Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Permittee:
Omni Waste of Osceola County, LLC
1501 Omni Way
St. Cloud, FL 34773

Attn: R. Shawn McCash,
Senior V.P.

I.D. Number: 0970079
Permit Number: 0970079-006-AC
Expiration Date: December 31, 2011
County: Osceola
Latitude/Longitude:
28° 03' 57"N/81° 05' 52"W
Project: J.E.D. Solid Waste Management Facility

This permit is issued under the provisions of Chapter(s) 403, F.S., and Florida Administrative Code Rule(s) 62-210. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

This construction permit will establish revised emission limits and revises or deletes other specific conditions of Construction Permit No. 0970079-001-AC. Section I – Facility Information, Subsection A – Facility Description is also deleted from Construction Permit No. 0970079-001-AC. Refer to Section I – Facility Information, Subsection A – Facility Description in Draft/Proposed Permit No. 0970079-005-AV for the current facility description.

The facility is classified as a Title V **major** facility and is located approximately 6.5 miles south of Holopaw at U.S. Hwy. 441, Osceola County, Florida.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup and auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

   (a) Have access to and copy any records that must be kept under conditions of this permit;
   (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
   (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

   Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

   (a) A description of and cause of noncompliance; and
   (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

   The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

GENERAL CONDITIONS:

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, Florida Administrative Code (F.A.C.), as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

    ( ) Determination of Best Available Control Technology (BACT)
    ( ) Determination of Prevention of Significant Deterioration (PSD)
    ( ) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
    (X) Compliance with New Source Performance Standards

14. The permittee shall comply with the following:

    (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

    (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring information) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

    (c) Records of monitoring information shall include:
        1. The date, exact place, and time of sampling or measurements;
        2. The person responsible for performing the sampling or measurements;
        3. The dates analyses were performed;
        4. The person responsible for performing the analyses;
        5. The analytical techniques or methods used;
        6. The results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

1. Specific conditions no. 2 and 3 of construction permit 0970079-001-AC are revised as follows:
   Solid Waste Disposal Rate: The total solid waste disposal rate for the facility shall not exceed 2,631,200 tons per year. The solid waste disposed during Phase I through Phase III shall not exceed shall not exceed 16.2 million tons.
   [Applicant Request, Rule 62-210,200, (PTE) F.A.C., and Construction Permit 0970079-006-AC]

2. Delete specific condition no. 4 of construction permit 0970079-001-AC.

3. Specific condition no. 6 (Criteria Pollutants) of construction permit 0970079-001-AC is revised as follows:
   Criteria Pollutants: Emissions from the facility shall not exceed the following:
   - SO2: 249 tons per any consecutive 12-month period, updated monthly
   - PM/PM10: 12 tons per any consecutive 12-month period, updated monthly
   - VOC: 17 tons per any consecutive 12-month period, updated monthly
   - NOx: 48 tons per any consecutive 12-month period, updated monthly
   - CO: 249 tons per any consecutive 12-month period, updated monthly, until a permit is applied for and obtained pursuant to Rule 62-212.400(2), F.A.C., Prevention of Significant Deterioration of Air Quality (PSD).

   [Applicant Request, Rule 62-210,200, (PTE) F.A.C., and Construction Permit 0970079-006-AC]

4. Specific condition no. 7 of construction permit 0970079-001-AC is revised as follows:
   The significant emission rates per Rule 62-210.200(279), F.A.C. shall be applied….

5. Specific condition no. 10 of construction permit 0970079-001-AC is revised as follows:
   Operating Parameters: The permittee shall submit to the Bureau of Air Regulation in Tallahassee and to the Department's Central District Office, the design information about the selected flares as soon as it is available but no later than 60 days prior to the installation of the flares. This information shall….

6. Specific condition no. 13 of construction permit 0970079-001-AC is revised as follows: Continuous Monitoring: Proper devices for continuous monitoring and recording of gas flow rate and temperature at each flare, as required by 40 CFR Part 60, §60.18(6)(d) and §60.758(b)(14),….

7. Specific condition no. 14 of construction permit 0970079-001-AC is revised as follows: Compliance Plan: An operations and maintenance plan shall be submitted to the Department's Central District Office by January 30, 2009.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

James N. Bradner

James N. Bradner, P.E.
Program Administrator
Air Resources Management

Issued: January 22, 2009