



# Florida Department of Environmental Protection

Southwest District  
13051 N. Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## FINAL PERMIT

### PERMITTEE

DeSoto Sand & Fill, Inc.  
6760 SW CR 769  
Arcadia, FL 34269

Air Permit No. 0270013-006-AO

Permit Expires: 09/02/2013

Minor Air Operation Permit

Project Name: Air Curtain Incinerator

Authorized Representative:

Mr. Dwight Daughtrey, Owner

This is the final air operation permit, which authorizes the renewed operation of an air curtain incinerator. The air curtain incinerator (Standard Industrial Classification No. 4953) is located in DeSoto County at 6760 SW CR 769 in Arcadia, Florida. The UTM coordinates are Zone 17, 401.81 km East, and 3000.35 km North.

This final permit is organized by the following sections:

Section 1. General Information

Section 2. Administrative Requirements

Section 3. Emissions Unit Specific Conditions

Section 4. Appendices

Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 4 of this permit.

This air pollution permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit.

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 final permit. 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 final permit, 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.

All petitions filed under these rules shall contain:

- (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 Hillsborough County, Florida

Mara Grace Nasca November 17, 2009  
Mara Grace Nasca Effective Date  
District Air Program Administrator  
Southwest District

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Permit and the Appendices) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on November 18, 2009 to the persons listed below.

Mr. Dwight Daughtrey, Owner  
DeSoto Sand & Fill, Inc.  
dwrightdaughtrey@gmail.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.

Strawberry Buckell November 18, 2009  
(Clerk) (Date)

## SECTION 1. GENERAL INFORMATION (FINAL)

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### FACILITY AND PROJECT DESCRIPTION

#### Facility Description

The facility consists of an air curtain incinerator designated as Emission Unit No. 001 with Facility ID No. 0270013.

*NOTE: Please reference the Permit No., Facility ID, and Emission Unit ID in all correspondence, test report submittals, applications, etc.*

#### Exempt Emission Units/Activities

The incinerator's diesel fired engine. [Rule 62-210.300(a)35., F.A.C.; For any engine subject to Title 40, Code of Federal Regulations (CFR), Part 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Combustion Engines, as long as the permittee operates and maintains the engine according to the manufacturer's written instructions or procedures over the entire life of the engine and the manufacturer keeps its certification, the engine is not required by the federal rule to demonstrate compliance with emission limits.]

#### FACILITY REGULATORY CLASSIFICATION

- The facility is not a major source of hazardous air pollutants (HAP).
- The facility has no units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is not a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is not a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.
- This facility is a natural minor source of air pollution.

#### PERMIT HISTORY/AFFECTED PERMITS

Replaces Permit No. 0270013-005-AO

## SECTION 2. ADMINISTRATIVE REQUIREMENTS (FINAL)

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1. Permitting Authority: The permitting authority for this project is the Florida Department of Environmental Protection (Department), Southwest District's Air Resource Management Section. The Southwest District's mailing address and phone number is:

Florida Department of Environmental Protection  
Southwest District Office  
Air Resource Management Section  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

All documents related to applications for permits shall be submitted to the above address.

2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Southwest District Office's Air Resource Management Section (see above mailing address and phone number).
3. Appendices: The following Appendices are attached as part of this permit:
  - a. Appendix A. Citation Formats and Glossary of Common Terms;
  - b. Appendix B. General Conditions;
  - c. Appendix C. Common Conditions; and
  - d. Appendix D. Common Testing Requirements.
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time.  
[Rule 62-4.080, F.A.C.]
6. Modifications: Unless otherwise exempt by rule, the permittee shall not initiate any construction, reconstruction, or modification at the facility and shall not install/modify any pollution control device at the facility without obtaining prior authorization from the Department. Modification is defined as: Any physical change or changes in the method of operations or addition to a facility that would result in an increase in the actual emissions of any air pollutant subject to air regulations, including any not previously emitted, from any emission unit or facility.  
[Rules 62-210.200 - Definition of "Modification" and 62-210.300(1)(a), F.A.C.]

## SECTION 2. ADMINISTRATIVE REQUIREMENTS (FINAL)

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7. Other Requirement: As of the effective date of this permit, the air curtain incinerator has been shutdown since September 2, 2008. Therefore, the expiration date of this permit is September 2, 2013.  
[Rule 62-210.300(2)(a)3.b., F.A.C.]
8. Operation Permit Renewal Application: A completed application for renewal of the operation permit shall be submitted to the Permitting Authority no later than 60 days prior to the expiration date of the operation permit. To properly apply for an operation permit, the applicant shall submit the following:
- a. the appropriate permit application form (*see current version of Rule 62-210.900, F.A.C. (Forms and Instructions), and/or FDEP Division of Air Resource Management website at: <http://www.dep.state.fl.us/air/>*);
  - b. the appropriate operation permit application fee from Rule 62-4.050(4)(a), F.A.C.;
  - c. a copy of the most recent compliance test reports required by Specific Condition No. A.25, if not previously submitted; and
  - d. copies of the most recent month of records/logs specified in Specific Condition No. A.27.

[Rules 62-4.030, 62-4.050, 62-4.070(3), 62-4.090, 62-210.300(2), and 62-210.900, F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. EU No. 001 - Air Curtain Incinerator

This section of the permit addresses the following emissions unit.

ID No.	Emission Unit Description
001	<p>An air curtain incinerator, Air Burners, Inc., Model T-359, with a 10' wide x 11' deep x 35' long clay strata burning pit. The incinerator is classified as a natural non-Title source and has a maximum charging rate of 4.5 tons/hr. (based on a daily average) of wood waste, yard waste, and clean lumber. Emissions are controlled by forced air at a very high static pressure over and around the pit. Power to the fan is supplied by an exempt diesel fired engine. The air flow (air curtain) is delivered to the burning pit by a 35' air manifold. Fires will be started only with virgin oil, natural gas, or liquefied petroleum gas.</p> <p>The incinerator is subject to the requirements of 40 CFR 60, Subpart DDDD, and Rules 204.800(9)(f) and 62-296.401(7), F.A.C.</p> <p>The exempt diesel fired engine is subject to the General Visible Emissions Standard of Rule 62-296.320(4)(b), F.A.C.</p>

PERFORMANCE RESTRICTIONS

- A. 1. Federal Regulatory Requirements: This emission unit is subject to 40 CFR 60, Subpart DDDD - Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced construction On or Before November 30, 1999, which is adopted by reference in Rule 62-204.800, F.A.C.  
[Rule 62-204.800(9)(f), F.A.C.]
- A.2. Specific Regulatory Conditions and Requirements: Any air curtain incinerator subject to 40 CFR Part 60, Subpart AAAA, BBBB, CCCC, DDDD, or EEEE, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be constructed and operated so as to comply with the standards, limitations, and requirements of the applicable subpart, and with the requirements Rule 62-296.401(7)(b), F.A.C., to the extent that those requirements are stricter than, or supplemental to, the requirements of the applicable subpart.  
{Permitting Note: The conditions of this permit include the requirements referenced in the underlined portion of Specific Condition No. A.2. above.}  
[Rule 62-296.401(7)(a)1., F.A.C.]
- A.3. Permitted Capacity: The maximum charging rate\* to the incinerator shall not exceed 4.5 tons/hr. (daily average basis). The charging rate going into the pit shall be determined by the following procedure: The loader used to charge the pit shall weigh five (5) buckets (rakes) at a representative maximum capacity and representative material to be charged into the burn pit. This average, together with the number of charges, shall then be used to determine the hourly process rate. In addition, the loader bucket (rake) that will be used to charge the pit shall be designated as the only one used in charging the pit. If a different or alternate sized loader is used a new average shall be determined and noted in the facility's records/logs.

## SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

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### A. EU No. 001 - Air Curtain Incinerator

- \* Charging rate is defined as 1) the amount of material placed in the incinerator during the period starting with the initial loading and ending 60 minutes after initial combustion, for the first 60 minute period after initial combustion and 2) the amount of material placed in the incinerator for any 60-minute period thereafter.

[Rule 62-4.070(3), F.A.C.; Construction Permit 0270013-001-AC]

- A.4. Hours of Operation: The operating (charging) hours of this incinerator shall not exceed 1,088 hours per any consecutive 12-month period.  
[Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.; Construction Permit 0270013-001-AC]
- A.5. The earthen trench's 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 twelve feet (12') wide, between eight feet (8') and fifteen (15') feet deep, and no longer than the manifold. If the pit is located at a landfill, the pit shall not be dug within a previously active portion of a landfill.  
[Rule 62-296.401(7)(b)2., F.A.C.]
- A.6. Except as allowed by Rule 62-296.401(7)(b)4., F.A.C., 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 materials, 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 Rule 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.]
- A.7. Notwithstanding the provisions of Rule 62-296.401(7)(b)3., F.A.C., 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.8. In no case shall an air curtain incinerator be started before sunrise. All charging shall end no later than one (1) hour after sunset. After charging ceases, airflow shall be maintained until all material within the air curtain incinerator has been reduced to coals, and flames are no longer present. A log shall be maintained onsite that documents daily beginning and ending times of charging (see recordkeeping requirements below).  
[Rule 62-296.401(7)(b)5., F.A.C.]

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

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#### A. EU No. 001 – Air Curtain Incinerator

- A.9. In order to ensure the visible emission limitations are not exceeded and objectionable odors are not generated, the air curtain incinerator's fan shall continue to operate after the last charge of each day until all combustion has ceased. For purposes of this condition, "combustion" means the presence of any flames or smoke that causes a visible emission greater than five (5) % opacity.  
[Rules 62-210.200 (Def. 'Visible Emission') and 62-4.070(3), F.A.C.]
- A.10. 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.]
- A.11. The air curtain incinerator shall be located at least 50 feet from any wildlands, brush, combustible structure, or paved public roadway.  
[Rule 296.401(7)(b)7., F.A.C.]
- A.12. The material shall not be loaded into the air curtain incinerator such that it protrudes above the air curtain.  
[Rule 62-296.401(7)(b)8., F.A.C.]
- A.13. Ash shall not be allowed to build up in the pit of an air curtain incinerator 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.]
- A.14. An operation and maintenance guide shall be available to the operators of an 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.  
[Rule 62-296.401(7)(b)10., F.A.C.]
- A.15. Each trained operator shall receive a certificate demonstrating that the operator has successfully passed the training required by the operation and maintenance guide. During the tenure of the operator, a copy of this certificate shall be kept on file at the facility and be made available to the Department upon request.  
[Rule 62-4.070(3), F.A.C.]

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

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#### A. EU No. 001 - Air Curtain Incinerator

A.16. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter. These provisions are applicable to any source, including, but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling. Reasonable precautions shall include the following:

- a. Ash removed from the pit shall be wetted with water as necessary.
- b. Water shall be applied as necessary to the facility grounds.
- c. Reasonable care shall be taken in loading and unloading the pit.

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

A.17. The requirements of this permit shall not relieve the owner or operator from any requirement for obtaining authorization to use an air curtain incinerator, when necessary, from the Division of Forestry, or any local fire control authority.

[Rule 62-4.070(3), F.A.C.]

#### EMISSIONS STANDARDS

A.18. Visible Emission Limitations: 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 (30) minutes of operation, an opacity of up to 35%, averaged over a six (6) minute period, shall be allowed. The general excess emission rule, Rule 62-210.700, F.A.C., shall not apply. {Permitting Note: The exempt diesel fired engine and any other facility activities shall not cause visible emissions to be equal to or greater than 20% opacity in accordance with the facility-wide emission limitation of Rule 62-296.320(4)(b), F.A.C. This limitation does not require regular scheduled testing or testing prior to permit renewal.}

[Rule 62-296.401(7)(b)1., F.A.C.]

#### TESTING REQUIREMENTS

A.19. Visible Emission Testing: Test the air curtain incinerator for visible emissions within 60 days of reactivation and annually thereafter during each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>).

[40 CFR 60.2255(c); Rule 62-297.310(7)(a)4, F.A.C.]

A.20. Test Requirements: Tests shall be conducted in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit.

[Rule 62-297.310(7)(a)9, F.A.C.]

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### A. EU No. 001 - Air Curtain Incinerator

- A.21. Test Method(s): Required tests shall be performed in accordance with the following reference method(s).

Method(s)	Description of Method and Comments
9	Visual Determination of the Opacity of Emissions from Stationary Sources. The test interval on this source shall be at least 60 minutes. The visible emission test shall begin upon initial combustion and include the first 60 minutes of the burn (30 minutes start-up and 30 minutes normal operation). In order to determine compliance and maximize the conditions for conducting a valid visible emission test, the Department reserves the right to require the air curtain incinerator to be repositioned, for example, with the incinerator's long axis in a north to south direction.

The above method(s) are described in Appendix A of 40 CFR 60 and are adopted by reference in Rule 62-204.800, F.A.C. No other method(s) may be used unless prior written approval is received from the Department.

[40 CFR 60.2255; Rules 62-204.800 and 62-297.100, F.A.C.; and Appendix A of 40 CFR 60]

#### NOTIFICATION REQUIREMENTS

- A.22. Test Notification: The permittee shall notify the Compliance Authority in writing at least 15 days prior to any tests. The notification must include the following information: the date, time, and location of each test; the name and telephone number of the facility's contact person who will be responsible for coordinating the test; and the name, company, and the telephone number of the person conducting the test. *{Permitting Note: The notification should also include the relevant emission unit ID No(s), test method(s) to be used, and pollutants to be tested.}*  
[Rules 62-4.070(3) and 62-297.310(7)(a)9., F.A.C.]
- A.23. Reactivation Requirements: The permittee of this emission unit which has a valid air operation permit and has been shut down more than one (1) year, shall notify the Compliance Authority in writing of the air curtain incinerator's intended reactivation (startup) a minimum of 60 days prior to the intended startup date.
- A. The notification shall include information as to the startup date, anticipated emission rates or pollutants released, changes to processes or control devices which will result in changes to emission rates, and any other conditions which may differ from the valid outstanding operation permit.
- B. If, due to an emergency, a startup date is not known 60 days prior thereto, the owner shall notify the Compliance Authority as soon as possible after the date of such startup is ascertained.

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

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#### A. EU No. 001 - Air Curtain Incinerator

- C. The notification shall include a statement that the reactivation does not constitute any modification or reconstruction pursuant to Chapter 62-210, F.A.C. or any federal regulation adopted by reference at Rule 62-204.800, F.A.C.

[Rules 62-210.300(2)(a)4. and 62-210.300(5), F.A.C.]

- A.24. Actual Reactivation Date: The permittee shall notify the Compliance Authority in writing of the air curtain incinerator's actual reactivation date within 7 calendar days of that date.  
[Rule 62-210.300(2)(a)4., F.A.C.]

#### RECORDS AND REPORTS

- A.25. Test Reports: The permittee shall prepare and submit reports for all required tests in accordance with the requirements specified in Appendix D (Common Testing Requirements) of this permit. All submitted compliance test reports shall include the following:

- a. A copy of the daily log for each test day.
- b. The actual charging rate during the test period.
- c. A description of the materials burned and starter fuel used during the test period.

[Rules 62-297.310(8) and 62-4.070(3), F.A.C.]

- A.26. Records of the results of all 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.  
[40 CFR 60.2260 and Rule 62-296.401(7)(c)3., F.A.C.]

- A.27. Daily and Monthly Log: An operating log shall be kept and at a minimum contain the following:

##### *Daily Record*

- A. Date
- B. Type of starter fuel used;
- C. Total number charges;
- D. Default charging rate and identification of the rake used;
- E. Total material (in pounds) charged, in tons;
- F. Daily operating (charging) hours, which includes the start of initial combustion to the time of the last charge to the incinerator (start and stop times shall be indicated);

## SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

### A. EU No. 001 - Air Curtain Incinerator

- G. Daily, calculate the hourly charging rate (pounds/hr.);
- H. Type of Maintenance Performed;
- I. Comments; and
- J. Operator's signature.

#### *Monthly Record*

- K. Monthly, provide the most recent consecutive 12-month period total of operating (charging) hours.

The log shall be maintained at the facility for at least three (3) years and shall be made available to the Department upon request. Daily logs shall be completed within 5 business days and monthly logs shall be completed by the end of the following month.  
[Rules 62-4.070(3), 62-4.160(14), and 62-296.401(7)(b)5., F.A.C.]

### OTHER DEPARTMENT REQUIREMENTS

#### Solid Waste Requirements and Limitations:

- A.28. The permittee shall comply with the following Solid Waste requirements:

#### **Wood Waste Management Requirements.**

1. *The owner or operator of this yard trash facility is not required to obtain a separate Solid Waste Management Facility permit pursuant to Rule 62-701.320(14), F.A.C., during the time that this Air Curtain Incinerator permit is in effect. In the event that this Air Curtain Incinerator permit expires or is suspended, revoked or otherwise invalidated, the owner or operator shall obtain the appropriate permit pursuant to Chapter 62-701, F.A.C., for continued operation as a disposal facility or, if applicable, a Yard Trash Processing Facility registration pursuant to Rule 62-709.320, F.A.C., for the continued operation of the facility as a yard trash transfer station or yard trash recycling facility.*
2. Solid waste storage requirements.
  - (a) The facility shall have the operational features and equipment necessary to maintain a clean and orderly solid waste storage operation, including:
    1. An effective barrier to prevent unauthorized entry and dumping into the facility site;
    2. Dust control methods; and
    3. Fire protection and control provisions to deal with accidental burning of solid waste, including:
      - a. There shall be an all-weather access road, at least 20 feet wide, all around the perimeter of the site;
      - b. There shall be interior lanes at least 15 feet wide; and

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### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

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#### A. EU No. 001 - Air Curtain Incinerator

- c. No part of the solid waste storage area shall be more than 50 feet from access by motorized fire fighting equipment.
- (b) The facility shall be operated in a manner to control disease vectors, and to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.
- (c) Any wood waste received at the facility shall be incinerated or removed within 6 months, or within the period required to receive 3,000 tons or 12,000 cubic yards, which ever is greatest. However, logs with a diameter of six (6) inches or greater may be stored for up to 12 months before they are removed, provided the logs are separated and stored apart from other materials on site.
- (d) In order to verify that the storage limits in (c) above are not being exceeded, monthly records of incoming and outgoing material shall be kept on site or at another location approved by the Department for at least three (3) years. The values may be in cubic yards or tonnage, but the same unit of measurement shall be used to record both incoming and outgoing material.
- (e) Any solid waste received at the facility, which is not authorized by this permit to be incinerated shall be containerized, with all putrescible material removed within 48 hours. Further, if any of the following materials are discovered, they shall be immediately containerized and removed from the facility: treated or untreated biomedical waste; hazardous waste; or any materials containing a polychlorinated biphenyl (PCB) concentration of 50 parts per million or greater.
- (f) The Prohibitions of Rule 62-701.300, F.A.C., shall not be violated by the activities at this site:

[Rule 62-709.320, F.A.C.]

#### **Rule 62-701.300, F.A.C. - Prohibitions.**

- (1) General prohibition.
  - (a) No person shall store, process, or dispose of solid waste except at a permitted solid waste management facility or a facility exempt from permitting under this chapter.
  - (b) No person shall store, process, or dispose of solid waste in a manner or location that causes air quality standards to be violated or water quality standards or criteria of receiving waters to be violated.
- (2) Siting. Unless authorized by a Department permit or site certification in effect on May 27, 2001, or unless specifically authorized by another Department rule or a Department permit or site certification based upon site-specific geological, design, or operational features, no solid waste shall be stored or disposed of by being placed:

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

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#### A. EU No. 001 - Air Curtain Incinerator

- (a) In an area where geological formations or other subsurface features will not provide support for the solid waste;
  - (b) Within 500 feet of an existing or approved potable water well unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the potable water well was in existence. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, or to any vertical expansion at a permitted facility;
  - (c) In a dewatered pit unless the pit is lined and permanent leachate containment and special design techniques are used to ensure the integrity of the liner;
  - (d) In an area subject to frequent and periodic flooding unless flood protection measures are in place;
  - (e) In any natural or artificial body of water including ground water;
  - (f) Within 200 feet of any natural or artificial body of water unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water body was in existence. For purposes of this paragraph, a "body of water" includes wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances which are part of an on-site, permitted stormwater management system, or bodies of water contained completely within the property boundaries of the disposal site which do not discharge from the site to surface waters. A person may store or dispose of solid waste within the 200-foot setback area upon demonstration to the Department that permanent leachate control methods will result in compliance with water quality standards and criteria. However, nothing contained herein shall prohibit the Department from imposing conditions necessary to assure that solid waste stored or disposed of within the 200 foot setback area will not cause pollution from the site in contravention of Department rules.
  - (g) On the right of way of any public highway, road, or alley; and
  - (h) Within 1000 feet of an existing or approved potable water well serving a community water supply as defined in Rule 62-550.200(12), F.A.C., unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water well was in existence. It is the intent of the Department that this provision shall be repealed on the effective date of any rule promulgated by the Department, which regulates wellhead protection areas generally. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, or to any vertical expansion at a permitted facility.
- (3) Burning. Open burning of solid waste is prohibited except in accordance with Chapter 62-256, F.A.C. Controlled burning of solid waste is prohibited except in a permitted incinerator, or in a facility in which the burning of solid waste is authorized by a site certification order issued under Chapter 403, Part II, F.S.
- (4) Hazardous waste. No hazardous waste shall be disposed of in a solid waste management facility unless such facility is permitted pursuant to Chapter 62-730, F.A.C.
- (5) PCBs. Disposal of liquids containing a polychlorinated biphenyl (PCB), or non-liquid PCBs in the form of contaminated soil, rags, or other debris, may be restricted or prohibited by 40

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

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#### A. EU No. 001 - Air Curtain Incinerator

1. The waste is household waste other than septic waste; or
  2. The waste is leachate or gas condensate derived from the solid waste disposal unit, or byproducts of the treatment of such leachate or gas condensate, and the solid waste disposal unit is lined and has a leachate collection system.
- (b) Containers holding liquid waste shall not be placed in a solid waste disposal unit unless:
1. The container is a small container similar in size to that normally found in household waste;
  2. The container is designed to hold liquids for use other than storage; or
  3. The waste is household waste.
- (c) Containers or tanks twenty gallons or larger in capacity shall either have one end removed or cut open, or have a series of punctures around the bottom to ensure the container is empty and free of residue. The empty container or tank shall be compacted to its smallest practical volume for disposal.
- (11) (a) Except as provided in paragraph (b) of this subsection, no person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills.
- (b) Oily wastes, sorbents or other materials used for maintenance or to clean up or contain leaks, spills or accidental releases of used oil, and soils contaminated with used oil as a result of spills or accidental releases are not subject to the prohibition in paragraph (a) of this subsection.
- (12) Yard trash. The prohibitions in paragraphs (2)(b), (f), and (h) of this section apply to the storage, processing, or disposal of yard trash, except that the following setback distances shall apply:
- (a) 100 feet from off-site potable water wells, no setback required from on-site water wells;
  - (b) 50 feet from water bodies; and
  - (c) 200 feet from wells serving community water supplies.
- (13) Tanks. The prohibitions in subsection (2) of this section do not apply to the storage or treatment of solid waste in tanks, which meet the criteria of Chapter 62-761 or Rule 62-701.400(6), F.A.C. Instead, no such storage tank shall be installed within 500 feet of any existing community water supply system or any existing non-transient non-community water supply system, nor shall any tank be installed within 100 feet of any other existing potable water supply well.
- (14) Indoor storage. The prohibitions in subsection (2) of this section do not apply to the storage or processing of solid waste indoors, provided that the indoor storage area has an impervious surface and a leachate collection system. For the purposes of this subsection, an impervious surface means either a poured concrete pad having a minimum thickness of four inches, or an asphalt concrete paving with both a minimum thickness of one and one-half inches and

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

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#### A. EU No. 001 - Air Curtain Incinerator

with an additional component to restrict leaching to ground water such as a soil cement sub-base, an epoxy seal or a geomembrane.

- (15) Storage in vehicles. The prohibitions in subsection (2) of this section do not apply to the storage of solid waste in an enclosed or covered vehicle, provided that such vehicle has either been unloaded or moved over public highways within the previous seven days.
- (16) Existing facilities. Those portions of facilities, which were constructed prior to May 27, 2001, remain subject to the prohibitions that were in effect at the time the permit authorizing construction was issued. Lateral expansions of such facilities remain subject to the prohibitions that were in effect at the time the permit authorizing the lateral expansion was issued. For example, portions of facilities constructed prior to May 19, 1994 were subject to the prohibition against storing or disposing of solid waste within 500 feet of an existing or approved shallow water supply well, but are not subject to the prohibitions of paragraphs (2)(b) and (h) of this section. However, lateral expansions of such facilities, which occurred after May 19, 1994, are subject to the prohibitions of paragraphs (2)(b) and (h) of this section.

#### **Ash Management Requirements.**

- (1) Ash from the air curtain incinerator may be used as a soil amendment or incorporated into mulch or compost products. If the ash is disposed of rather than beneficially used, such disposal shall be in accordance with the requirements of Chapter 62-701, F.A.C.