



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
May 13, 2005

Colleen M. Castille
Secretary

CERTIFIED MAIL – Return Receipt Requested

Mr. Thomas T. Crandall
Utilities Director
Bay County Utilities Service Department
3410 Transmitter Road
Panama City, Florida 32409

Re: Draft Air Construction Permit No.: 0050031-011-AC
DRAFT Title V Permit Renewal No.: 0050031-010-AV
Bay Resource Management Center

Dear Mr. Crandall:

One copy of the Technical Evaluation and Preliminary Determination, the combined Public Notice, the Draft Air Construction Permit, and the DRAFT Title V Air Operation Permit Renewal for the Bay Resource Management Center, located at 6510 Bay Line Drive, Bay Industrial Park, Panama City, Bay County -- approximately 2 miles North of the intersection of U.S. 231 and County Road 2301, is enclosed. The permitting authority's "INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" and the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" are also included.

An electronic version of the DRAFT Title V Air Operation Permit Renewal has been posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is:

["http://www.dep.state.fl.us/air/eproducts/ards/default.asp"](http://www.dep.state.fl.us/air/eproducts/ards/default.asp)

The "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" must be published as soon as possible upon receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permits pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Jeff Koerner, P.E., at the above letterhead address. If you have any other questions, please contact Bruce Mitchell at 850/413-9198.

Sincerely,

Trina L. Vielhauer
Chief
Bureau of Air Regulation

TLV/jfk/bm

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an
Application for Permits by:

Bay County Utilities Service Department
3410 Transmitter Road
Panama City, Florida 32409

Draft Air Construction Permit No.: 0050031-011-AC
DRAFT Permit Renewal No.: 0050031-010-AV
Bay Resource Management Center
Bay County

**INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION
PERMIT RENEWAL**

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit Renewal (copies of the Draft Air Construction Permit and DRAFT Title V Air Operation Permit Renewal attached) for the Title V source detailed in the application(s) specified above and the attached Technical Evaluation and Preliminary Determination, for the reasons stated below.

The applicant, the Bay County Utilities Service Department, applied on May 9, 2005, to the permitting authority for a Title V Air Operation Permit Renewal for the Bay Resource Management Center, located at 6510 Bay Line Drive, Bay Industrial Park, Panama City, Bay County. The facility is operated by Montenay Bay LLC. On May 11, 2005, via facsimile, the applicant requested an AC.

The subject of the Air Construction Permit is to: (1) replace those BACT pollutant emission limitations that were established in an air construction permit (PSD-FL-129) with their corresponding pollutant emission limitations that are applicable from the new federal regulations at 40 CFR 60, Subpart BBBB, Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999, adopted and incorporated by reference in Rule 62-204.800(9)(e), F.A.C., which are all more stringent except for the emissions of NO_x (nitrogen oxides; and, the change is less than significant due to the use of excess air to control the emissions of carbon monoxide (CO)); (2) delete the limitation and test method for beryllium, since the standard at 40 CFR 61, Subpart C, does not apply based on prior Department determinations and discussions with the U.S. EPA, Region 4; and, (3) establish the operational requirements for the facility after performance testing is completed, if completed prior to November 16, 2005.

The subject of the Title V Air Operation Permit Renewal is to renew the permit and incorporate any changes made in the Air Construction Permit; and, to include the limitations for volatile organic compounds (VOCs; see SC #B.26.) and the appropriate test methods (see new SC #B.53.) that were not transferred from Subsection A. to Subsection B in the last revision, 0050031-008-AV.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-212 and 62-213. This source is not exempt from construction and Title V permitting procedures. The permitting authority has determined that an Air Construction Permit and a Title V Air Operation Permit Renewal are required to construct and to commence or continue operations at the described facility.

The permitting authority intends to issue the Air Construction Permit and the Title V Air Operation Permit Renewal based on the belief that reasonable assurances have been provided to indicate that the construction activity and operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/922-6979), within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permits pursuant to Rule 62-110.106, F.A.C.

The permitting authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Renewal and subsequent FINAL Title V Air Operation Permit Renewal, in accordance with the conditions of the attached Draft Air Construction Permit and the DRAFT Title V Air Operation Permit Renewal unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed Air Construction Permit issuance action for a period of 14 (fourteen) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The permitting authority will accept written comments concerning the proposed Title V Air Operation Permit Renewal issuance action for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Title V Air Operation Permit Renewal, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit Renewal and require, if applicable, another Public Notice.

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 (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242; Fax: 850/245-2303). Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the public notice or within fourteen days of receipt of this notice of intent, 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 fourteen (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 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 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 permitting authority's final action may be different from the position taken by it in this notice of intent. 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 will not be available in this proceeding.

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any Title V permit. Any petition shall be based only on objections to the Title V permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any Title V permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with

Draft Air Construction Permit No.: 0050031-011-AC

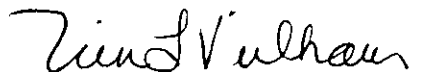
DRAFT Permit Renewal No.: 0050031-010-AV

Page 4 of 5

The Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Trina L. Vielhauer

Chief

Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the combined PUBLIC NOTICE, the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit package) and all copies were sent by certified mail or electronically (with Read Receipt) before the close of business on 5/16/08 to the person(s) listed:

Thomas T. Crandall, R.O., Utilities Director, Bay County Utilities Service Department

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the combined PUBLIC NOTICE, the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit) were sent by U.S. mail or electronically (with Read Receipt) on the same date to the person(s) listed or as otherwise noted:

Anthony Lo'Re, P.E., CDMI

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit package) were sent by U.S. mail or electronically (with Read Receipt) on the same date to the person(s) listed or as otherwise noted:

Jerry Gross, BRMC
Sandra Veazey, FDEP Northwest District Office

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated agency Clerk, receipt of which is hereby acknowledged.

Barbara J. Sunday 5/16/08
(Clerk) (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE
V AIR OPERATION PERMIT RENEWAL**

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Air Construction Permit No.: 0050031-011-AC
Title V DRAFT Permit Renewal No.: 0050031-010-AV

Bay Resource Management Center
Bay County

The Department of Environmental Protection's Bureau of Air Regulation (permitting authority) gives notice of its intent to issue an Air Construction Permit and a Title V Air Operation Permit Renewal to the Bay County Utilities Service Department, Bay Resource Management Center, located at 6510 Bay Line Drive, Panama City, Bay County, Bay Industrial Park -- approximately 2 miles North of the intersection of U.S. 231 and County Road 2301, Bay County. The applicant's name and address are: Mr. Thomas T. Crandall, R.O., Utilities Director, Bay County Utilities Service Department, 3410 Transmitter Road, Panama City, 32409.

The subject of the Air Construction Permit is to: (1) replace those BACT pollutant emission limitations that were established in an air construction permit (PSD-FL-129) with their corresponding pollutant emission limitations that are applicable from the new federal regulations at 40 CFR 60, Subpart BBBB, Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999, adopted and incorporated by reference in Rule 62-204.800(9)(e), F.A.C., which are all more stringent except for the emissions of NO_x (nitrogen oxides; and, the change is less than significant due to the use of excess air to control the emissions of carbon monoxide (CO)); (2) delete the limitation and test method for beryllium, since the standard at 40 CFR 61, Subpart C, does not apply based on prior Department determinations and discussions with the U.S. EPA, Region 4; and, (3) establish the operational requirements for the facility after performance testing is completed, if completed prior to November 16, 2005.

The subject of the Title V Air Operation Permit Renewal is to renew the permit and incorporate any changes made in the Air Construction Permit; and, to include the limitations for volatile organic compounds (VOCs; see SC #B.26.) and the appropriate test methods (see new SC #B.53.) that were not transferred from Subsection A. to Subsection B in the last revision, 0050031-008-AV.

The permitting authority will issue the Air Construction Permit and the PROPOSED Title V Air Operation Permit Renewal and subsequent FINAL Title V Air Operation Permit Renewal, in accordance with the conditions of the Draft Air Construction Permit and the DRAFT Title V Air Operation Permit Renewal unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed Draft Air Construction Permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The Permitting Authority will accept written comments concerning the DRAFT Title V Air Operation Permit Renewal for a period of thirty (30) days from the date of publication of this Public Notice. Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Permitting Authority's

office or facsimile, as listed below. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://tlhora6.dep.state.fl.us/onw> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority's office at the address or phone number listed below. If written comments or comments received at a public meeting result in a significant change to the DRAFT Title V Air Operation Permit Renewal, the Permitting Authority shall issue a Revised DRAFT Title V Air Operation Permit Renewal and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2242; 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 fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, 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 fourteen 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 applicable 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 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 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 permitting authority's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final

decision of the permitting authority on the application(s) have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any Title V Permit. Any petition shall be based only on objections to the permits that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any Title V Permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Permitting Authority:

Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected District Program:

Department of Environmental Protection
Northwest District Office
160 Governmental Center
Pensacola, Florida 32501-5794
Telephone: 850/595-8300
Fax: 850/595-8096

The complete project file includes the DRAFT Permit Renewal, the request/application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Jeff F. Koerner, P.E., at the above address, or call 850/921-9536, for additional information.

**TECHNICAL EVALUATION
AND
PRELIMINARY DETERMINATION**

Bay County Utilities Service Department
Bay Resource Management Center
Facility ID No. 0050013
Bay County

Air Construction Permit/PSD Permit Amendment
Draft Air Construction Permit No. 0050013-011-AC
PSD Permit Revision No. PSD-FL-129(D)

Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Permitting North

May 13, 2005

1. APPLICATION INFORMATION.

A. Applicant Name and Address:

Bay County Utilities Service Department
Bay Resource Management Center
3410 Transmitter Road
Panama City, Florida 32409

Responsible Official

Mr. Thomas T. Crandall, Utilities Director

B. Reviewing and Process Schedule:

May 11, 2005: Receipt of Request for an Air Construction Permit, via facsimile

2. FACILITY INFORMATION.

A. Facility Location

The Bay County Utilities Service Department's Bay Resource Management Center is located at 6510 Bay Line Drive, Bay Industrial Park, Panama City, Bay County, Florida -- approximately 2 miles North of the intersection of U.S. 231 and County Road 2301.

The UTM coordinates of this facility are: Zone 16; 642.4 km East; and, 3349.50 km North.

B. Standard Industrial Classification Code (SIC):

Major Group No.	49	Electric, Gas, and Sanitary Services
Group No.	495	Sanitary Services
Industry No.	4953	Refuse Systems

C. Facility Category

Title III: The existing facility is a major source of hazardous air pollutants (HAP).

Title IV: The existing facility operates no units subject to the acid rain provisions of the Clean Air Act.

Title V: The existing facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.

PSD: The existing facility is a PSD-major source of air pollution in accordance with Rule 62-212.400, F.A.C.

NSPS: The existing facility operates two municipal waste combustor units subject to the Subpart BBBB New Source Performance Standards in 40 CFR 60, which are adopted and incorporated by reference in Rule 62-204.800(9)(e), F.A.C.

3. PROJECT DESCRIPTION.

The existing two municipal waste combustor units were constructed in accordance with Permit Nos. AC03-84703 and AC03-84704 issued in September of 1984. These permits were later modified by Permit No. PSD-FL-129 issued in October of 1988. The PSD permit was substantially modified in January of 1990 and superseded the previous air construction permits. In 1999, the units were physically modified and de-rated from 255 to 245 tons of waste per day. The purpose of the de-rating was to ensure that each unit would be considered a "small" municipal waste combustor pursuant to the federal regulations.

On December 6, 2000, EPA published two final rules regulating air emissions from municipal waste combustors (MWC). The first rule specified New Source Performance Standards for new small MWC units in Subpart AAAA of

Technical Evaluation and Preliminary Determination

40 CFR 60. The second rule specified emissions guidelines units in Subpart BBBB of 40 CFR 60 for existing small MWC, which were defined as those units constructed on or before August 30, 1999.

Initial Title V Permit No. 0050031-002-AV became effective on August 8, 2000. In 2001, the Title V permit was revised (Permit No. 0050031-007-AV) to change the auxiliary fuel from distillate oil to natural gas. In 2003, the Title V permit was revised (Permit No. 0050031-008-AV) to insert the NSPS Subpart BBBB requirements. In 2004, Permit No. 0050031-009-AC was issued to authorize construction of the pollution control equipment installed pursuant to NSPS Subpart BBBB.

Currently, the Department is processing Project No. 0050013-010-AV to renew the Title V air operation permit. We are also processing a concurrent request for an air construction (Project No. 0050013-011-AC; PSD-FL-129D) to revise (reduce) the previously established SIP-based emissions standards. The purpose of the air construction permit revision is to make the previous SIP emissions standards consistent with the more stringent NSPS Subpart BBBB standards. This action recognizes that the NSPS Subpart BBBB provisions require the installation of a new baghouse (to replace the existing ESP), the addition of a spray dryer absorber for acid gas control, and the addition of an activated carbon injection system to reduce mercury and dioxin/furan emissions. The following table shows the new NSPS standards.

Pollutant	Standard
HCl	31 ppmvd @ 7% oxygen or 95% reduction of potential HCl
SO ₂	31 ppmvd @ 7% oxygen or 75% reduction of potential SO ₂
NO _x	170 ppmvd @ 7% oxygen
PM	27 milligrams/dscm @ 7% oxygen
CO	250 ppmvd @ 7% oxygen
Opacity	10%
Dioxin/Furan	30 nanograms/dscm @ 7% oxygen
Cadmium	0.04 milligrams/dscm @ 7% oxygen
Lead	0.490 milligrams/dscm @ 7% oxygen
Mercury	0.08 milligrams/dscm @ 7% oxygen or 85% reduction of potential mercury

The following table provides a comparison of the annual emissions reduction expected from the new regulations on a per unit basis.

Pollutant	Existing (TPY)	After Retrofit (TPY)	TPY Reduction	% Reduction
HCl	270.2	19.7	- 250.5	92%
SO ₂	156.6	39.2	- 117.4	75%
NO _x	117.8	136.1	+ 18.3	16% increase
PM	29.8	9.0	- 20.8	70%
CO	406.5	121.8	284.7	70%
VOC	31.1	31.1	---	---
Dioxin/Furan	Not Limited	1.0 x 10 ⁻⁰⁵	---	---
Cadmium	Not Limited	0.015	---	---
Lead	0.4	0.165	- 0.235	59%
Mercury	0.8	0.127	- 0.673	84%
Fluoride	0.657	0.657	---	---

As shown above, the additional control equipment and emissions standards result in substantial decreases (or at least maintaining the "status quo") for all pollutants except NO_x. Although the concentration of potential NO_x emissions will decrease from approximately 185 to 170 ppmvd @ 7% oxygen, it is possible that the potential hourly mass emissions rate (lb/hour) will increase. This is due to a physical modification of the combustion air system to provide additional excess air and reduce emissions of carbon monoxide (CO) as well as volatile organic compounds (VOC). The total potential NO_x emissions increase will be less than the PSD significant emissions rate of 40 tons per year. The NO_x emissions increase is considered an insignificant collateral increase related to the additional control of CO and VOC emissions.

Technical Evaluation and Preliminary Determination

For each regulated emissions unit with a control device, the Title V program requires a Compliance Assurance Monitoring (CAM) Plan for each pollutant with uncontrolled amounts greater than the Title V major emissions levels (5 tons per year of lead, 10 tons per year of any single HAP, or 100 tons per year for any other regulated pollutant). Each unit will be controlled by a baghouse (PM, cadmium, and lead), a spray dryer absorber (HCl, SO₂, and fluorides), and an activated carbon injection system (mercury and dioxin/furan). Of these pollutants, only PM, HCl, and SO₂ are estimated to have uncontrolled emissions greater than the corresponding "major" emission levels. Because each of these pollutants is regulated by an NSPS published after 1990, the NSPS monitoring provisions meet the CAM monitoring requirements by rule. Revising the previous SIP-based emissions standards to be consistent with the NSPS Subpart BBBB standards will help avoid any unnecessary duplication of monitoring requirements for essentially outdated standards.

Therefore, the air construction permit will be revised to:

- (1) Replace the SIP-based emissions standards established in an air construction permit (PSD-FL-129) with the corresponding federal emissions standards specified in Subpart BBBB of 40 CFR 60. The applicable federal standards represent Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999, which are adopted and incorporated by reference in Rule 62-204.800(9)(e), F.A.C. Except for nitrogen oxides (NO_x), the NSPS Subpart BBBB emissions standards are more stringent than the existing SIP-based standards. The NO_x emissions increase is considered an insignificant collateral increase related to the additional control of CO and VOC emissions.
- (2) Delete the limitation and test method for beryllium because the standard at 40 CFR 61, Subpart C, does not apply to these units. This is consistent with previous determinations and discussions with EPA Region 4.
- (3) Establish the operational requirements and effective date for the revised standards once the facility establishes commercial operation and completes performance testing.

4. RULE APPLICABILITY.

The proposed project is subject to permitting under Rule 62-210.300, F.A.C., Permits Required.

5. AIR QUALITY ANALYSIS.

An air quality analysis was not required.

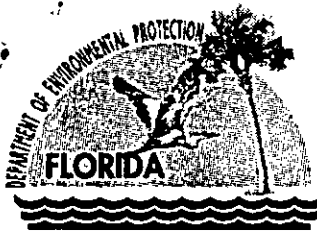
6. CONCLUSION.

The permitting authority intends to issue the revised air construction (PSD) permit based on the belief that reasonable assurances have been provided to indicate that the changes made will not adversely impact air quality; and, the affected facility will be in compliance with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Based on the foregoing technical evaluation, the Department has made a preliminary determination that the proposed project meets the applicable state and federal air pollution regulations. The proposed construction permit revision letter is attached.

Permit Engineer: Bruce Mitchell

Reviewed and Approved by Jeffery F. Koerner, P.E.



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

Month Day, 2005

CERTIFIED MAIL -- Return Receipt Requested

Mr. Thomas T. Crandall
Utilities Director
Bay County Utilities Service Department
3410 Transmitter Road
Panama City, Florida 32409

Re: Draft Air Construction Permit No.: 0050031-011-AC/PSD-FL-129(D)
Bay Resource Management Center

Dear Mr. Crandall:

The subject of the air construction permit (letter) is to: (1) replace those BACT pollutant emission limitations that were established in an air construction permit with their corresponding pollutant emission limitations that are applicable from the new federal regulations at 40 CFR 60, Subpart BBBB, Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999, adopted and incorporated by reference in Rule 62-204.800(9)(e), F.A.C., which are all more stringent except for the pollutant NO_x (nitrogen oxides; and, the increase is less than significant due to the use of excess air to control carbon monoxide (CO)); (2) delete the limitation and test method for beryllium, since the standard at 40 CFR 61, Subpart C, does not apply based on prior Department determinations and discussions with the U.S. EPA, Region 4; and, (3) establish the operational requirements for the facility after performance testing is completed, if completed prior to November 16, 2005. Therefore, the following are changed as follows:

1. AC03-145061 &-152196/PSD-FL-129: Specific Condition 3.

FROM:

Flue gas emissions from the facility shall not exceed the following:

Pollutant	Emission Limitations		Emissions Factors	
	Per Unit lbs/hr	Facility lbs/hr	Wood lb/ton	MSW lb/ton
PM, PM ₁₀	6.8	13.5	(0.03 gr/dscf)	
CO	92.8	185.6	20.0	3.58
NO _x	26.9	53.9	2.8	2.41
SO ₂	35.8	71.5	0.3	3.36
VOC	7.1	14.2	1.7	0.196
Lead	0.04	0.08	0.0	0.0039
Mercury	0.18	0.36	0.0	0.0017
Beryllium	5x10-6	1x10-5	0.0	4.8x10-7
Hydrogen Chloride	61.7	123.3	0.0	5.8
Sulfuric Acid Mist	1.5	3.0	0.0	0.14
Fluoride	0.15	0.3	0.0	0.014

Visible emissions shall not exceed 15% opacity (6 min. average).
PM₁₀ emissions are conservatively assumed to be equal to 100% PM.

"More Protection, Less Process"

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TO:

The NSPS at 40 CFR 60.1785(a), allows for the initial compliance tests for the pollutants listed in 40 CFR 60.1775 to be conducted by 180 days after the final compliance date (see Specific Condition B.39.2.(a)). In addition, NSPS Subpart A (40 CFR 60.8) requires compliance tests to be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial startup. Therefore, the affected units shall be tested after installation and debugging of the new control systems and resuming commercial operation. This Specific Condition goes into effect no later than November 16, 2005, at 12:01 a.m.; however, it will become effective on the day the facility resumes commercial operation and conducts the appropriate compliance tests as required above. The Department's Northwest District office shall be notified of the dates of initial startup and commencing commercial operation. Flue gas emissions from each emissions unit shall not exceed the following:

Pollutant	Emission Limit per Emissions Unit
CO	250 ppmvd @ 7% O ₂
Fluorides	0.15 lb/hr
HCl	31 ppmvd @ 7% O ₂ or 95% reduction
Hg	0.070 mg/dscm @ 7% O ₂ or 85% reduction
NO _x	170 ppmvd @ 7% O ₂
Cd	0.040 mg/dscm @ 7% O ₂
Pb	0.490 milligrams/dscm @ 7% O ₂
SAM	1.5 lbs/hr
SO ₂	31 ppmvd @ 7% O ₂ or 75% reduction
PM	27 mg/dscm @ 7% O ₂
Dioxins	30 ng/dscm @ 7% O ₂
VOC	7.1 lbs/hr
Opacity	10% - 6 minute average

Note: Unless otherwise specified, the averaging time(s) shall be based on the specified averaging time of the applicable test method or the corresponding NSPS emissions standard (40 CFR 60, Subpart BBBB).

2. AC03-145061 &-152196/PSD-FL-129: Specific Condition 4. Compliance Tests.

FROM:

- 4.e. The following test methods and procedures of 40 CFR 60 and 61 or other DER approved methods with prior DER approval shall be used for compliance testing:
 (14) Method 104 for beryllium.

TO:

- 4.e. The following test methods and procedures of 40 CFR 60 or other DEP approved methods with prior DEP approval shall be used for compliance testing:
 (14) Deleted.

Mr. Thomas T. Crandall
Bay Resource Management Center
0050031-011-AC/PSD-FL-129(D)
Page 3 of 3

This permit (letter) is issued pursuant to Chapter 403, Florida Statutes (F.S.). Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., 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 thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Sincerely,

Michael G. Cooke
Director
Division of Air Resource Management

MGC/jfk/bm

cc: Mr. Anthony Lo'Re, P.E., CDMI
Ms. Sandra Veazey, NWD
Mr. Jerry Gross, BRMC
Mr. Gregg Worley, U.S. EPA, Region 4

MONTENAY BAY LLC



MBLLC/DEP, Permit renewal-05-085-0511

April 11, 2005

Mr. Bruce Mitchell
Florida DEP
2600 Blair Stone Road
MS5505
Tallahassee, Florida 32399-2400

Dear Mr. Mitchell:

Ref: Permit renewal, Title V Draft Permit Number: 0050031-008-AV
Request for Air Construction permit,
Request to remove Beryllium.

Project No. : 0050031-017AC

I am requesting that an Air Construction permit be issued to replace the SIP limits with the NSPS limits.

Also, I am requesting that the Beryllium emission limits and Compliance test requirements and test methods be removed as allowed by 40 CFR 61.

Thank you

Jerry Gross
Jerry Gross
Facility Manager



MONTENAY BAY LLC

✓ ONX

FACSIMILE TRANSMITTAL SHEET

TO: *BAMIE MEECHAM*

FROM: *JERRY BROWN*

COMPANY: *FLDAP*

EXTENSION: *850-785-7999 x202*

DATE: *5/11/05*

FAX NUMBER: *850-784-1779*

SUBJECT: *Request letter
for AIA construction change*

URGENT

NOTES / COMMENTS

FOR REVIEW

QUOTATION

REPLY REQUEST

CONFIRMATION