



Naples Landfill
3750 White Lake Blvd
Naples, FL 34117

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MAY 14 2002

BUREAU OF AIR REGULATION

May 13, 2002

Ms. Cindy Phillips, P.E.
Bureau of Air Regulation
Florida Department of Environmental Protection
MS 5505
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Mr. Doug Neeley
Air Pesticides, and Toxics Management Division
USEPA, Region IV
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Re: MACT Hammer Part 1 Application Submittal
Naples Landfill Title V Permit #0210051-005-AV

Waste Management Inc. of Florida (WMIF) is pleased to submit the Part 1 Application, National Emission Standards For Hazardous Air Pollutants (NESHAP) - 40 CFR Part 63, Section 112(j) (MACT Hammer), for the Naples Landfill.

Attached is a form that presents all the required information by the Florida Department of Environmental Protection (FLDEP) and the U.S. Environmental Protection Agency (USEPA) for determination of applicability to the MACT Hammer. Based on generally acceptable and available emission estimation techniques and emission factors, Naples Landfill is not applicable to the MACT Hammer. Supporting documentation and emission calculations for this applicability determination will be made available upon request.

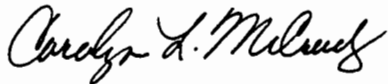
MACT Hammer Part 1 Application
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If you have any questions regarding the information contained in this submittal please contact the undersigned at (863)634-7770 or (941)455-8062, respectively.

Sincerely,

WASTE MANAGEMENT INC. OF FLORIDA



Carolyn McCreedy
Compliance and Permitting Engineer



John W. Wong
District Manager

Attachment: Part 1 Application Form

cc: Site Contact, Naples Landfill
Site File, Naples Landfill
EMCON Contact

Part 1 Title V Application
Sources Subject to Section 112(j) Provisions
40 CFR 63.50 through 63.56

Source Identification	
1) Source Name Naples Landfill	
2) Source ID No. Title V Permit Number 0210051-005-AV	
Physical Location	
3) Street Address 3750 White Lake Blvd.	
4) City Naples	5) Collier County
6) State Florida	7) 34117
Mailing Address (if different than physical location)	
8) Address P.O. Box 990400	
9) City Naples	10) Collier County
11) State Florida	12) 34116

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Applicability Determination

13) Is your facility a major source of hazardous air pollutants (HAP)? If not, you need not complete the rest of this form.

A major source is any contiguous area under common control that emits or has the potential to emit considering controls, in the aggregate, at least 10 tons per year of any single HAP or 25 tons per year total HAP.

YES

NO X

14) Do you own or operate an affected source in a source category for which EPA has not promulgated standards under 40 CFR 63? If so, which one(s)?
40 CFR 63 Subpart AAAA

If not, you need not complete the rest of this form.

(See Table of Promulgated Regulations, Table of Proposed Regulations, and Table of Upcoming Regulations at www.epa.gov/ttn/atw/eparules.html to determine if your standard has not been promulgated.)

YES X

NO

15) Provide a brief description of the major source and its activities:
This landfill is not a major source.

16) Provide a brief description of the affected source(s) in the relevant source category(ies): MSW landfill potentially subject to 40 CFR 63 Subpart AAAA if/when EPA promulgates standards.

17) Identify any sources that have MACT determinations under section 112(g):
None.

Certification and Signature of Responsible Official



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

June 12, 2002

Ms. Carolyn McCreedy
Compliance and Permitting Engineer
Waste Management
Naples Landfill
P.O. Box 990400
Naples, FL 34116

Re: "MACT Hammer Part 1 Application Submittal" – Naples Landfill

Dear Ms. McCreedy:

In response to your letter received May 14, 2002, which implies that you want the Department to make a determination of MACT applicability for the referenced Landfill, I have attached Chapter 28-105, F.A.C., Declaratory Statements, which specifies the procedure that you must follow if you do, in fact, want us to make a determination.

The Department's Agency Clerk is Kathy Carter. Her address is:

Kathy Carter, Agency Clerk
Florida Department of Environmental Protection
MS 35
3900 Commonwealth Boulevard
Tallahassee FL 32399-3000

Thank you for submitting the 112(j) notification information. Your information submittal appears to meet our current 112(j) requirements.

Please be aware that, although your letter refers to this information submittal as a "Part 1 Application Submittal," the Department does not recognize your submittal as a state permit application and has no plans to process it as such.

No further 112(j) information is needed from you at this time. If you have any questions, concerning this matter, please contact me at 850/921-9534.

Sincerely,

Cindy L. Phillips, P.E.
Bureau of Air Regulation

attachment

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CHAPTER 28-105, F.A.C.

DECLARATORY STATEMENTS

28-105.001 Purpose and Use of Declaratory Statement.

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from an agency. A petition for declaratory statement must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

28-105.002 The Petition.

A petition seeking a declaratory statement shall be filed with the clerk of agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

(1) The caption shall read:

Petition for Declaratory Statement

Before (Name of Agency)

(2) The name, address, telephone number, and any facsimile number of the petitioner.

(3) The name, address, telephone number, and any facsimile number of the attorney or qualified representative (if any) of the petitioner.

(4) The statutory provision(s), agency rule(s), or agency order(s) on which the declaratory statement is sought.

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner in the petitioner's particular set of circumstances.

(6) The signature of the petitioner or of the petitioner's attorney or qualified representative.

(7) The date.

28-105.003 Agency Disposition.

The agency may hold a hearing to consider a petition for declaratory statement. If the agency is headed by a collegial body, it shall take action on a petition for declaratory statement only at a duly noticed public meeting. If a hearing is held, it shall be conducted in accordance with Sections 120.569 and 120.57(2), F.S. The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within 90 days of the filing of the petition, the agency shall render a final order denying the petition or issuing a declaratory statement.