PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation

Draft Permit No. 0930104-014-AC / PSD-FL-382

Okeechobee Landfill, Inc.
Okeechobee County, Florida

Applicant: The applicant for this project is Okeechobee Landfill, Inc. The applicant's authorized representative and mailing address is: John Van Gessel, Vice President, Waste Management Inc. of Florida, 2859 West Paces Ferry Road, Suite 1600, Atlanta, Georgia 30339.

Facility Location: The Okeechobee Landfill (OL) is located in Okeechobee County at 10800 Northeast 128th Street, Okeechobee, Florida.

Project: The near-term project involves the construction and installation of the following equipment for a Landfill Gas-to-Energy (LFGTE) plant to process and combust 13,500 standard cubic feet per minute (scfm) of LFG at the OL: a landfill gas (LFG) desulfurization plant (GDP) to remove hydrogen sulfide (H_2S) in the LFG; one LFG-fueled 15 megawatt (MW) Solar Titan 130 combustion turbine-electrical generator (CTG); and three LFG-fueled 3.5 MW Solar Centaur 40 CTG ; and five backup open flares.

LFG generated at the OL is collected and flared to control non-methane organic compounds (NMOC) and odors. The flares primarily emit sulfur dioxide (SO_2), nitrogen oxides (NO_X), carbon monoxide (CO), particulate matter (PM/PM_{10}), hydrogen chloride (HCl) and volatile organic compounds (VOC). The existing flares and the proposed LFGTE project are subject to review pursuant to rule Rule 62-212.400, F.A.C for the Prevention of Significant Deterioration (PSD). A determination of best available control technology (BACT) was required.

Emission estimates (excluding fugitive emissions) based on the 2007 and 2008 annual operating reports submitted by the applicant are summarized in the table below. The potential emissions after the near-term project are included.

Pollutant	2007-08 TPY	Near-Term TPY	PSD Significant Emission Rate, TPY	PSD Review Required?
CO	246	913	100	Yes
NO_X	50	343	40	Yes
PM/PM_{10}	14	40	25/15	Yes
SO_2	1,236	239	40	Yes
VOC	~2	4	40	No

Although emissions of SO_2 will be reduced, the Department requires installation of a GDP whether or not a LFGTE project is constructed. The reason is that past projects at the OL triggered PSD and a BACT determination is required for those projects. The Department's BACT determination for SO_2 will reduce near term SO_2 emissions to approximately half the levels estimated by the applicant.

The applicant submitted an air quality analysis representing an interim period prior to operation of the GDP during which emissions will be less (e.g. 959 TPY of SO_2) than during 2007-2008 because of lower projected solid waste disposal rates and gas flow. The applicant also submitted an air quality analysis reflecting the long-term build out of the OL. The analysis indicated compliance with the National Air Quality Standards (NAAQS) and allowable increments thus providing reasonable assurance of compliance by the near-term project.

The following table shows the maximum predicted Class II PSD increments in micrograms per cubic meter ($\mu g/m^3$) and the percent (%) of the allowable increment consumed by sources in the area including interim and future emissions from the OL.

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Summary of PSD Class II Increment Analysis

Pollutant	Averaging Time	Allowable Increment ($\mu g/m^3$)	Increment Consumed ($\mu g/m^3$)	Percent
NO_2	Annual	25	11	45
PM_{10}	24-hour	30	6	20
	Annual	17	1	6
SO_2	3-hour	512	139	27
	24-hour	91	83	91
	Annual	20	14	70

The Class II increments represent the increment consumed in the vicinity of the project. Based on the modeled results, emissions from the OL after the near-term project will not significantly contribute to, or cause a violation of, any state or federal ambient air quality standards.

The applicant also provided a Class I increment analysis for the Everglades National Park (ENP). The maximum predicted Class I increments due to the project alone are less than significant.

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, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone 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 Permit, 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 and phone number listed above. In addition, electronic copies of these documents are available on the following web site:

www.dep.state.fl.us/Air/emission/construction/okeechobee.htm

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit 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 applicable 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 Permit in accordance with the conditions of the proposed Draft Permit 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 Permit and requests for a public meeting for a period of 30 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 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; 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 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; (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 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.