FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTH DISTRICT
P.O. BOX 2549
FORT MYERS, FL 33902-2549

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

NOTICE OF REVISED PERMIT ISSUANCE

(Change of Ownership)

Electronic Mail
Received Receipt Requested

In the Matter of an
Application for Permit by:

David B. Tressmer
Charlotte Organix, LLC
Post Office Box 511326
Punta Gorda, Florida 33951

Charlotte County - AP
Charlotte Organix, LLC
DEP File No. 0150036-005-AO
Expiration Date: **December 16, 2013**
Air Curtain Incinerator

This permit revision is being issued to incorporate a change of ownership. The Facility name is changed from King Excavating, Inc. to Charlotte Organix, LLC. This permit revises and supersedes permit no. 0150036-004-AO. The permit is issued pursuant to Section 403.087, Florida Statutes, for operating an air curtain incinerator located at 5301 Linwood Road, Placida, Florida, Charlotte County.

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 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 the 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.

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 of the Florida Administrative Code.

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.

Mediation is not available in this proceeding.

Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, 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, 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 must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Fort Myers, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____

Jon M. Iglehart
Director of
District Management
Post Office Box 2549
Fort Myers, Florida 33902-2549
(239) 344-5600

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Permit Revision Issuance (including the permit) was sent by electronic mail or U. S. Mail before the close of business on September 18, 2013, to the listed persons.

David B. Tressmer (Charlotteorganix@Gmail.com)

Ms. Dona R. King
3160 Loveland Blvd.
Port Charlotte, FL 33980

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, under Section120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

September 18, 2013

(Clerk) (Date)

JMI/CBE/jl

FACILTY DESCRIPTION

A fifteen (15) tons per hour (TPH) Air Curtain Incinerator (ACI) (McPherson Systems, Inc./Model M40E). The ACI is 40 feet long by 9 feet wide by 12 feet deep. The ACI is equipped with a refractory walled burning pit and 10 foot upper chamber walls that is controlled by an air curtain blower with a 40 foot manifold powered by two (2) 50 horsepower electric air curtain fans and two (2) 15 horsepower electric under fire fans. The blower and fans receive their power from a 150 kW generator (exempt from permitting). The generator is fired on No. 2 diesel fuel (11.3 gallon/hour, maximum). In addition, the entire top of the refractory lined burning pit is covered by a spark arrestor as precaution against fires.

The facility is located at 5301 Linwood Road, Placida, Florida.

FACILITY-WIDE CONDITONS:

1. General Conditions. An integral part of this permit is the attached 15 General Conditions. [Rule 62-4.160, F.A.C.]

2. Unconfined Particulate Matter (PM). Reasonable precautions shall be taken to prevent emissions of unconfined PM. Reasonable precautions include the following:

    a. Paving and maintenance of roads, parking areas and yards.
    b. Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.
    c. Curtailing of operation if winds are entraining unconfined PM.
    d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
    e. Posting of vehicle (of truck) speed limits.

    [Rule 62-296.320(4) (c), F.A.C.]

3. Objectionable Odor Prohibited. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants, which cause or contribute to an objectionable odor as defined in Rule 62-210.200(219), F.A.C. [Rule 62-296.320(2), F.A.C.]

4. Liquid Effluent Discharge: Any activity performed by the permittee at the plant site shall not result in the discharge of liquid effluent or contaminated runoff to surface or ground water without prior approval from the Department. [Rule 62-4.070(3), F.A.C.]

5. Renewal. Prior to sixty (60) days before the expiration date of this permit, the permittee shall apply for a renewal of the permit. A renewal application shall be timely and sufficient. If the application is submitted prior to sixty (60) days before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department. [Rule 62-4.090, F.A.C.]

6. Regulation Compliance. Issuance of the permit does not relieve the permittee from complying with applicable emission limiting standards or other requirements of Rules 62-210, 92-212, 62-252, 62-272, 62-

SPECIFIC CONDITIONS:

273, 62-275, 62-296 and 62-297, F.A.C., or any other requirements under federal, state or local law. Other new regulations may impact this source at a future date, and the permittee shall comply with any applicable future regulations when and if they become effective. [Rule 62-210.300, F.A.C.]

7. General Visibility Emissions (VE) Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity).
   a. The test method for visible emissions shall be EPA Method 9, incorporated and adopted by reference in Chapter 62-297, F.A.C.
   b. Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.

   [Rule 62-296.320(4)(b), F.A.C.]

8. Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it may require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

SPECIFIC CONDITIONS:

9. Changes/Modifications. The permittee shall submit to the Department for review, any changes in, or modifications to: the method of operations; process or pollution control equipment; increase in hours of operation; equipment capacities; or any change which would result in an increase in potential/actual emissions. Depending on the size and scope of the modification, it may be necessary to submit an application for, and obtain, an air construction permit prior to making the desired change. Routine maintenance of equipment will not constitute a modification of this permit. [Rules 62-4.030, F.A.C.; 62-210.300 and (1)(a), F.A.C.; 62-4.210, F.A.C.]

EMISSION UNITS AND CONDITIONS

EU ID	Description
EU001	Air Curtain Incinerator (ACI)

Essential Potential to Emit Parameters

10. Storage of Material. This facility shall not store more material (combustible) than can be burned in a 30 day period under normal operating hours. In the event of the unit being down for any reason, when the facility has 6,000 tons on the property, it must stop accepting material until it has less than 5600 tons on hand. [Rule 62-4.070(3), F.A.C.]

11. Pit Design Criteria. The pit walls (width and length) shall be vertical and maintained as such, so that combustion of the waste within the pit is maintained at an adequate temperature and with sufficient air recirculation to provide enough residence time and mixing for proper combustion and control of emission. The following dimensions for the pit must be strictly adhered to: no more than 12 feet wide, between 8 feet and 15 feet deep, and no longer than the length of the manifold. The pit shall not be dug within a previously active portion of a landfill. [Rules 62-296.401(7)(b)2., F.A.C.]

13. Operation and Maintenance Guide. An operation and maintenance guide shall be available to the operators of the air curtain incinerator at all times, and the owner shall provide training to all operators before they work at the incinerator. This guide shall be made available to the Department or for an inspector's onsite review upon request. Department may request a copy of this guide. [Rule 62-296.401(7)(b)10. F.A.C.]

14. Hours of Operation. The total hours of operation of this facility shall not exceed 2470 hours per calendar year. [Operating Permit Application Dated September 29, 2003]
    a. The air curtain incinerator shall not be started before sunrise. All charging shall end no later than one (1) hour after sunset. After charging ceases, air flow shall be maintained until all material within the air curtain incinerator has been reduced to coals, and flames are no longer visible. [Rule 62-296.401(7)(b)5., F.A.C.]

15. Inadequate Operations. Any time this unit is found to be performing inadequately because of overloading, neglect, or other reasons, the owner shall discontinue its use until measures are provided to correct the cause of such performance. [Rule 62-4.070(3), F.A.C.]

16. Burning Rate. The maximum burning rate of this unit shall be 15 tons per hour. [Operating Permit Application Dated September 29, 2003]

17. Allowable Burn Materials and Authorized Fuels. The only materials that shall be burned in the air curtain incinerator are vegetative material and untreated wood, excluding sawdust. The air curtain incinerator shall

not be used to burn any biological waste, hazardous waste, asbestos-containing material, mercury-containing devices, pharmaceuticals, tires, rubber material, residual oil, used oil, asphalt, roofing material, tar, treated wood, plastics, garbage, trash or other material prohibited to be open burned as set forth in subsection 62-256.300(2), F.A.C. Only kerosene, diesel fuel, drip-torch fuel (as used to ignite prescribed fires, untreated wood, virgin oil, natural gas, or liquefied petroleum gas shall be used to start the fire in the air curtain incinerator, the use of used oil chemicals, gasoline, or tires to start the fire is prohibited. [Rule 62-296.401(7)(b)3. F.A.C.]

18. Loading Restrictions. The material shall not be loaded into the air curtain incinerator such that it will protrude above the air curtain. [Rule 62-296.401(7)(b)8, F.A.C.]

19. Ash Restrictions. Ash shall not be allowed to build up in the pit to higher than 1/3 the pit depth or to the point where the ash begins to impede combustion, whichever occurs first. [Rule 62-296.401(7)(b)9., F.A.C.]

20. Animal Carcasses. Subject to the requirements in Condition 17, the air curtain incinerator may be used for the destruction of animal carcasses in accordance with the provisions of Rule 62-256.700(6), F.A.C. When using an air curtain incinerator to burn animal carcasses, untreated wood may also be burned to maintain good combustion. [Rule 62-296.401(7) (b)4., F.A.C.]
    a. Per Rule 62-256.700(6), F.A.C., open burning of animal carcasses is allowed provided:
        1. The Department of Agriculture and Consumer Services has determined that the need for destruction of such carcasses constitutes an emergency required the use of open burning, and
        2. Such burning is conducted using an air curtain incinerator operated in compliance with the terms and provisions of the air curtain incinerator's air permit.

21. Attendance. The air curtain incinerator shall be attended at all times while materials are being burned or flames are visible within the incinerator. [Rule 62-296.401(7) (b)6., F.A.C.]

22. Location Restrictions. The air curtain incinerator shall be located at least fifty (50) feet from any wildlands, brush, combustible structure, or paved public roadway. [Rule 62-296.401(7) (b)7., F.A.C.]

Emission Limits and Standards

23. Visible Emission (VE) Limits. Outside of startup periods, visible emissions shall not exceed ten percent (10%) opacity, six (6) minute average. During startup periods, which shall not exceed the first thirty (30) minutes of operation, an opacity of up to thirty-five percent (35%), averaged over a six (6) minute period, shall be allowed. [Rule 62-296.401(7) (b)1., F.A.C.]

Excess Emissions

24. Excess Emissions. The general excess emissions rule, Rule 62-210.700, Florida Administrative Code, to handle startups, shutdowns, and malfunctions, shall not apply to air curtain incinerators. [Rule 62-296.401(7)(b)1., F.A.C.]

SPECIFIC CONDITIONS:

Test Methods and Procedures

25. Testing of emissions should be conducted with the source operating within 10% of its rated capacity. Testing may be conducted at less than 90% of rated capacity; however, if so, subsequent source operation is limited to up to 110% of the test load. Once the unit is so limited, then operation at higher capacities is allowed for purposes of additional compliance testing to regain rated capacity in the permit with prior notification to the Departments. [Rule 62-297.310(2), F.A.C.]

26. Test Methods. The reference test method for visible emissions shall be EPA Method 9, as described at 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C. [Rule 62-296.401(7)(c)1., F.A.C.]

27. Test Procedures. Test procedures shall conform to the procedures specified in Rule 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C. [Rule 62-296.401(7)(c)2., F.A.C.]

28. Annual Testing. The owner or operator of the air curtain incinerator shall have a performance test conducted for visible emissions annually during each federal fiscal year (October 1 – September 30). [Rule 62-296.401(7)(d)1., and 62-297.310(7)(a)4., F.A.C.]

29. Relocation Testing. The owner or operator of any air curtain incinerator using an earthen trench shall have a performance test conducted for visible emissions no later than thirty (30) days after it commences operation at any new trench location, and annually thereafter. However, if the air curtain incinerator will be operated for less than thirty (30) days at the new trench location, and the owner or operator has demonstrated compliance with the emissions limiting standards of Rule 62-296.401(7)(b), F.A.C., through a visible emissions test conducted and submitted to the Department within the previous twelve (12) months, the requirement for testing within thirty (30) days of commencing operation at the new trench location shall not apply. [Rule 62-296.401(7)(d)2., F.A.C.]

30. Testing Prior to Renewal: Within the 12-month period prior to renewing the facility's air operation permit, the air curtain incinerator shall be tested to demonstrate compliance with the opacity standard in this permit. A formal report of the testing along with the results shall be submitted with the renewal application. [Rule 62-297.310(7)(a)3, F.A.C.]

31. Test Notification: At least 15 days prior to the date on which each formal compliance test is to begin, the permittee shall notify the Department's South District office of the date, time, and place of the test; and the contact person who will be responsible for coordinating and having the test conducted. [Rule 62-297.310(7)(a)9, F.A.C.]

Recordkeeping and Reporting Requirements

32. Recordkeeping and Records Retention. All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rules 62-4.160(14), F.A.C.

SPECIFIC CONDITIONS:

33. Compliance Reporting. The permittee shall submit all compliance related notifications and reports required by this permit to the South District office at:

Department of Environmental Protection
South District Office
P.O. Box 2549
Fort Myers, FL 33902
Phone: 239-344-5600
FAX: 239-332-6969

34. Recordkeeping. Records of the results of all initial and annual visible emissions tests shall be kept by the owner or operator in either paper copy or electronic format for at least five (5) years. These records shall be made available to the Department or for an inspector's onsite review upon request. [Rule 62-296.401(7)(c)3., F.A.C.]

35. Operating Log. A log shall be maintained on site that documents daily beginning and ending times of charging. [Rule 62-296.401(7)(b)5., F.A.C.]

NOTE: In the event of an emergency the permittee shall contact the Department by calling (850) 413-9911. During normal business hours, the permittee shall call (239) 334-5600.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are “Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by any order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:

   (a) Have access to and copy any records that must be kept under the conditions of the permit;
   (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
   (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

GENERAL CONDITIONS:

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
   (a) A description of and cause of non-compliance; and
   (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

   The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.l20 and 62-730.300, F.A.C. as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit incorporates the following previously issued determinations:
   (a) Determination of Best Available Control Technology (not applicable);
   (b) Determination of Prevention of Significant Deterioration (not applicable); and
   (c) Compliance with New Source Performance Standards (not applicable).

14. The permittee shall comply with the following:
   (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
   (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
   (c) Records of monitoring information shall include:
      1. The date, exact place, and time of sampling or measurements;

GENERAL CONDITIONS:

2. The person responsible for performing the sampling or measurements;
3. The date's analyses were performed;
4. The person responsible for performing the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.