PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

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

Draft Air Permit No. 0990234-017-AC (PSD-FL-413)
Solid Waste Authority of Palm Beach County
Palm Beach Renewable Energy Facility No. 2
Palm Beach County, Florida

Applicant: The applicant for this project is Solid Waste Authority of Palm Beach County (SWA). The applicant's authorized representative and mailing address is: Mark Hammond, Executive Director, Solid Waste Authority of Palm Beach County, Palm Beach Renewable Energy Park, 7501 North Jog Road, West Palm Beach, FL 33412.

Facility Location: The Palm Beach Renewable Energy Facility No. 2 (PBREF-2) will be located at the existing Palm Beach Renewable Energy Park in Palm Beach County at 7501 North Jog Road in West Palm Beach, Florida.

Project: The PBREF-2 project consists of the construction of three 1,000 tons per day mass-burn municipal waste combustors (MWC), a 90 to 100 megawatts steam turbine-electrical generator and ancillary equipment. The project is subject to the preconstruction review requirements of Rule 62-212.400, Florida Administrative Code (F.A.C.) for the Prevention of Significant Deterioration (PSD) of Air Quality requiring several best available control technology (BACT) determinations. The determination of maximum achievable control technology (MACT) was not required.

Each MWC will include a furnace/boiler with a maximum permitted capacity of 320,000 pounds per hour (lb/hr) of steam on a 4-hr basis. The project will also include: two 250 horsepower diesel fire pump engines; one 250 kilowatts emergency generator; four silos to store lime and activated carbon; and an ash handling system and building.

The project is subject to the requirements of 40 Code of Federal Regulations (CFR) Part 60, Subpart Eb - Standards of Performance for Large MWC, issued in May 2006. These requirements comprise the MACT applicable to the project.

The project will result in PSD-significant emissions for the following pollutants: nitrogen oxides (NO_X), carbon monoxide (CO), sulfur dioxide (SO_2), volatile organic compounds (VOC), particulate matter (PM), PM with a mean diameter of 10 micrometers or less (PM_{10}), MWC metals as PM, MWC acid gases as SO_2 and hydrogen chloride (HCl), fluoride (F), sulfuric acid mist (SAM) and MWC organics as dioxins and furans (D/F).

The BACT control equipment for multi-pollutant control for the project consists of good combustion practices (GCP), spray dryers (SD), fabric filter (FF) baghouses, activated carbon injection (CI) and selective catalytic reduction (SCR).

All of the BACT emission limits for the project are at least as stringent as the requirements of Subpart Eb MACT. In particular, the emission limitation for NO_X is much more stringent at 50 parts per million by volume, dry at 7 percent (%) oxygen (ppmvd) compared with the Subpart Eb limit of 150 ppmvd. The BACT technology to achieve the NO_X limit is specified as SCR rather than selective non-catalytic reduction (SNCR). SCR will also reduce emissions of ammonia (NH_3) and VOC, which (like NO_X and SO_2) are precursors in the formation of fine PM in the exhaust and the environment.

SCR is also specified as BACT for the control of MWC organics as D/F and the limitation of 10 nanograms per dry standard cubic meter (total D/F ng/dscm) is the lowest to date for a MWC project in the U.S. The Department included provisions to further reduce that limit based on the actual performance of the SCR system to a level between 0.75 and 10 total D/F ng/dscm (inclusive). This range equates to approximately 0.015 to 0.2 D/F toxic equivalent (TEQ) ng/dscm.

(Public Notice to be Published in the Newspaper)

The applicant proposed a mercury (Hg) limitation of 25 micrograms/dscm (µg/dscm) compared with the Subpart Eb MACT limit of 50 µg/dscm). Furthermore, the applicant proposed a limit of 113 pounds per year on a 12-month rolling basis to avoid triggering PSD for this pollutant. This additional limitation equates to 12 µg/dscm.

The permit will require installation of continuous emission monitoring systems (CEMS) for NO_X, CO, SO_2, Hg and continuous opacity monitoring systems (COMS) for visible emissions. Emissions from emergency equipment at the PBREF No. 2 will be controlled by GCP and the use of ultra low sulfur distillate (ULSD) fuel oil. Emissions from the storage silos will be controlled by FF baghouses.

The details of the Department BACT determinations including all of the emissions limits are included in the Technical Evaluation and Preliminary determination document available at:

www.dep.state.fl.us/Air/emission/bioenergy/palm_beach.htm

According to the applicant, maximum predicted air quality impacts due to all pollutants emitted from the proposed project will be less than the respective significant impact levels (SIL) applicable to areas in the vicinity of the project (i.e. PSD Class II Areas) for all pollutants except for the project-specific 1-hour nitrogen dioxide (NO_2) SIL. Therefore, multi-source PSD modeling was required for NO_2, which demonstrated that the project will not cause or contribute to a violation of the recently promulgated 1-hour national ambient air quality standard (NAAQS) for NO_2. Furthermore, an analysis for increment consumption was not performed because an allowable increment has not yet been promulgated to accompany the 1-hour NO_2 NAAQS.

The nearest PSD-Class I area is the Everglades National Park (ENP) that straddles Monroe, Collier and Miami-Dade Counties. The nearest boundary point in the ENP is located approximately 118 kilometers (km) south of the project site. According to the applicant, maximum predicted air quality impacts due to all pollutants emitted from the proposed project will be less than the respective SIL applicable to the Class I ENP for all pollutants. Therefore, a detailed PSD-Class I multisource air quality analysis was not required.

The Department has concluded that emissions from the project will not cause or contribute to a violation of any state or federal ambient air quality standards. The details of the ambient air quality impact analyses are provided in the document referenced above.

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 at the link provided above.

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.