



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

January 31, 2007

Electronic Mail – Received Receipt Requested

Mr. Tom Morello
Facility Manager and Responsible Official
6990 N.W. 97th Avenue
Miami, Florida 33178

Mr. Lee S. Casey
Department of Solid Waste Management
Miami-Dade County
2525 N.W. 62nd Street, 5th Floor
Miami, Florida 33147

Re: Draft Air Construction Permit No. **0250348-006-AC** (PSD-FL-006(E))
DRAFT Title V Air Operation Permit Renewal No. **0250348-007-AV**
Miami-Dade County Department of Solid Waste Management
Miami-Dade County Resource Recovery Facility

Dear Messrs. Morello and Casey:

One copy of the Technical Evaluation and Preliminary Determination, the combined Public Notice, the Draft Air Construction Permit, and the DRAFT Title V Air Operation Permit Renewal for the Miami-Dade County Resource Recovery Facility, located at 6990 Northwest 97th Avenue, Miami-Dade County, is enclosed. The Department's "INTENT TO ISSUE AIR PERMITS" is also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMITS" must be published as soon as possible. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permits pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Program Administrator at the above letterhead address. If you have any other questions, please contact Tom Cascio, at 850/921-9526.

Sincerely,

Trina L. Vielhauer, Chief
Bureau of Air Regulation

Enclosures

In the Matter of an
Application for Permits by:

Miami-Dade County Department of Solid Waste Management
2525 N.W. 62nd Street, 5th Floor
Miami, Florida 33147
Miami-Dade Resource Recovery Facility

DEP File Nos. 0250348-006-AC
and 0250348-007-AV

INTENT TO ISSUE AIR PERMITS

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit and a Title V Operation Permit Renewal for the Source detailed in the application(s) specified above for the reasons stated below. Copies of the Draft Air Construction Permit and the DRAFT Title V Operation Permit are attached.

The applicant, Miami-Dade County Department of Solid Waste Management, applied on March 30, 2005, to the Department for an Air Construction Permit and a Title V Air Operation Permit Renewal for the Miami-Dade Resource Recovery Facility, located at 6990 Northwest 97th Avenue, Miami-Dade County.

The air construction permit implements a request to modify and add clarification language to the condition that details allowed excess emissions resulting from startup, shutdown, or malfunction. The Title V Air Operation Permit includes compliance assurance monitoring (CAM) plans for particulate matter, lead, and hydrogen chloride.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-212 and 62-213. The above actions are not exempt from permitting procedures. The Department has determined that an Air Construction Permit and a Title V Air Operation Permit Renewal are required to change the CO limit and to continue operations at the described facility.

The Department intends to issue the Air Construction Permit and the Title V Air Operation Permit Renewal based on the belief that reasonable assurances have been provided to indicate that the construction activity and operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMITS" (the Notice). The Notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting 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 Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/921-9533). You must provide proof of publication within seven days of publication pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the Final Air Construction Permit and the PROPOSED Title V Air Operation Permit Renewal and subsequent FINAL Title V Air Operation Permit Renewal, with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed Air Construction Permit issuance action for a period of 14 days from the date of publication of the Notice. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400.

Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the proposed agency action, the Department shall revise the proposed air construction permit and require, if applicable, another Public Notice.

The Department will accept written comments concerning the DRAFT Title V Air Operation Permit Renewal issuance action for a period of 30 days from the date of publication of the Notice. Written comments should be provided to the Department office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Title V Air Operation Permit Renewal, the Department shall issue a Revised DRAFT Title V Air Operation Permit Renewal and require, if applicable, another Public Notice.

The Department will issue the permits with the attached conditions 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 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) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2303). Petitions filed by the permits' (construction and renewal) applicant or any of the parties listed below must be filed within 14 (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), F.S., must be filed within 14 days of publication of the public notice or within 14 days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within 14 (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, F.A.C.

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 each 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, as well as the rules and statutes which entitle the petitioner to relief; (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, F.A.C.

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 of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application(s) have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit renewal. Any petition shall be based only on objections to the permit renewal that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Technical Evaluation and Preliminary Determination, Draft Air Construction Permit, DRAFT Title V Air Operation Permit Renewal, Intent to Issue an Air Construction Permit and a Title V Air Operation Permit Renewal, and Public Notice of Intent to Issue an Air Construction Permit and a Title V Air Operation Permit Renewal, and all copies were sent electronically (with Received Receipt) before the close of business on 1/31/07 to the person(s) listed below.

Tom Morello, Montenay Power Corporation (tmorello@montenay-onyx.com)

Lee S. Casey, Department of Solid Waste Management, Miami-Dade County (le1@miamidade.gov)

David Buff, P.E., Golder Associates, Inc. (DBuff@Golder.com)

Darrel Graziani, P.E., Southeast District Office (darrel.graziani@dep.state.fl.us)

Anetha Lue, P.E., Montenay Power Corporation (anetha.lue@veoliaes.com)

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.

 1/31/07
(Clerk) (Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMITS

Department of Environmental Protection

Miami-Dade County Department of Solid Waste Management

Draft Air Construction Permit No. 0250348-006-AC

DRAFT Title V Air Operation Permit Renewal Permit No. 0250348-007-AV

Miami-Dade County Resource Recovery Facility
Miami-Dade County

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit Renewal to the Miami-Dade County Department of Solid Waste Management, for the Miami-Dade County Resource Recovery Facility located at 6990 Northwest 97th Avenue, Miami-Dade County. The Responsible Official's name and address are: Mr. Tom Morello, Facility Manager, Montenay Power Corporation, 6990 NW 97th Avenue, Miami, Florida 33178.

The air construction permit implements a request to modify and add clarification language to the condition that details allowed excess emissions resulting from startup, shutdown, or malfunction. The Title V Air Operation Permit Renewal includes compliance assurance monitoring (CAM) plans for particulate matter, lead, and hydrogen chloride.

The Department will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Renewal and subsequent FINAL Title V Air Operation Permit Renewal, in accordance with the conditions of the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit Renewal unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed Draft Air Construction Permit issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction Permit, the Department shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The Department will accept written comments concerning the DRAFT Title V Air Operation Permit Renewal for a period of thirty (30) days from the date of publication of this Public Notice. Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Department at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 or facsimile (850/922-6979). As part of his or her comments, any person may also request that the Department hold a public meeting on this permitting action. If the Department determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (<http://faw.dos.state.fl.us/>) and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Department at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Title V Air Operation Permit Renewal, the Department shall issue a Revised DRAFT Title V Air Operation Permit Renewal and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2303). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within 14 (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 applicable 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 (F.A.C.).

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; 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 petitioner's substantial rights will be affected by the agency determination; (c) A statement of how and when the 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 state; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief; (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, F.A.C.

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 of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application(s) have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit renewal. Any petition shall be based only on objections to the permit renewal that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Permitting Authority:

Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District/Local Program:

Department of Environmental Protection
Southeast District
400 North Congress Avenue
West Palm Beach, Florida 33401
Telephone: 561/681-6600
Fax: 561/681-6755

The complete project file includes the Technical Evaluation and Preliminary Determination and associated Draft Air Construction Permit and DRAFT Title V Air Operation Permit Renewal, the application(s), and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Program Administrator, at the above address, or call 850/488-0114, for additional information.