED Title V Air Operation Permit Revision (copy of the DRAFT/PROPOSED Title V Air Operation Permit Revision is attached) for the Title V source detailed in the application specified above, for the reasons stated below. This is a revision to Title V Air Operation Permit No. 0830124-005-AV.

The applicant, Marion County Board of County Commissioners, applied on May 8, 2009, to the permitting authority for a Title V Air Operation Permit Revision for the existing Marion County Baseline Landfill, located at 5601 SE 56th Street, Ocala, Marion County, Florida.

The permit revision will remove an air curtain incinerator and add the requirements of 40 CFR 63, Subpart AAAA at the existing facility.

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 are required to commence or continue operations at the described facility.

The permitting authority intends to issue the Title V Air Operation Permit Revision 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 403.0872, F.S., and Rules 62-103.150 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the permitting authority's office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803, [Telephone: 407/894-7555, Fax: 407/897-5963] within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(5), F.A.C.

EPA has agreed to treat the DRAFT Title V Permit as a PROPOSED Title V Permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day period is performed after the public comment period has ended. The FINAL Title V Air Operation Permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received which results in a different decision or significant change of terms or conditions.

In the Matter of an
Application for Permits by:

Marion County Board of County Commissioners
601 SE 25th Avenue
Ocala, FL 34471-2600
Attn: Dr. Lee Niblock, County Administrator

DRAFT/PROPOSED Title V Operation Permit No.: 0830124-007-AV
Marion County Baseline Landfill
Marion County

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The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address:

http://www.epa.gov/region4/air/permits/Florida.htm

The permitting authority will accept written comments concerning the DRAFT/PROPOSED Title V Air Operation Permit for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION." 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 at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, FL 32399-3000, Telephone: 850/245-2242, Fax: 850/245-2303. Petitions filed by the permit's applicant or any of the parties listed below must be filed within 14 (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 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this 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 14 (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 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, 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; 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 petitioner wishes the agency to take with respect to the agency's proposed action.

The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address:

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The permitting authority will accept written comments concerning the DRAFT/PROPOSED Title V Air Operation Permit for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION." 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.

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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(s) 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.

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 revision. Any petition shall be based only on objections to the permit revision 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 Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Caroline Shine
Program Administrator
Air Resource Management

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.

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STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Caroline Shine
Program Administrator
Air Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION (including the PUBLIC NOTICE and the DRAFT/PROPOSED Title V Air Operation Permit package) were sent by U.S. Mail or electronically (with Received Receipt) before the close of business on 7/17/09 to the person(s) listed:

E-CORRESPONDENCE
lee.niblock@marioncountyfl.org

Dr. Lee Niblock, County Administrator
Marion County Board of County Commissioners
601 SE 25th Avenue
Ocala, FL 34471-2600

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT REVISION (including the PUBLIC NOTICE and the DRAFT/PROPOSED Title V Air Operation Permit package) were sent by U.S. mail or electronically (with Received Receipt) on the same date to the person(s) listed or as otherwise noted:

Mark D. Hadlock, P.E. **(mhadlock@jonesedmunds.com)**
Barbara Friday, BAR **[Barbara.Friday@dep.state.fl.us]** (for posting with Region 4, USEPA)

Clerk Stamp

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk 7/17/09 Date

CERTIFICATE OF SERVICE

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