Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road, MS#5505
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Sent by Electronic Mail - Received Receipt Requested

Mr. Lindsay J. Sampson, Director
Lee County Department of Solid Waste Management
10500 Buckingham Road, Suite 200
Fort Myers, Florida 33905

Re: Lee County Resource Recovery Facility
Draft Permit No. 0710119-009-AC/PSD-FL-151F, Air Construction Permit and Revision
Biosolids Combustion in Municipal Waste Combustor Unit Nos. 1, 2 and 3

Dear Mr. Sampson:

Enclosed is an air construction permit and revision for the Lee County Resource Recovery Facility. This facility is located in Lee County at 10500 Buckingham Road in Fort Myers, Florida.

The permit package includes the following documents:

- The Written Notice of Intent to Issue Air Permit provides important information regarding: the Permitting Authority's intent to issue air permit for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue air permit; the procedures for submitting comments on the draft air construction permit and revision; the process for filing a petition for an administrative hearing; and, the availability of mediation.
- The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The Public Notice of Intent to Issue Air Permit must be published as soon as possible and the proof of publication must be provided to the Department within seven days of the date of publication.
- The Technical Evaluation and Preliminary Determination, which explains the revisions to underlying construction permit conditions.
- The draft air construction permit and revision.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Mr. Syed Arif, P.E., Environmental Administrator, at the above letterhead address. If you have any questions, please contact Mr. Scott M. Sheplak, P.E., by telephone at 850/717-9074 or by email at scott.sheplak@dep.state.fl.us.

Sincerely,
Electronically Signed

Office of Permitting and Compliance
Division of Air Resource Management
Department of Environmental Protection
Tallahassee, Florida

Jeffery F. Koerner
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JFK/sa/sms

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

In the Matter of an
Application for Permit by:

Lee County Department of Solid Waste Management
10500 Buckingham Road, Suite 200
Fort Myers, Florida 33905

Responsible Official:
Mr. Lindsay J. Sampson, Director

Draft Permit No. 0710119-009-AC/PSD-FL-151F
Facility ID No. 0710119
Lee County Resource Recovery Facility

Air Construction Permit and Revision
Lee County, Florida

Facility Location: The applicant operates the existing Lee County Resource Recovery Facility, which is located in Lee County at 10500 Buckingham Road, Fort Myers, Florida.

Project: This project is for an air construction permit to combust biosolids and to revise several miscellaneous provisions in underlying air construction permits. Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

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 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements. The Office of Permitting and Compliance is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/717-9000.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft air construction permit and revision, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft air construction permit and revision by visiting the following web site: http://www.dep.state.fl.us/air/emission/apds/default.asp and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air construction permit and an air construction permit revision for the projects described above. The applicant has provided reasonable assurance that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final permit in accordance with the draft air construction permit and revision unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public 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 by this project. The newspaper used must meet 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 above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Comments: The Permitting Authority will accept written comments concerning the draft air construction permit

and revision for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 14-day period by the Permitting Authority at the above address. If timely received written comments result in a significant change to the draft air construction permit and revision, the Permitting Authority shall issue a revised draft air construction permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

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. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, 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 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 (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 Written Notice of Intent to Issue Air Permit. 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.

Executed in Tallahassee, Florida
Electronically Signed

Office of Permitting and Compliance
Division of Air Resource Management
Department of Environmental Protection
Tallahassee, Florida

Jeffery F. Koerner
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CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Permit package (including the Public Notice, the Technical Evaluation and Preliminary Determination, and the Draft Air Construction Permit and Revision), or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. Lindsay J. Sampson, Director, Lee County DSWM: sampsolj@leegov.com
Mr. Donald J. Castro, P.E., HDR Engineering, Inc.: don.castro@HDRInc.com
Mr. Kirk Dunbar, HDR Engineering, Inc.: kirk.dunbar@HDRInc.com
Mr. Jason M. Gorrie, P.E., Covanta: jgorrie@covantaenergy.com
Mr. A. J. Satyal, DEP SD: ajaya.satyal@dep.state.fl.us
Ms. Cindy Mulkey, DEP Siting Office: cindy.mulkey@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. Ana Oquendo-Vazquez, U.S. EPA Region 4: oquendo.ana@epa.gov
Ms. Barbara Friday, DEP OPC: barbara.friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)
Ms. Lynn Scearce, DEP OPC: lynn.scearce@dep.state.fl.us (for reading file)

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.

Electronically Signed

DEPARTMENT OF ENVIRONMENTAL PROTECTION FLORIDA

Lynn Scearce
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