

PUBLIC NOTICE OF INTENT TO ISSUE PSD PERMIT MODIFICATION

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation
DEP File No. PSD-FL-105C (0112119-010-AC)
Wheelabrator South Broward, Inc.
Waste-to-Energy Facility Units 1, 2 and 3
Activated Carbon Injection (ACI) System
Broward County

Applicant: The applicant for this project is Wheelabrator South Broward, Inc. The applicant's authorized representative and mailing address is: Mr. Jairaj Gosine, Plant Manager, South Broward Waste-to-Energy Facility, 4400 South State Road 7, Ft. Lauderdale, Florida 33314

Facility Location: The applicant, Wheelabrator South Broward, Inc. (Wheelabrator) operates the existing South Broward Waste-to Energy (WTE) Facility, which is located in Broward County at 4400 South State Road 7 in Ft. Lauderdale.

Project: On September 11, 2008, Wheelabrator submitted an application for modification of its construction permit that was previously issued pursuant to the rules for the prevention of significant deterioration of air quality (PSD Permit). The requested modification is to authorize the installation of an ACI system on three municipal waste combustor (MWC) designated as Units 1, 2 and 3 for the purpose of reducing mercury (Hg) emissions.

Emissions are controlled at the facility by a combination of selective non-catalytic reduction, spray dryer absorbers and fabric filters (SNCR/SDA/FF). The ACI systems will be used to inject powdered ACI in the exhaust gas prior to the SDA/FF for each unit. Hg will be adsorbed by the activated carbon that will in turn be retained in the SDA/FF residue.

The facility is required by April 28, 2009 to comply with a revision to 40 Code of Federal Regulation Part 60 (40 CFR 60), Subpart Cb-Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994. The present federal Hg emission standards applicable to gases discharged from the facility are 80 micrograms per dry standard cubic meter ($\mu\text{g}/\text{dscm}$) corrected to 7 percent oxygen or reduction of the potential Hg emission concentration by 85 percent by weight. The change will reduce the first of the standards from 80 to 50 $\mu\text{g}/\text{dscm}$. The ACI systems will make it possible to meet the lower value with a reasonable margin and will reduce the loading of Hg into the South Florida environment.

Permitting Authority: Applications for PSD permit modifications 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 permitting requirements and a PSD permit modification is required to perform the proposed work. The Bureau of Air Regulation 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, Mail Station (MS) 5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

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 address indicated above for the Permitting Authority. The complete project file includes the Draft PSD permit modification, 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 contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above. In addition, electronic copies of these documents are available by entering the file number provided above where indicated on the following web site:

www.dep.state.fl.us/air/eproducts/apds/default.asp .

Notice of Intent to Issue PSD Permit Modification: The Permitting Authority gives notice of its intent to issue a PSD permit modification to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final PSD permit modification in accordance with the conditions of the proposed Draft PSD permit modification unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft PSD permit modification for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft PSD permit modification, the Permitting Authority shall revise the Draft PSD permit modification and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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 at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. 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 this Public Notice or receipt of a written notice, 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 state; (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 Public 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.

Mediation: Mediation is not available in this proceeding.