



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

March 4, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Thomas D. Kirk
Plant Manager
Wheelabrator North Broward Inc.
2600 N.W. 48th Street
Pompano Beach, FL 33073

Re: DRAFT Permit Modifications Nos. PSD-FL-112 & 105
North and South Broward Resource Recovery Facilities

Dear Mr. Kirk:

Enclosed is one copy of the Draft Permit Modifications to the PSD permits for North and South Broward Resource Recovery Facilities respectively located at 2700 Hilton Road, Pompano Beach and the intersection of State Road 84 and U.S. 441, Fort Lauderdale, Broward County. The Department's Intents to Issue Permit Modification and the "PUBLIC NOTICE OF INTENT TO ISSUE PERMIT MODIFICATIONS" are also included. Note that the PUBLIC NOTICE covers both facilities.

The "PUBLIC NOTICE OF INTENT TO ISSUE PERMIT MODIFICATIONS" must be published within 30 (thirty) days of receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office 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 permit modification.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Ms. Teresa Heron or Mr. Linero at 904/488-1344.

Sincerely,

C. H. Fancy, P.E., Chief,
Bureau of Air Regulation

CHF/aal/hh

Enclosures

PUBLIC NOTICE OF INTENT TO ISSUE PERMIT MODIFICATIONS

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit Modifications PSD-FL-112 & 105
North Broward Resource Recovery Facility
South Broward Resource Recovery Facility
Broward County

The Department of Environmental Protection (Department) gives notice of its intent to issue modifications of Permits PSD-FL-112 & 105 to Wheelabrator for the North Broward Resource Recovery Facility located at 2700 Hilton Road, Pompano Beach, Broward County, and the South Broward Resource Recovery Facility located at the intersection of State Road 84 and U.S. Route 441, Broward County. The business addresses for the two facilities are Wheelabrator North Broward Inc., 2600 N.W. 48th Street, Pompano Beach, Florida 33073 and Wheelabrator South Broward Inc., 4400 South State Road 7, Fort Lauderdale Florida 33314.

Based on a recommendation by the Department, the applicant requests to use EPA Method 29 in lieu of Method 101A for Mercury, Method 12 for lead, Method 104 for beryllium and Method 108 for arsenic during annual compliance stack testing. EPA Method 29 is the Determination of Metals Emissions from Stationary Sources which simultaneously tests for all of the mentioned pollutants. This change will allow for the use of an updated, more accurate, and less expensive compliance method. Wheelabrator will conduct all other tests required by the Department in the same manner as performed in previous years.

The Department will issue the FINAL Permit Modifications, in accordance with the conditions of the DRAFT Permit Modifications unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit Modifications issuance action for a period of 30 (thirty) days from the date of publication of this 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 these DRAFT Permit Modifications, the Department shall issue Revised DRAFT Permit Modifications and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Modifications with the conditions of the DRAFT Permit Modifications unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. 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 (or a request for mediation, as discussed below) 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 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

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 of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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:

Department of Environmental Protection Bureau of Air Regulation 111 S. Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: 904/488-1344 Fax: 904/922-6979	Department of Environmental Protection Southeast District 400 North Congress Avenue West Palm Beach, Florida 33401 Telephone: 407/681-6600 Fax: 407/681-6755	Broward County Dept. Natural Resource Protection 218 Southwest First Avenue Fort Lauderdale, Florida 33301 Telephone: 954/519-1220 Fax: 954/519-1495
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The complete project file includes the Draft Permit Modifications, the applications, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.

In the Matter of an
Application for Permit Modification by:

Wheelabrator North Broward Inc.
2600 N.W. 48th Street
Pompano Beach, Florida 33073 /

DRAFT Permit Modification PSD-FL-112
PA 86-22
North Broward Resource Recovery Facility

INTENT TO ISSUE PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue a permit modification (copy of DRAFT Permit modification attached) for the proposed action, as detailed in the application specified above, for the reasons stated below.

The applicant, Wheelabrator North Broward Inc., applied on February 24, 1997, to the Department for a permit modification to the methods of compliance contained in the Final Determination (PSD Permit) issued July 28, 1987 by EPA for its North Broward Resource Recovery Facility located at 2700 Hilton Road, Pompano Beach, Broward County. Requested by the applicant is a change to compliance test EPA Method 29 for lead, beryllium, mercury and arsenic. This would replace Method 12, Method 104, Method 101A, and Method 108, respectively.

The Department 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, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that a modification of PSD-FL-112 is required to change the emission testing requirements in the previously issued permit.

The Department intends to issue this air construction permit modification based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE PERMIT MODIFICATIONS". The notice shall be published one time only within 30 (thirty) days 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. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 904/488-1344; Fax 904/ 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 permit modification pursuant to Rule 62-103.150 (6), F.A.C.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the enclosed DRAFT Permit Modification unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE PERMIT MODIFICATIONS." 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 Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue the permit modification with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S., or a party requests mediation as an alternative remedy under Section 120.573 F.S. before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9730, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. 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 (or a request for mediation, as discussed below) 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 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

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 of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline

for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.



C. H. Fancy, P.E., Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE PERMIT MODIFICATION (including the PUBLIC NOTICE, and DRAFT permit modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 3-4-97 to the person(s) listed:

- Mr. Thomas D. Kirk, Wheelabrator North Broward Inc.*
- Mr. Brian Beals, EPA
- Mr. John Bunyak, NPS
- Ms. Terri Hillard, FDEP, West Palm Beach
- Ms. Daniela Banu, BCDNRP, Broward County

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.

Keri Jober 3-4-97
(Clerk) (Date)

DRAFT

April XX, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Thomas D. Kirk
Plant Manager
Wheelabrator North Broward Inc.
2600 N.W. 48th Street
Pompano Beach, FL 33073

Re: Modification of Final Determination - PSD-FL-112
North Broward Resource Recovery Facility

Dear Mr. Kirk:

The Department is in receipt of your letter dated February 24, 1997 requesting to use EPA Method 29 in lieu of Method 101A for Mercury, Method 12 for lead, Method 104 for beryllium and Method 108 for arsenic for annual compliance stack testing. The Department hereby amends the Specific Conditions related to methods of compliance in the subject Final Determination (dated July 28, 1987) pursuant to 40 CFR 52.21 - Prevention of Significant Deterioration (PSD Permit). The PSD permit is modified as follows:

FROM

Specific Conditions: 1.d.(2)j.; 1.d.(2)l; 1.d.(2)m

Method 12 for determination of lead concentration and associated moisture content. One sample constitutes one test run.

Method 101A for determination of mercury emission rate and associated moisture content . One sample shall constitute one test run.

Method 104 for determination of beryllium emission rate and associated moisture content. One sample shall constitute one test run.

TO:

Specific Conditions 1.d.(2)j

EPA Method 29, Determination of Metals Emissions from Stationary Sources, shall be used for determining compliance with the beryllium, mercury, lead and arsenic emission rates and their respective moisture contents. For each pollutant one sample shall constitute one test run.

DRAFT

A copy of this letter shall be filed with the referenced permit and shall become part of Permit PSD-FL-112.

Sincerely,

Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/aal/hh

In the Matter of an
Application for Permit Modification by:

Wheelabrator South Broward Inc.
4400 South State Road 7
Ft. Lauderdale, Florida 33314 /

DRAFT Permit Modification PSD-FL-105
PA 85-21
South Broward Resource Recovery Facility

INTENT TO ISSUE PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue a permit modification (copy of DRAFT Permit modification attached) for the proposed project, as detailed in the application specified above, for the reasons stated below.

The applicant, Wheelabrator South Broward Inc., applied on February 24, 1997, to the Department for a permit modification to the methods of compliance contained in the Final Determination (PSD Permit) issued May 15, 1987 by EPA for its South Broward Resource Recovery Facility located on State Road 84, Broward County. Requested by the applicant is a change to compliance test EPA Method 29 for lead, beryllium, and mercury. This would replace Method 12, Method 104, and Method 101A, respectively.

The Department 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, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that a modification of PSD-FL-105 is required to change the emission testing requirements in the previously issued permit.

The Department intends to issue this air construction permit modification based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE PERMIT MODIFICATIONS". The notice shall be published one time only within 30 (thirty) days 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. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 904/488-1344; Fax 904/ 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 permit modification pursuant to Rule 62-103.150 (6), F.A.C.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the enclosed DRAFT Permit Modification unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE PERMIT MODIFICATIONS." 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 Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue the permit modification with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S., or a party requests mediation as an alternative remedy under Section 120.573 F.S. before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9730, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. 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 (or a request for mediation, as discussed below) 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 28-5.207 of the Florida Administrative Code.

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A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

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The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs

and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.



C. H. Fancy, P.E., Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE PERMIT MODIFICATION (including the PUBLIC NOTICE, and DRAFT permit modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 3-4-97 to the person(s) listed:

- Mr. Thomas Kirk, Wheelabrator South Broward Inc.*
- Mr. Brian Beals, EPA
- Mr. John Bunyak, NPS
- Ms. Terri Hillard, FDEP, West Palm Beach
- Ms. Daniela Banu, BCDNRP, Broward County

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.

Keri Juber 3-4-97
(Clerk) (Date)

DRAFT

April XX, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Thomas D. Kirk
Plant Manager
Wheelabrator South Broward Inc.
4400 South State Road 7
Fort Lauderdale, Florida 33314

Re: Modification of Final Determination - PSD-FL-105
South Broward Resource Recovery Facility

Dear Mr. Kirk:

The Department is in receipt of your letter dated February 24, 1997 requesting to use EPA Method 29 in lieu of Method 101A for Mercury, Method 12 for lead, and Method 104 for beryllium for annual - compliance stack testing. The Department hereby amends the Specific Conditions related to methods of compliance in the subject Final Determination (dated May 15, 1987) pursuant to 40 CFR 52.21 - Prevention of Significant Deterioration (PSD Permit). The PSD permit is modified as follows:

FROM:

Specific Conditions 1.d.(2)j.; 1.d.(2)l; 1.d.(2)m:

Method 12 for determination of lead concentration and associated moisture content. One sample constitutes one test run.

Method 101A for determination of mercury emission rate and associated moisture content . One sample shall constitute one test run.

Method 104 for determination of beryllium emission rate and associated moisture content. One sample shall constitute one test run.

TO:

Specific Condition 1.d.(2)j

EPA Method 29, Determination of Metals Emissions from Stationary Sources, shall be used for determining compliance with the beryllium, mercury, and lead emission rates and their respective moisture contents. For each pollutant one sample shall constitute one test run.

12/14/2011
12/14/2011

A copy of this letter shall be filed with the referenced permit and shall become part of Permit PSD-FL-105.

Sincerely,


Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/aal/hh

Florida Department of
Environmental Protection

Memorandum

TO: Clair Fancy

THRU: Al Linero 

FROM: Teresa Heron

DATE: March 4, 1997

SUBJECT: Wheelabrator North & South Broward RRF Modifications
EPA PSD-FL-112 and PSD-FL-105

Attached are letters modifying ^{PSD} construction permits for the above facilities. Wheelabrator North Broward Inc. and Wheelabrator South Broward Inc. request to use EPA Method 29 in lieu of Method 101A for mercury, Method 12 for lead, Method 104 for beryllium, and Method 108 for arsenic during annual compliance stack testing. EPA Method 29 is incorporated in 40 CFR 60 Subpart Eb, Standards of Performance for Municipal Waste Combustors. It is a more accurate and less expensive procedure than presently used.

We consulted with Mike Harley and Terri Hillard (SED) who agree that the requested change makes sense. We recommend your approval and signature.

is your RETURN ADDRESS completed on the r

- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

- Addressee's Address
 - Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to: Thomas D. Kirk, Plant U.S. Wheelabrator N. Broward 2400 N.W. 45th St. Pompano Beach, FL 33073		4a. Article Number P 265 659 179
5. Received By: (Print Name)		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
6. Signature: (Addressee or Agent) X <i>[Signature]</i>		7. Date of Delivery 3-6-97
PS Form 3811, December 1994		8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service

P 265 659 179

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for international Mail (See reverse)

Sent to	<i>Thomas Kirk</i>
Street Number	<i>Wheelabrator North</i>
Post Office, State, & ZIP Code	<i>Pompano Beach</i>
Postage	\$ <i>(+ 50th)</i>
Certified Fee	<i>RF</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	<i>3/4/97</i>
	<i>PSD-FI-112</i>
	<i>4105</i>

PS Form 3800, April 1995