Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 27, 2010

Mr. Pick Talley
Director of Utilities
Pinellas County Utilities Administration
14 South Fort Harrison Avenue
Clearwater, Florida 33756

Dear Mr. Talley:

Enclosed is the Department's order approving the changes in testing methodology for EPA Test Method 26 that is used for measuring hydrogen chloride (HCl) emissions at the Pinellas County Resource Recovery Facility located in St. Petersburg, Pinellas County. This order is in response to the request of March 15, 2010, from Veolia Environmental Services submitted on your behalf to the Department.

This order stipulates that Pinellas County Resource Recovery Facility shall be allowed to substitute full-size impingers for the midget impingers and substitute de-ionized water impingers for the sodium hydroxide (NaOH) impingers in the sampling train when conducting EPA Method 26 for measuring HCl emissions at the Pinellas County Resource Recovery Facility. In order to use this deviation, the facility must either provide data to demonstrate that the concentrations will be above the method detection limit or utilize a sampling rate comparable to that which would be required pursuant to EPA Method 26A.

The Department's research has shown that no biases are expected solely from the modifications that have been requested. Please call me at 850/921-8985 if you have any questions regarding this order.

Sincerely,

Edward J. Svec
Engineer IV
Emissions Monitoring Section
Bureau of Air Monitoring
and Mobile Sources

ES/kbc
Enclosure
cc: Rebecca Macionski, Veolia ES Pinellas, Inc.
Mara Nasca, DEP Southwest District
Peter Hessling, Pinellas County DEM
Trina Vielhauer, DARM
Scott Sheplak, DARM

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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:	)	Permit No.: 1030117-006-AV
	)	
Pinellas County Utilities Administration Pinellas County Resource Recovery Facility	))	
Petitioner	)	File No.: 10-A-AP

ORDER ON REQUEST
FOR
ALTERNATE PROCEDURES AND REQUIREMENTS

Pursuant to Rule 62-297.620, Florida Administrative Code (F.A.C.), Pinellas County Utilities Administration has petitioned for approval of an alternate sampling procedure for determining emissions of hydrogen chloride from existing Municipal Waste Combustor Units 1, 2 and 3 (Emissions Units I.D. -001, -002 and -003) at the Pinellas County Resource Recovery Facility located in St. Petersburg, Pinellas County, Florida. Petitioner has petitioned for approval of two minor changes in the methodology for EPA Method 26 for use in measuring hydrogen chloride (HCl) emissions. Pinellas County is required to perform annual stack testing in order to determine compliance with the HCl emission limits as set by Title 40 of the Code of Federal Regulations Part 60.33b (40 CFR 60.33b). Petitioner has requested approval to use full-size impingers in lieu of midget impingers in the sampling train for HCl. The basis for this request is Petitioner's assertion that the use of midget impingers does not provide sufficient sample volume and is not appropriate due to the high static pressures. Petitioner has requested to modify the sampling train by utilizing de-ionized water in lieu of sodium hydroxide (NaOH) in two of the impingers. This deviation from the method was requested because the annual compliance test at the Pinellas County Resource Recovery Facility does not require halogen testing.

Having considered Petitioner's written request and all supporting documentation, the following Findings of Fact, Conclusions of Law, and Order are entered:

FINDINGS OF FACT

1. 40 CFR 60.33b, *Emission Guidelines and Compliance Testing for Municipal Solid Waste Combustors Constructed On or Before September 20, 1994,* requires large municipal waste combustors to limit emissions of HCl contained in the gases discharged to the atmosphere to 29 parts per million by volume or 5 percent of the potential HC1 emission concentration (95 percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent. Pinellas County Resource Recovery Facility must determine compliance with this limit on an annual basis by using either EPA Method 26 or 26A, as applicable. Pinellas County Resource Recovery Facility has been designated a large municipal waste combustor that was constructed on or before September 20, 1994. Therefore, this facility is subject to the above requirements.

2. EPA Method 26 is a constant-rate sampling method that utilizes midget impingers and a sampling rate of 2.0 liters per minute. EPA Method 26A is an isokinetic sampling method that uses standard impingers and a sampling rate of 12 – 25 liters per minute.

3. On March 15, 2010, the Department received Petitioner's request for approval of changes in the testing methodology for the Pinellas County Resource Recovery Facility. The alternate testing plan was requested for its municipal solid waste boilers subject to 40 CFR 60.33b: 1100 TPD (max.) Municipal Waste Combustor & Auxiliary Burners – Unit 1 (EU-001); 1100 TPD (max.) Municipal Waste Combustor & Auxiliary Burners – Unit 2 (EU-002); and, 1100 TPD (max.) Municipal Waste Combustor & Auxiliary Burners – Unit 3 (EU-003).

4. In its request, Petitioner stated "full-sized impingers provide assurance that a sufficient volume of sample will be obtained during the sampling runs. Due to the high static pressure within the stack, the absorbing solution within the midget-sized impingers can be evacuated; resulting in a lost sample and voided run."

5. Petitioner also stated "EPA Method 26 is an approved method for measuring both hydrogen halides (HCl, HBr, HF) and halogens (Cl_2, Br_2). The sampling train for EPA Method 26 is set up so that the 1st and 2nd impingers contain 0.1N H2SO4 for the collection of hydrogen halides (HCl, HBr, HF), the 3rd and 4th impingers contain 0.1N NaOH for the collection of halogens (Cl_2, Br_2), and the 5th impinger contains silica gel."

6. Petitioner further asserted, "As the annual compliance stack test at the Pinellas County Resource Recovery Facility does not require halogen testing, Veolia ES Pinellas, Inc. is requesting that the stack testing company be given the option of either using the liquid NaOH in the two impingers or replacing the liquid in the two impingers with de-ionized water."

7. In previous discussions with the EPA, it was determined that similar sampling train modifications have been approved in the past and no biases are expected solely from the modifications that have been requested.

8. Using standard impingers with the reduced sampling rate prescribed by Method 26 may result in analyte concentrations that are below the method detection limit.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider Petitioner's request pursuant to Section 403.061, Florida Statutes (F.S.), and Rule 62-297.620, F.A.C.

2. Petitioner has provided reasonable justification that using full-size in lieu of midget impingers is appropriate.

3. Petitioner has provided reasonable justification that using de-ionized water in lieu of 0.1N NaOH is an appropriate substitution when the determination of halogen emissions is not required.

ORDER

Having considered Petitioner's written request and supporting documentation, it is hereby ordered that:

1. When a determination of halogen emissions is not required, Petitioner may modify the EPA Method 26 sampling train, as follows:

   A. Full-size (Greenburg-Smith design) impingers may be used in lieu of midget impingers.

   B. The two NaOH impingers may be replaced with two de-ionized water impingers.

2. Unless Petitioner has provided sufficient data to demonstrate that using Method 26 with standard impingers will not result in analyte concentrations that are below the method detection limit, Petitioner shall sample at a rate approximately equal to that which would be required by Method 26A.

3. Except as provided by this Order, Petitioner shall comply with all applicable provisions of 40 CFR 60.33b.

4. This Order shall expire on December 31, 2015.

PETITION FOR ADMINISTRATIVE REVIEW

The Department's Proposed Agency Action will become final upon expiration of the petition period described below unless a timely petition for an Administrative Hearing is filed pursuant to Sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Proposed Agency Action 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 21 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 21 days of publication of the Public Notice or within 21 days of receipt of this notice, 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 21 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 Department'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 petitioner received notice of the agency action or proposed action;

(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; 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

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.

NOTICE OF APPEAL RIGHTS

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, 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.

File No.: 10-A-AP 4

DONE AND ORDERED this 27TH day of APRIL, 2010 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Joseph Kahn, Director
Division of Air Resource Management
Mail Station 5500
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 921-9540

Clerk Stamp

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

(Clerk) 4/28/2010 (Date)

File No.: 10-A-AP 5