



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi A. Drew
Secretary

September 17, 2010

Electronically Sent – Received Receipt Requested

Mr. Mark Hammond, Executive Director
Solid Waste Authority (SWA) of Palm Beach County
7501 North Jog Road
West Palm Beach, Florida 33412

Re: Project No. 0990234-018-AC
North County Resource Recovery Facility (NCRRF)
Units 1 and 2 Refurbishment Project
Original Project No. 0990234-015-AC (PSD-FL-108H)
Clarification and Letter of Authorization

Dear Mr. Hammond:

On August 31, 2010, the Department received your letter requesting the following clarifications: deadline for conducting new Relative Accuracy Test Audits (RATA) for continuous emissions monitoring systems (CEMS); deadline for refurbished boilers with new air pollution control equipment to demonstrate compliance with the CEMS-based emissions standards; and the deadline for refurbished boilers with new air pollution control equipment to demonstrate compliance with the emissions standards based on stack tests. In addition, your letter requests authorization to operate above the current maximum spray dryer absorber (SDA) temperature of 300° F specified by permit for purposes of conducting a compliance test that will establish a new temperature limit for the newly installed baghouses.

1. The new RATA tests for the CEMS shall be conducted as soon as practicable after restarting each refurbished boiler. It is important that this equipment provide valid and meaningful data while conducting shakedown and tuning of a refurbished boiler and new air pollution control equipment. (The preliminary schedule for Unit 1 indicates the RATA will be complete by mid-September.)
2. To ensure compliance with the emissions standards, the permittee shall promptly conduct shakedown and tuning (including optimization) of each refurbished boiler and new air pollution control equipment. If significant problems occur during this phase of construction, the permittee shall notify the Compliance Authority and the Bureau of Air Regulation of the issues, the expected delays and provide a revised schedule. After completing shakedown and tuning (including optimization) of each refurbished boiler and new air pollution control equipment, construction is considered complete and the boilers will resume full normal operation and shall be in full compliance with the permit conditions. Once construction is complete:
 - a. CEMS data collected shall be used to demonstrate compliance with the corresponding emissions standards of the permit.
 - b. The permittee shall conduct emissions compliance tests in accordance with Condition 17 of Permit No. 0990234-015-AC within 60 days of completing construction.

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(The preliminary schedule for Unit 1 indicates: shakedown and initial tuning will be complete by the end of September; optimization will be complete by mid-October; and emissions compliance tests will be conducted by the end of October.)

3. CEMS data collected during the period between the RATA and completing construction is for informational purposes only. This data shall be reported along with the required emissions compliance test report. This data does not need to be reported as part of the quarterly excess emissions reports.
4. Revised Condition 6 in Permit No. PSD-FL-108H authorizes replacement of the existing electrostatic precipitators with new fabric filter systems, which will work in conjunction with the new SDA. In addition, this permit replaced the maximum dry scrubber temperature (300° F, 4-hour block average) with a requirement to operate each unit in compliance with the specified particulate matter control device temperatures in accordance with the provisions of §60.53b(c). However, the permittee has not yet submitted an application to revise the Title V air operation permit for this change. For purposes of conducting the initial test, this letter clarifies that each unit shall be operated pursuant to revised Permit No. PSD-FL-108H, which may exceed the maximum dry scrubber temperature (300° F, 4-hour block average) specified in the Title V permit. In accordance with rule 62-213.412(2), F.A.C., the permittee may immediately implement this change once the application for a Title V revision is submitted.

The Department will consider this action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, of the Florida Statutes (F.S.). Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed 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 Department's Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this notice. Petitions filed by any other person must be filed within 14 days of receipt of this proposed action. A petitioner must 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 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.

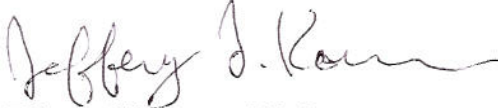
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons

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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.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department 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 of Appeal must be filed within thirty days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.



For
Trina L. Vielhauer, Chief
Bureau of Air Regulation

TLV/jfk

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this authorization 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 9/17/10 to the persons listed below.

Mr. Mark Hammond, SWA of Palm Beach County (mhammond@swa.org)

Ms. Marybeth Morrison (mmorrison@swa.org)

Ms. Kit Lang, Malcolm Pirnie (klang@pirnie.com)

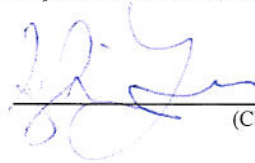
Mr. James Stormer, Palm Beach County Health Department (james_stormer@dep.state.fl.us)

Mr. William Forrest, DEP SED Office (william.forrest@dep.state.fl.us)

Ms. Vickie Gibson, DEP BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



(Clerk)

9/17/10
(Date)