FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
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HERSCHEL T. VINYARD JR.
SECRETARY

Sent by Electronic Mail - Received Receipt Requested

Mr. Robert Hauser, Director
Pinellas County Utilities Administration
3095 114th Avenue North
St. Petersburg, Florida 33716

Re: Pinellas County Resource Recovery Facility
Project No. 1030117-011-AC
Biosolids Pellets (Project)
Exemption from Requirement to Obtain an Air Construction (AC) Permit and Trial Burn Authorization

Dear Mr. Hauser:

This is a response to the email dated March 5, 2014, regarding the biosolids pellets (project) at the Pinellas County Resource Recovery Facility located in Pinellas County at 3001 110th Avenue North in St. Petersburg, Florida.

Determination: The applicant requested a permit determination and a one-time trial burn authorization for the biosolids pellets (project). The biosolids involved are Class A biosolids from a local source within Pinellas County and a quantity of approximately 10 tons is anticipated to be combusted. The Department can either make a determination that a case-by-case permitting exemption from an air construction (AC) permit is appropriate based on the circumstances (also referred to as a "Rule 62-4.040(1)(b), F.A.C. exemption") or require a minor source AC permit for the proposed project.

Pursuant to Rule 62-4.040(1)(b) , F.A.C. and for the reasons stated in the Technical Evaluation, the Office of Permitting and Compliance hereby determines that the proposed activity (project) will not emit air pollutants "*... in sufficient quantity, with respect to its character, quality or content, and the circumstances surrounding its location, use and operation, as to contribute significantly to the pollution problems within the State, so that the regulation thereof is not reasonably justified.*" Therefore, the project is exempt from the requirement to obtain an AC permit. The permittee is authorized to conduct this one-time activity.

If the combustion of biosolids is to continue beyond May 31, 2014 and on a frequent basis the permittee needs to request this method of operation to be added to the permit on a permanent basis through an AC permit request.

The permittee is hereby authorized to perform the work shown in the submission and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, subject to the following terms and conditions:

1. The permittee shall notify the permitting authority and the compliance authority of the date this project was commenced and the date of this project's completion.
2. The permittee shall follow best management practices in the handling, storage and combustion of biosolids in the municipal waste combustor Unit Nos. 1, 2 and 3. The Class A biosolids shall be properly mixed with municipal solid waste (MSW) prior to combustion in the MWC units.
3. The permittee shall submit a summary of opacity, SO_2, NOx, and CO emissions data when combusting Class A biosolids. The summary shall contain an evaluation against the emission standards/limits in the current Title V air operation permit, Permit No. 1030117-008-AV and a discussion of the effects on air pollutants if any.

   The test report shall include the rate (mass) at which biosolids were combusted during testing.

A representative analysis of the biosolids combusted during testing shall be provided with the test report. The analysis shall include: a. the source(s) of the biosolids; and, b. the analytical results from the source of the biosolids showing the metal constituents, % solids by weight, and pathogen results. An MSDS or safety data sheet for the biosolids shall also be included.

The test report shall be submitted within 45 days of completion of the project.

4. Objectionable Odor Prohibited. No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) & 62-210.200 (Definitions), F.A.C.]

5. General Visible Emissions. No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b), F.A.C.]

6. Unconfined Particulate Matter. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction; alteration; demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.

   Reasonable precautions to prevent emissions of unconfined particulate matter include:
   a. Confining material where possible; and,
   b. Other techniques, as necessary.
   [Rule 62-296.320(4)(c), F.A.C.]

This determination may be revoked if the proposed activity is substantially modified or the basis for the exemption is determined to be materially incorrect. A copy of this letter shall be maintained at the site of the proposed activity. This permitting decision is made pursuant to Chapter 403, Florida Statutes.

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, F.A.C. The Permitting Authority responsible for making a permit determination for this project is the Office of Permitting and Compliance in the Department of Environmental Protection's Division of Air Resource Management. The Permitting Authority's physical and mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

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. Petitions filed by the applicant or any of the parties listed below must be filed within 21 days of receipt of this order. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. A petition for administrative hearing must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, Agency.Clerk@dep.state.fl.us, before the deadline. 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, any email address, telephone number, and any facsimile number of the petitioner; the name, address, any email address, telephone number, and any facsimile 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 when and how each 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 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 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 action. 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 in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Permitting Authority unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition of a request for extension of time, this action will not be effective until further order of the Permitting Authority.

Judicial Review: Any party to this permitting decision (order) has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida

for Jeffery F. Koerner, Program Administrator
Office of Permitting and Compliance
Division of Air Resource Management

JFK/sa/sms

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this **Exemption from Air Construction Permit/Trial Burn Authorization** and the **Technical Evaluation** were sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the persons listed below.

Mr. Robert Hauser, Pinellas County Solid Waste: rhauser@pinellascounty.org
Ms. Kelsi Oswald, Pinellas County Solid Waste: koswald@co.pinellas.fl.us
Mr. Peter Hessling, PCDEM AQD: phesslin@co.pinellas.fl.us
Ms. Kelly Boatwright, DEP SWD: kelly.boatwright@dep.state.fl.us
Mr. Justin Green, DEP SCO: justin.green@dep.state.fl.us
Ms. Heather Ceron, U.S. EPA Region 4: ceron.heather@epa.gov
Ms. Katy R. Forney, U.S. EPA Region 4: forney.kathleen@epa.gov
Ms. Barbara Friday, DEP OPC: barbara.friday@dep.state.fl.us
Ms. Lynn Scearce, DEP OPC: lynn.scearce@dep.state.fl.us

Clerk Stamp

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