Florida Department of Environmental Protection Northeast District

7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590
Phone: 904/807-3300 ♦ Fax: 904/448-4366

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary - Designee

Sent by Electronic Mail – Received Receipt Requested

PERMITTEE:

Hicks' Land Clearing & Incinerator, LLC
3445 Old Moultrie Rd., Lot A
St. Augustine, Florida 32086

Air Permit Number: 1090446-003-AO
Date of Issue: January 5, 2010
Expiration Date: January 5, 2015

Authorized Representative:
Mr. James Hicks, Owner

County Rd. 214-West Pit Burn Site
Renewal Air Operation Permit

This is the air operation permit renewal, which authorizes operation of an air curtain incinerator (ACI) for the Hicks' Land Clearing & Incinerator, LLC site. The burning site is located southwest of the intersection of County Rd 214 and Interstate I-95 in St. Johns County. The Standard Industrial Classification No. is 4953 for an ACI. The UTM coordinates are Zone 17, 461.7 km East; 3303.7 km N. Latitude: 29° 51' 16", Longitude: 81° 23' 49"

Directions to burn site: Head south on I-95 from Jacksonville to County Rd 214 in St. Johns County. Exit west on County Rd 214. The haul road leading to the burn site is located approximately 1000 feet west on County Rd 214. Turn south onto the haul road and proceed south to the burn site on south side of borrow pit.

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 operation 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 operate the facility in accordance with the conditions of this permit.

Upon issuance of this final permit, 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 (Mail Station #35, 3900 Commonwealth Boulevard, 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 30 days after this order is filed with the clerk of the Department.

Executed in Jacksonville, Florida

1/5/2010

Christopher L. Kirts, P. E.
District Air Program Administrator

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package 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 1/5/2010 to the persons listed below.

James Hicks, Owner, Hicks' Land Clearing & Incinerator, LLC (hicksaccounts@bellsouth.net)

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.

1/5/2010

(Clerk)

(Date)

FACILITY AND PROJECT DESCRIPTION

Project

The applicant has an existing air curtain incinerator (ACI) (Manufacturer: McPherson Systems, Inc. Model: M30 F). The unit is a refuse disposal system (Standard Industrial Classification No. 4953).

In accordance with Rule 62-210.200(16), F.A.C., an air curtain incinerator is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

The ACI is equipped with a blower powered by an existing 152 H.P. Cummins (Model No. 6BT, 5.9L) Industrial Diesel Engine. The refractory lined firebox is approximately 30 feet long, 9 feet wide and 12 feet deep. The maximum volumetric air flow is approximately 50,000 cubic feet per minute (cfm). Utilizing proper firebox loading procedures and sufficient air flow to create an oxygen rich environment, fire box combustion temperatures may reach upwards of 2200 °F.

This project consists of the following emissions unit:

Facility ID No. 1090446	
ID No.	Emission Unit Description
001	Air Curtain Incinerator

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.

Applicable Unit Specific Rule (s)

The ACI is subject to the emissions standards of Florida Administrative Code (F.A.C.) Rule 62-296.401 (7) – Air Curtain Incinerators. The ACI is also subject to Section 40 CFR 60.2245 through 60.2260 of New Source Performance Standards (NSPS), Subpart CCCC—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is commenced on or after June 1, 2001.

SECTION 2. ADMINISTRATIVE REQUIREMENTS

1. Permitting Authority: The permitting authority for this project is the Northeast District Air Program, Florida Department of Environmental Protection (Department). The Northeast District's mailing address is 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7590. All documents related to applications for permits to operate an emissions unit shall be submitted to the Northeast District.

2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the North East District Office. The mailing address and telephone number of the District Office is: 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256. The Permitting Authority's telephone number is 904/807-3300.

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.
   e. Appendix E. Subpart A of NSPS – General Provision.

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: No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification.
   [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]

7. Application for Non - Title V Permit: A completed **Application for Non Title V Air Permit Renewal** (DEP Form No. 62-210.900(4), F.A.C.), shall be submitted to the Department at least 60 days prior to the expiration date of this operation permit. To properly apply for an operation permit, the permittee shall submit the appropriate application form, processing fee, and compliance test reports as required by this permit.
   [Rule 62-4.090, F.A.C.]

8. The facility is classified as a synthetic non-Title V facility. **Annual Operation Reports** shall be submitted to the Department in accordance with Appendix 4., Section C, Common Conditions, Specific Condition No. 10. c.(1) of this permit.
   [Rule 62-210.370, F.A.C.]

Air Curtain Incinerator

This section of the permit addresses the following emissions unit:

ID No.	Emission Unit Description
001	Air Curtain Incinerator

EQUIPMENT

1. Air Curtain Incinerator: The permittee is authorized to operate an ACI. The applicant operates an above ground refractory lined firebox system. The permittee may also use a pit or trench with vertical walls as the firebox.
   [Application received November 23, 2009]

PERFORMANCE RESTRICTIONS

2. Maximum Incineration Rate: The maximum charging rate of the unit shall be limited to 7.5 tons/hour and 6600 tons per 12 consecutive months.
   [Rule(s) 62-210.200(PTE), 62-210.200(303), 62-4.070(3), F.A.C.]

3. Hours of Operation: The hours of operation are restricted to 2184 hours per 12 consecutive months.
   [Rules 62-4.070(3), 62-210.200(PTE), F.A.C., Permit 1090446-001-AC, and applicant's request]

4. Material: The unit is authorized to burn 100% wood waste (excluding sawdust), 100% clean lumber, and 100% mixture of wood waste, clean lumber, and/or yard waste. Definitions are as follows:

   Clean Lumber means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

   Wood waste means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust (sawdust is not allowed to be burned in accordance with Specific Condition No. 10), chips, scraps, slabs, millings, and shavings. Wood waste does not include:
   (1) Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
   (2) Construction, renovation, or demolition wastes.
   (3) Clean lumber.

   Yard waste means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. They come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include two items:

   (1) Construction, renovation, and demolition wastes that are exempt from the definition of "municipal solid waste" in this section.

   (2) Clean wood that is exempt from the definition of "municipal solid waste" in this section.
   [Rules 62-4.070(3), F.A.C., 40 CFR 60.1465, and 40 CFR 60.2265]

EMISSIONS STANDARDS

5. Permitted Open Burning: Open burning is allowed only if such burning is conducted using a Department permitted ACI operated in compliance with the requirements of this permit.
[Rule 62-296.320(3) and 62-256.700, F.A.C.]

6. Opacity Limitations: The owner or operator shall meet the two limitations specified in paragraphs (1) and (2) of this condition.
   (1) The opacity limitation is 10 percent (6-minute average), except as described in paragraph (2) of this condition.
   (2) The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.
[40 CFR 60.2250(a), Rule 62-296.401 (7)(b)1, F.A.C.]

7. Except during malfunctions, the visible emissions limits apply at all times, and each malfunction must not exceed 3 hours. The general excess emissions rule, Rule 62-210.700, F.A.C., shall not apply.
[40 CFR 60.2250(b) and Rule 62-296.401(7)(b)1, F.A.C.]

8. The owner or operator shall comply with the applicable requirements of 40 CFR 60, Subpart A- General Provisions (see attached Appendix E of the permit).
[40 CFR 60.1(a)]

WORK PRACTICE STANDARDS

9. If the air curtain incinerator employs an earthen trench, the 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 length of the manifold. The pit shall not be dug within a previously active portion of a landfill.
[Rule 62-296.401(7)(b)2, F.A.C.]

10. Except as provided herein and at specific condition No. 11, 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 subsection 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.]

11. Notwithstanding the provisions of specific condition No. 10, the air curtain incinerator may be used for the destruction of animal carcasses in accordance with the 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.]

12. In no case shall the air curtain incinerator be started before sunrise. All charging shall end no later than one (1) hour after sunset. After charging ceases, air flow shall be maintained until all material within the air curtain incinerator has been reduced to coals, and flames are no longer visible. A log shall be maintained onsite that documents daily beginning and ending times of charging [see Specific Condition No. 22 b)].
[Rule 62-296.401(7)(b)5, F.A.C.]

13. 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.]

14. The air curtain incinerator shall be located at least fifty (50) feet from any wildlands, brush, combustible structure, or paved public roadway.
[Rule 62-296.401(7)(b)7, F.A.C.]

15. 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.]

16. Ash shall not be allowed to build up in the pit of the air curtain incinerator to higher than one third (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.]

17. An operation and maintenance guide shall be available to the operators of the 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.]

TESTING REQUIREMENTS

18. Annual Test: After the initial test for opacity, the owner or operator shall conduct annual tests no more than 12 calendar months following the date of the previous test.
[40 CFR 60.2255(c) and Rule 62-296.401(7)(d)1, F.A.C.]

19. Compliance Test Method: The reference test method for opacity shall be EPA Method 9, as described at 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.
[40 CFR 60.2255(a) and Rule 62-296.401(7)(c)1, F.A.C.]

20. New Trench: The owner or operator of any air curtain incinerator and using an earthen trench shall have a performance test conducted for opacity no later than thirty (30) days after it commences operation at any new trench location, and annually thereafter. However, if the air curtain incinerator will be operated for less than thirty (30) days at the new trench location, and the owner or operator has demonstrated compliance with the emissions limiting standards of paragraph 62-296.401(7)(b), F.A.C., through a opacity test conducted and submitted to the Department within the previous twelve (12) months, the requirement for testing within thirty (30) days of commencing operation at the new trench location shall not apply.
[Rule 62-296.401(7)(d)2, F.A.C.]

NOTIFICATION, RECORDS AND REPORTS

21. Compliance Test Report Submittal: The owner or operator shall submit the results (each 6-minute average) of the initial opacity tests no later than 45 days following the initial test. Submit annual opacity test results

within 12 months following the previous report. The owner or operator shall submit the initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date.
[40 CFR 60.2260(d) & (e), and Rule 62-297.310(8), F.A.C.]

22. Record Keeping: The owner or operator shall keep the following records onsite and shall be made available to the Department or for an inspector's onsite review upon request:

    a) The results of all initial and annual opacity tests onsite in either paper copy or electronic format, unless the Department approves another format.

    b) Daily hours of operation for the unit (including beginning and endng charging times), total hours of operation for the month, and 12 consecutive month running total

    c) Daily average hourly (in tons) charging rate, daily total material (in tons) charged and 12 consecutive month running total (tons) of material charged

    d) All maintenance that is performed

    [40 CFR 60.2260 and Rule 62-4.070(3), F.A.C.]

23. Record Retention: The owner or operator shall keep records as described by specific condition No. 22, for at least 5 years.
[40 CFR 60.2260 (b) and Rule 62-4.070(3), F.A.C.]

SOLID WASTE CONDITIONS (i.e. conditions provided by the Department's Solid Waste Section)

In addition to the rules and regulations that the air portion of the permit is issued under, the solid waste portion of the permit is issued under Chapter 403, Florida Statutes, and Florida Administrative Code (F.A.C.) Chapters 62-4 and 62-701.

24. Acceptable Waste: The facility shall be limited to accepting clean lumber, wood waste, and yard waste as defined in Section 3., Emissions Unit Specific Conditions, Specific Condition No. 4 of this permit. Any other waste is prohibited waste. Please note that land clearing debris, as defined by F.A.C. Rule 62-701.200(62), is included under the definition of wood waste.

25. Access control: The facility shall control access to the facility and shall maintain the access control structures such as the field fence and gate.
[Rule 62-701.803(7), F.A.C.]

26. Non-authorized Activities:

    a. This permit does not authorize any waste disposal activities; no waste storage shall be within the seasonal high or low groundwater table. [Rule 62-701.300(2)(e), F.A.C.]

    b. No waste shall be placed within 100 feet of any existing or approved off-site potable water well; no setback is required from on-site water well. [Rule 62-701.300(12) (a), F.A.C.]

    c. No waste shall be placed within 50 feet of any natural or artificial body of water, including wetlands within the jurisdiction of the Department, except bodies of water contained completely within the property boundaries of the disposal site and that do not have a discharge.

    [Rule 62-701.300(12)(b), F.A.C.]

27. Spotters: At all times the facility is accepting land clearing debris, a trained spotter shall be present to inspect the waste as it is being discharged. The spotter shall inspect the loads for unacceptable materials that may inadvertently be accepted and shall remove from the waste stream and place into appropriate containers for disposal at a permitted facility.
[Rule 62-701.803(8), F.A.C.]

28. Handling and Removal of Prohibited Waste: The facility shall remove prohibited waste from the waste being discharged and shall remove it to covered roll-off containers upon discovery. Any containers containing putrescible waste shall have its contents removed within 48 hours. Non-putrescible waste shall be removed within 30 days or when the storage containers become full, whichever occurs first. The prohibited waste shall be removed to the appropriate authorized facilities.
[Rule 62-701.803(5), F.A.C.]

29. Hazardous Waste: Any hazardous waste that is received by the facility shall be managed in accordance with the provision of F.A.C. Chapter 62-730.
[Rule 62-701.300(4), F.A.C.]

30. Training: The Permittee shall ensure that spotters employed at the facility are properly trained to operate the facility and to identify and properly manage any hazardous or other prohibited materials that are inadvertently received at the facility. The facility shall provide initial and continuing training for each employee in accordance with F.A.C. Chapter 62-701.320(15). New employees shall complete the first training course available to them from the date of their employment but no longer than 90 days of the date of employment. Training Certification shall be kept in an office and shall be made available to the Department at the Department's request including during a routine site inspection.
[Rule 62-701.300(15), F.A.C.]