FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD
JR.
SECRETARY

NOTICE OF ADMINISTRATIVELY CORRECTED PERMIT

In the Matter of a Request for Administrative Correction:

Mr. Scott McIlvaine
Plant Manager
Wheelabrator South Broward, Inc.
4400 South State Road 7
Fort Lauderdale, Florida 33414

Project No. 0112119-016-AV
Administrative Correction to Permit No. 0112119-015-AV
South Broward Waste-to-Energy Facility
Broward County

Enclosed is an Administratively Corrected Condition to the Title V Air Operation Permit No. 0112119-015-AV, for the operation of the South Broward Waste-to-Energy Facility located in Broward at 4400 South State Road 7, Fort Lauderdale, Florida. This correction is issued pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This change is made at the applicant's request dated February 7, 2013, to revise condition A.39, a table titled "Reporting Schedule". In this Table the information required to be maintained at the facility for Condition A.45. (natural gas and fuel oil); A.46. (Charging Rate Monitoring); and, A.47. (Segregated Solid Waste Record Keeping) appears to indicate that the information has to be submitted to the Department on a monthly and/or daily basis. This Condition A.39 table would appear to be inconsistent with Conditions A.45, 46 and 47 which require the data to be maintained at the facility, but not submitted to the Department. This corrective action does not alter the effective dates of the existing permit.

The Department of Environmental Protection (Department) will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

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) by the Agency Clerk in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice. Petitions filed by any other person must be filed within 14 (fourteen) days of receipt of this proposed action. A petitioner must 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, 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 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 notice. 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.

Any party to this order (permit) has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, 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 of Appeal must be filed within thirty days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Administratively Corrected Permit (including the corrected page) or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested to the persons listed below:

Mr. Scott McIlvaine, Wheelabrator South Broward, Inc.: (smcilvai@wm.com)
Mr. Chuck Faller, Wheelabrator South Broward, Inc.: (cfaller@wm.com)
Mr. Lee Hoefert, Southeast District Office: (lee.hoefert@dep.state.fl.us)
Ms. Daniela Banu, Broward County: (dbanu@broward.fl.us)
Ms. Cindy Mulkey, DEP Siting Office: (cindy.mulkey@dep.state.fl.us)
Ms. Ana M. Oquendo, US EPA Region 4 (oquendo.ana@epa.gov)
Ms. Natasha Hazziez, US EPA Region 4 (hazziez.natasha@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 §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Pursuant to the applicant's request, conditions /requirements contained in permit No. 0112119-015-AV have been corrected as indicated below. ~~Strikethrough~~ is used to denote the deletion of text. Double-underlines are used to denote the addition of text. All changes are emphasized with yellow highlight.

1. The recording requirements in Specific Conditions A.45.; A.46.; and, A.47. state records are to be made and kept, not submitted. Removing these three items from the table does not alter any requirements established by previous permits. Specific Condition A.39., is hereby changed as follows:

A.39. Reporting Schedule. The following reports and notifications shall be submitted to the Compliance Authority:

Report	**Reporting Deadline**	**Related Condition(s)**
Notice of Malfunctions	Quarterly	**A.41.**
Notice of Excess Emissions	Quarterly	**A.42.**
CEMS Excess Emissions Data	Quarterly	**A.43.**
CEMS Data Report	Quarterly	**A.44.**
~~Natural Gas and Fuel Oil Records~~	~~Monthly~~	~~**A.45.**~~
~~Charging Rate Monitoring~~	~~Daily~~	~~**A.46.**~~
~~Segregated Solid Waste Record Keeping~~	~~Daily~~	~~**A.47.**~~